

5.27.97  
Hearing Closed  
Intent Motion  
to support the  
establishment of  
a Wildlife Habitat;  
Staff to return in  
90 days

NEIGHBORHOOD SERVICES  
DEPARTMENT



CITY OF SACRAMENTO  
CALIFORNIA

April 18, 1997

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City Council  
Sacramento, California

Honorable Members In Session:

**SUBJECT:** M91-006 - SACRAMENTO RIVER PARKWAY PLAN

1. Certification of the Sacramento River Parkway EIR (SCH 93-10286)
2. Adoption of the Sacramento River Parkway Plan Update
3. Amendment of various planning documents to be consistent with the adoption and implementation of the Sacramento River Parkway Plan:
  - A. Sacramento City/County Bikeway Master Plan with reference to the off-street bicycle trail between Pocket Canal and Captain's Table;
  - B. Pocket Area Community Plan with reference to the off-street bicycle trail between Pocket Canal and Riverside Blvd. (the northern edge of the planning boundary);
  - C. General Plan Conservation and Open Space Element which refers to the 1975 Sacramento River Parkway Plan pages 6 - 11 to reflect the Updated Plan;
  - D. General Plan Circulation Element which includes a Bikeways Map to reflect any decisions regarding the off-street trail between Pocket Canal and Captain's Table.

**LOCATION:** Lands Adjacent to the Sacramento River  
Freeport to I-80 Overcrossing @Garden Highway  
COUNCIL DISTRICTS: 1, 4, 7

**RECOMMENDATION:** Staff recommends that the Council reopen the public hearing to allow testimony regarding the Wildlife Sanctuary proposal presented on March 4, 1997, by Phil Hiroshima, and provide direction to staff regarding the acquisition strategy policies for the Sacramento River Parkway Plan. Based on an expectation of funding availability, staff recommends that the City adopt a policy to rapidly acquire parcels in the Middle Pocket and Greenhaven areas.

**CONTACT PERSONS:** Scot Mende, Senior Planner, 264-5894  
Vic Edmisten, Parks Manager, 264-5336

**FOR CITY COUNCIL MEETING OF:** May 6, 1997 (evening)

**SUMMARY:** On January 14, 1997, the City Council by a 5-3 vote, passed a motion of intent to approve the Sacramento River Parkway Plan Update (with staff proposed revisions) and the Environmental Impact Report. The motion also directed staff to return to the Council with additional analysis to assist the Council in formulating a strategy for acquiring private lands in the Greenhaven and Little Pocket areas. This report recommends that the Council aggressively utilize expected State grant monies for the purpose of acquiring and developing the Parkway. Staff will return to the Council in approximately four weeks with a comprehensive set of the final documents for Council approval, which will incorporate direction provided by the Council from this hearing as well as from the hearing of January 14, 1997.

### **BACKGROUND**

This is the third in a series of staff reports to the Council regarding the Sacramento River Parkway Plan. The first report (dated 12/26/96) was heard on January 14, 1997. The Council voted a Motion of Intent to adopt the Parkway Plan and related documents (including certification of the EIR), except that the acquisition strategy for private lands in Greenhaven and Little Pocket were left unresolved. The Council motion was to designate an on-river trail for the full 17.4 miles of the Parkway, except that for an interim period, an **Interim Off-River Bypass Trail** should be utilized to skirt the Little Pocket and Greenhaven areas.

The second report (dated 02/05/97) was agendized for March 4, 1997. That report provided discussion about various acquisition issues (timeframe, definition of logical geographic segments, definition of public ownership, and use of eminent domain). On March 4, 1997 (continued from February 11), the City Council heard a presentation by Phil Hiroshima, representing the Sacramento Riverfront Property owners. Mr. Hiroshima presented a concept for the creation of a wildlife sanctuary in the Little Pocket and Greenhaven/Pocket areas. The Council requested that staff report back on April 29th with an analysis of the sanctuary proposal. The Council also requested that staff prepare an estimate of acquisition costs. Staff has requested that this discussion be continued to May 6, 1997.

### **Staff Analysis**

**Wildlife Sanctuary Proposal:** The proposal by the President of the Riverfront Property owners association would grant a revocable easement to the City with the specific purpose of creating a nature sanctuary (i.e., habitat protection and restoration). The public would have limited access

under the supervision of a trained docent. The City would be required to maintain the fences and to restrict public access. The property owners would retain the rights to maintain stairs and boat docks.

Staff believes that this proposal has limited merit for the following reasons:

- ✓ The City would incur costs of sign and fence maintenance with minimal benefit to the general public;
- ✓ Any new fencing is subject to approval by the State Board of Reclamation;
- ✓ The habitat value on some parcels is minimal (especially where the parcel lacks a berm and/or has substantial rip-rap for flood control);
- ✓ The proposal is focused on the interim period where a multi-purpose trail would be off-levee;
- ✓ The proposal lacks specificity/standards for intensity of docent activities, habitat maintenance, and restoration plan; and
- ✓ The proposal does not resolve how and when the multi-purpose trail would be acquired and constructed.

In the event that the City Council wishes to pursue the Wildlife Sanctuary proposal, staff recommends that the City Council direct staff to negotiate with the Riverfront Property Owners Association to develop a model contract with the following key provisions:

- 1) A conservation easement would be provided to the City by December 1997.
- 2) The City shall honor the provisions of the contract which limit public use and obligate the City to maintain approved fencing and signage.
- 3) In the year 2025, the subject area shall become the property of the City for purposes of a multi-use trail, with no reversion and no restrictions on the ability to construct a multi-purpose trail.

**Estimate of Property Values for Acquisition:** In July 1991, the City of Sacramento Real Property Section commissioned a budget estimate of the right of way costs that would be incurred to complete the acquisition of the Greenhaven and Little Pocket segments of the Sacramento River Parkway project. The study examined acquiring easements (in which the underlying ownership is retained by the property owner and the public has recreation access along the levee and berm area). The study also examined acquiring fee title (in which the seller would no longer be able to utilize the levee and berm area for personal purposes such as private boat docks).

Paired sales analysis was conducted in which lots adjoining the river were compared against lots not directly adjoining the River (this price differential is known as the "location premium"). This location premium ranged between \$10,000 and \$20,000, with the lower end of the value range attributed to a steep river levee, while the higher end of value range is attributed to a larger and more usable berm area. The market analysis concluded that after selling easements or fee title, the subject properties will still substantially enjoy the river location premium that is enjoyed by properties downstream along the River in the South Pocket area. Possible severance damages

were also calculated, defined as the loss in value to the remaining property caused by the severance of the property acquired by the City. The study concluded that land acquisition (landward toe, crown, and waterside berm) in the Little Pocket and Greenhaven areas would cost \$1.3 to \$2.3 million as follows:

SEGMENT	EASEMENT ONLY	FEE ACQUISITION
Little Pocket	\$ 905,000	\$1,363,000
Greenhaven	\$ 419,000	\$ 910,000
TOTAL	\$1,324,000	\$2,273,000

The above costs do not include the cost of acquiring easements or fee title across eight parcels in the Middle Pocket area (i.e., Pocket Canal north to Arabella Way).

**Funding Availability:** City staff met with representatives of the State legislature to discuss pending bills that would provide funding for acquisition of riverfront property. Essentially, Proposition 204 provides \$27 million for the Urban River Parkway Fund. The Governor's proposed budget contains at least \$1.5 million for land acquisition. If the funds become available, staff recommends that the funds be used in the following order of decreasing priority for acquiring rights-of-way or easements:

- 1) 8 parcels in the Middle Pocket for trail and/or habitat;
- 2) 62 parcels in the Greenhaven area for trail and/or habitat;
- 3) key parcels with high habitat value in the Little Pocket area.

#### **COMMITTEE ACTION**

The Parks and Recreation Citizens Advisory Committee met on April 17, 1997, to discuss the Sacramento River Parkway Plan. The Committee voted to reaffirm support of the Parkway Plan as drafted in October 1993; recommended that the City take immediate action to acquire rights to the riverfront properties; and further recommended, if unable to acquire the necessary access rights within three years (by the Year 2000), that the City should begin eminent domain proceedings.

**ENVIRONMENTAL DETERMINATION:** The Council Motion of Intent was to certify the Environmental Impact Report. The actual Resolution to certify the Environmental Impact Report, and to adopt the Mitigation Monitoring Plan, Findings of Fact, and Statement of Overriding Considerations will be presented in approximately four weeks.

ATTACHMENT 1  
**SACRAMENTO RIVER PARKWAY**  
**LITTLE POCKET / POCKET --PROPERTY OWNERSHIP**

SEGMENT	# Parcels PRIVATE	# Parcels PUBLIC	% PUBLIC (Count)	Lineal Ft (Miles) PRIVATE	Lineal Ft (Miles) PUBLIC	% PUBLIC (Measured)
LITTLE POCKET PIA Captain's Table Marina thru 5890 Riverside Bl	46	2	4.2%	8,186 lf (1.550)	344 lf (0.065)	4.0%
LITTLE POCKET/GREENHAVEN 5890 Riverside Bl to Seymour Park	0	6	100%	0 lf (0.000)	2,899 lf (0.549)	100.0%
NORTH POCKET: GREENHAVEN PIA Seymour Park thru Arabella Way	62	14	18.4%	5,357 lf (1.015)	5,336 lf (1.010)	49.9%
MIDDLE POCKET Arabella Wy thru Pocket Canal	8	14	63.6%	1,604 lf (0.304)	5,976 lf (1.132)	78.8%
SOUTH POCKET Pocket Canal thru Meadowview STP	1	23	95.8%	155 lf (0.029)	14,805 lf (2.804)	99.0%
<b>TOTAL LITTLE POCKET/POCKET</b>	<b>117</b>	<b>59</b>	<b>33.5%</b>	<b>(2.898)</b>	<b>(5.561)</b>	<b>65.7%</b>
<i>Subtotal Consolidated PIA: (Captain's Table to Arabella)</i>	108	22	16.9%	(2.565)	(1.624)	38.8%
<i>Subtotal Pocket: (Seymour Park to Meadowview STP)</i>	71	51	35.9%	(1.348)	(4.946)	78.6%

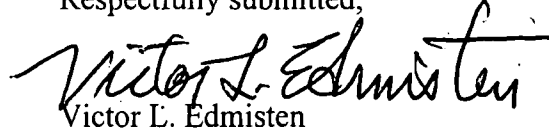
\* The City is currently negotiating to acquire this property.

**FINANCIAL CONSIDERATIONS:** Any restriction against eminent domain could preclude the City from utilizing grant opportunities, where such grants are expected to be available for the purpose of land acquisition.

**POLICY CONSIDERATIONS:** The policy considerations are: 1) Length of time to acquire easements; 2) Length of time before City considers more aggressive means of acquiring property such as eminent domain; 3) Length of time to construct a trail; and 4) Whether any restriction against using eminent domain should apply equally to land intended for *trail* as well as for *habitat preservation* (where specifically designated for nature study or riparian habitat preserve).

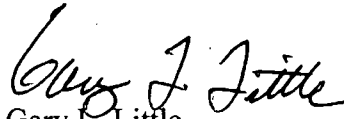
**MBE/WBE EFFORTS:** None.

Respectfully submitted,



Victor L. Edmisten

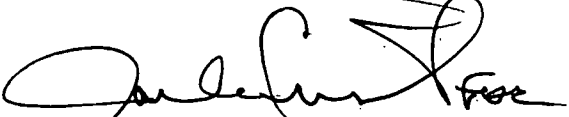
Parks and Recreation Manager



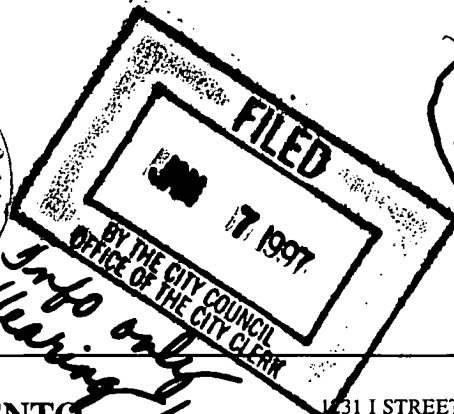
Gary L. Little

Director - Area 2

RECOMMENDATION APPROVED:



William H. Edgar  
City Manager



10.2

11.1

DEPARTMENT OF  
PLANNING AND DEVELOPMENT

**CITY OF SACRAMENTO**  
CALIFORNIA

1231 I STREET  
ROOM 300  
SACRAMENTO, CA  
95814-2904

December 26, 1996

City Council  
Sacramento, California

*Info only*  
*Hearing 1.14.97*  
*adapted Intent Motion*  
*and*  
CONTINUED  
FROM 01.14.97  
TO 02.11.97

Honorable Members In Session:

**SUBJECT:** M91-006 - SACRAMENTO RIVER PARKWAY PLAN

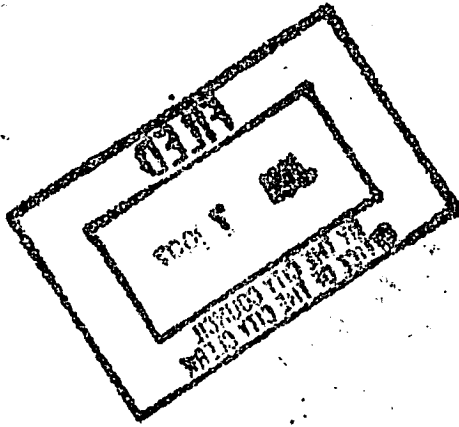
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  - A. Sacramento City/County Bikeway Master Plan with reference to the off-street bicycle trail between Pocket Canal and Captain's Table;
  - B. Pocket Area Community Plan with reference to the off-street bicycle trail between Pocket Canal and Riverside Boulevard (the northern edge of the planning boundary);
  - C. General Plan Conservation & Open Space Element which refers to the 1975 Sacramento River Parkway Plan pages 6-11 to reflect the Updated Plan;
  - D. General Plan Circulation Element which includes a Bikeways Map to reflect any decisions regarding the off-street trail between Pocket Canal and Captain's Table.

**LOCATION:** Lands Adjacent to the Sacramento River  
Freeport to I-80 Over crossing at Garden Highway  
**COUNCIL DISTRICTS:** 1, 4, 7

**RECOMMENDATION**

Staff recommends that the Council provide a *Motion of Intent* regarding the above actions. Staff will return to the Council in approximately four weeks with final documents for Council approval.

**CONTACT PERSONS:** Scot Mende, Senior Planner, 264-5894  
Grace Hovey, Associate Planner, Environmental Services, 264-7601



CONTINUED  
FROM \_\_\_\_\_  
TO \_\_\_\_\_



**FOR CITY COUNCIL MEETING OF:** January 14, 1997 (evening)  
**For Early Publication on:** January 7, 1997

## **SUMMARY**

The Sacramento River Parkway Plan Update and Environmental Impact Report on the Parkway Plan Update are being presented for adoption. The Parkway Plan addresses the lands adjacent to the Sacramento River within the City limits (and slightly southward to Freeport and slightly westward to I-80 in South Natomas). The Plan presents a long-range vision and implementation plan for habitat preservation and recreation opportunities. The purpose of the Parkway Plan Update is to re-affirm the Council's policy regarding the segments along the River suitable for trail, priorities for acquisition of lands for habitat preservation and/or recreation, coordination of recreation facilities and habitat enhancement along the River, and implementation/management strategies.

## **VOTE OF PLANNING COMMISSION**

On November 14, 1996, the City Planning Commission held a hearing to formulate a recommendation regarding the Sacramento River Parkway Plan and related documents. By a 6-1 vote, the Planning Commission recommended certification of the Environmental Impact Report. The Planning Commission was unable to formulate a motion with the necessary 5 votes for a specific recommendation to Council (see Voting Record, Attachment 3).

By a 4-3 vote, the Commission voted to recommend approval of the staff recommendation (i.e., the draft Parkway Plan with revisions as set forth in the staff report pp. 7-11) with two amendments:

- A. Remove multi-purpose on-river trail designation for Little Pocket
- B. Eminent domain cannot be used for any acquisition until 51% of the parcels within Private In holdings Area are under public ownership.

The motion failed, in that 5 votes were necessary.

By a 3-4 vote, the Commission voted to recommend approval of the staff recommendation (i.e., the draft Parkway Plan with revisions as set forth in the staff report pp. 7-11) with three amendments:

- A. Remove multi-purpose on-river trail designation for Little Pocket
- B. Remove multi-purpose on-river trail designation for Greenhaven (north of Pocket Canal)
- C. Eminent domain cannot be used for any acquisition until 51% of the parcels are under public ownership.

The motion failed.

While no motion with a specific recommendation was passed by the Commission, staff has noted from the Commission's actions certain commonalities of the various motions:

- ✓ A multi-purpose on-river trail is appropriate for the following areas:
  - South Pocket (Freeport to Pocket Canal)
  - Captain's Table north to Miller Park
  - Miller Park to Discovery Park
  - South Natomas (Discovery Park to City limits).
- ✓ The designation for a multi-purpose on-river (on-levee or berm) trail for the Little Pocket should be deleted from the Sacramento River Parkway Plan and Bikeway Master Plan.
- ✓ The Parkway designation should remain over the entire Parkway to enable the acquisition of key habitat lands and to allow the public use of certain lands acquired as parkland (e.g., Northpointe Park).
- ✓ Eminent domain to acquire easements or rights-of-way for a multi-purpose trail should not be used in the private In holdings areas until 51% of the parcels are under public ownership.
- ✓ Other revisions, consistent with the above, that are set forth in the November 14th staff report should be incorporated into the Sacramento River Parkway Plan.
  - Project description (see p. 7 of 11/14 staff report)
  - Tree Preservation on Private Property (see p. 9 of 11/14 staff report)
  - Reorganization of chapter on Acquisition Methods (see pp. 9-10 of 11/14 staff report)
  - Deletion of specific estimate of acquisition costs (see p. 10 of 11/14 staff report)
  - Clarification of land use designations on private parcels (see pp. 10-11 of 11/14 staff report)
  - Delineation of Public/Private boundaries: Fencing & Signage (see p. 11 of 11/14 staff report).

## BACKGROUND

The Sacramento River Parkway Plan was first adopted in 1975. The subject of this report is the proposed adoption of the *Update* of the Sacramento River Parkway Plan, and the related documents (i.e., Bikeway Master Plan and General & Community Plans relative to bikeways and open space).

When the Bikeway Master Plan was adopted on April 11, 1995, the designation for a bikeway *between Pocket Canal and Captain's Table* was deferred to the Sacramento River Parkway hearings. Relative to the Parkway Plan, the Bikeway Master Plan adopted policy and general alignments for:

- South Pocket levee trail
- Pocket Canal and Seymour Park trails

- Captain's Table to Miller Park trail
- Miller Park to Discovery Park trail [Sacramento Riverfront Master Plan]
- South Natomas Garden Highway trail.

Following are trail segments, defined by logical boundaries for ingress/egress, which are controversial between the Pocket Canal and Captain's Table:

- ◆ Middle Pocket: Pocket Canal to Arabella Way
- ◆ Greenhaven: Arabella Way to Seymour Park
- ◆ Seymour Park to 5890 Riverside Boulevard (0.55 miles already constructed)
- ◆ 5890 Riverside Boulevard to Captain's Table.

For a detailed discussion of the features of these segments, see Attachment 1.

As an alternative to an on-river alignment, the trail could proceed off-river, by-passing the Greenhaven/Little Pocket area as follows:

- ♣ Pocket Canal off-street bikeway [inland from the Pocket Canal outfall to Seymour Parkway]
- ♣ Seymour Park off-street bikeway [north to Zacharias/Seymour Park at River]
- ♣ Seymour Park to 5890 Riverside Boulevard [existing paved on-river segment]
- ♣ Riverside Boulevard on-street to Captain's Table.

In order to improve the usability of this off-river alignment, *with or without the on-river trail*, the following improvements should be undertaken:

- ♠ Construct two bikeway/pedestrian bridges over the Pocket Canal (one at Portuguese Park and the other at Charter Pointe Park) at a cost of \$138,000, for which funds are already in place (ISTEA, TSM);
- ♠ Improve Seymour Park bikeway to reduce the "meander" with new paving, striping, and signage, with a rough estimated cost of \$50,000-\$75,000;
- ♠ Widen Riverside Boulevard northbound for approximately 300 feet to provide an on-street bike lane (right-of-way acquisition, grading, paving, and re-curbings) for a rough estimated cost of \$10,000-\$20,000.

In addition to which segments should ultimately be designated for trail use, the following textual issues are controversial:

- ✱ The conditions under which **eminent domain** could be used to acquire easements or rights-of-way, specifically when
  - ♪ The "majority" of land adjacent to the River within a given segment is under public ownership. At issue is whether "majority" is measured by *number* of parcels or by the *lineal footage* fronting the parkway. In the Little Pocket, either measurement would preclude the use of eminent domain for an indefinite period

of time. In the Greenhaven area, 14 of 76 parcels (18%) are publicly owned, whereas 1.01 miles of 2.025 miles (49%) are publicly owned.

- ♪ Should the restriction against using eminent domain apply equally to land intended for trail or for habitat preservation (where specifically designated for nature study or riparian habitat preserve)?

⊗ **Acquisition (New Development) Priorities** in the Draft Plan Update do not differentiate between the Little Pocket and the Greenhaven areas.

- ♪ Staff recommends that the Plan be modified to defer trail development in the Little Pocket until after 2015, but that properties with high habitat value should be acquired as funds become available.
- ♪ In the Greenhaven area, staff recommends that the trail development be deferred until after 2010, but that available properties should be acquired as funds become available.
- ♪ A far higher priority, however, is to acquire and develop the "gaps" in the parkway segments in South Natomas, improve the on-street northbound segment of Riverside Boulevard, and improve access points to the trail.
- ♪ The highest priority is to proceed with immediate development of the South Pocket bikeway, which is now entirely under public ownership.

⊗ **Neighborhood Access Points** are intended to provide low-impact access to the trail from the adjacent neighborhoods. These formalized access points are meant to reduce the impacts of "informal access" where the levee slope is being eroded by foot and bicycle traffic by local residents within a ½ mile radius attempting to gain access to the trail. In addition, neighborhood access points are intended to be designed for emergency vehicle access. These access points are not intended to service the general community who should be using the *Major* access facilities such as Garcia Bend Park. At issue is the process by which locations are selected and designated for neighborhood access ramps.

## ENVIRONMENTAL DETERMINATION

The Draft Environmental Impact Report (DEIR) was released in February 1996. A mis-print in Chapter 6.9 of the DEIR necessitated the re-circulation of the document and extension of the commenting period through May 22, 1996. A total of 27 letters were written as comments on the Draft EIR. The Final EIR, which includes these 27 letters and responses by the EIR preparers, was released on September 18, 1996. The Final EIR was sent by certified mail to all persons who commented on the Draft EIR.

The Draft EIR analyzed impacts to transportation, air quality, noise, biological resources, water quality and hydrology, cultural resources, and Potential Conflicts Between Uses and Safety Effects

(social/economic). At a Program level, environmental impacts due to the Plan were determined to be less than significant or significant and avoidable by implementation of mitigation measures identified in the Draft EIR, with the exception of Flood Risk which remains Significant and Unavoidable. Impacts to property values were discussed in the EIR, but no clear impact due to the Plan could be ascertained at that time.

Environmental review will be conducted for all development projects in the parkway. For example, the South Pocket Bikeway construction project will require an environmental review document. This document may incorporate by reference some of the information, findings, and overrides from the Parkway EIR.

### **FINANCIAL CONSIDERATIONS**

Capital costs for acquisition and development of the Parkway would be paid by federal, state, and local grants, as funds become available. For example, Proposition 204, passed by State voters in November 1996, may provide significant funds for this purpose. No reliable data exist regarding the ultimate development costs for the Parkway. The draft Plan Update estimates \$3 million for acquisition. Staff does not have a reliable cost estimate at this time. The cost estimate for the paving of the South Pocket section (2.8 miles) is \$275,000, to be funded by ISTEA, TSM, and TDA, and is expected to be constructed in 1997. The cost estimate for the off-river alternative trail is roughly \$225,000, for which no funds have been identified.

In terms of ongoing operations and maintenance costs, the Plan (p. 88) estimates annual costs of \$46,500, plus \$100,000 for police patrol.

No money is requested as part of this staff report.

### **POLICY CONSIDERATIONS**

The subject effort to update the Sacramento River Parkway Plan has several objectives. The Plan was originally adopted in 1975 and has yet to be updated. The 1975 Plan did not include lands north/west of the confluence with the American River (i.e., South Natomas). The twin goals of the Parkway Plan are to preserve/restore riparian habitat and to provide recreation opportunities. Principal objections to the Plan are the proximity of the proposed trails to existing homes and the "diminution of property values" that could result if public access is granted onto the levee. The Plan proposes a continuous on-river trail; the EIR analyzes an Alternative B which provides a continuous trail which by-passes the River in the Middle Pocket, Greenhaven, and Little Pocket areas.

**MBE/WBE EFFORTS**

None... No goods or services are being purchased.

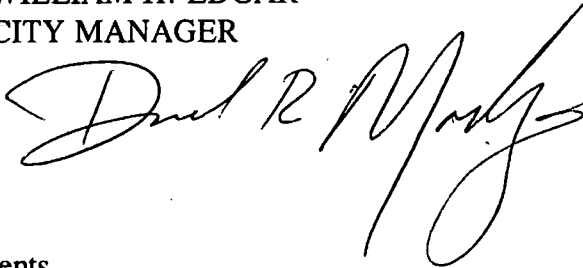
Respectfully submitted,



VICTOR E. EDMISTEN  
Parks & Recreation Manager

**FOR CITY COUNCIL INFORMATION:**

*for* WILLIAM H. EDGAR  
CITY MANAGER



**APPROVED:**



GARY L. LITTLE  
Director, Area 2  
Neighborhood Services Department

**Attachments**

- 1 Chart: Sacramento River Parkway Segment Characteristics
- 2 Staff response to public comments at the Planning Commission
- 3 Voting Record: November 14, 1996, Planning Commission
- 4 November 14, 1996, Staff Report to Planning Commission

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Attachment 1  
SACRAMENTO RIVER PARKWAY  
SEGMENT CHARACTERISTICS

SEGMENT	OWNERSHIP	PHYSICAL CHARACTERISTICS	COMMISSION RECOMMENDATION	STAFF RECOMMENDATION
SOUTH POCKET [Freeport to Pocket Canal]	100% public; some portions paved	Minimal berm Trail planned for levee crown Separation (street or deep setback) between homes & levee Subdivision post-1975	Designate for multi-purpose trail	Designate for multi-purpose trail and construct in 1997
MIDDLE POCKET [Pocket Canal to Arabella]	79% public; no paved trail	Minimal Berm Separation (street or deep setback) between homes & levee Subdivision post-1975; except 6 properties not yet nor planning to be subdivided	No recommendation	Designate for multi-purpose trail
GREENHAVEN [Arabella to Seymour Park]	50% public; no paved trail	Many stretches with no berm Minimal separation between homes & levee Many sections subdivided prior to 1975	No recommendation	Designate for multi-purpose trail after 2010
LITTLE POCKET [Seymour Park to Captain's Table]	Minimal public except for 0.55 miles of existing paved trail	Many stretches with wide berm	No riverside trail* Maintain Parkway designation	Designate for multi-purpose trail after 2015
LAND PARK [Captain's Table to Broadway]	100% public; 2.48 miles of existing paved trail	Trail on Levee crown between I-5 and River	Status quo	Status quo
DOWNTOWN [Broadway to Jibboom Bridge]	Public except "Tank Farm"	Existing trail on Front St; Trail planned on RR berm from R St. bridge to Broadway	Per Riverfront Master Plan	Per Riverfront Master Plan
SOUTH NATOMAS [Jibboom Bridge to I-80]	100% public	Existing trail thru Discovery Park, south of Garden Hwy, and proposed on-street for Garden Hwy	Designate for multi-purpose trail	Designate for multi-purpose trail

\* The Planning Commission did not submit a motion with 5 votes regarding this issue. The conclusion that the Commission recommended no trail is based on a deduction, in that each of the voting Commissioners voted for various motions which held in common the exclusion of this segment from the trail system.

ATTACHMENT 2  
SACRAMENTO RIVER PARKWAY PLAN  
STAFF RESPONSE TO PUBLIC COMMENTS  
AT PLANNING COMMISSION HEARING  
OF NOVEMBER 14, 1996

The City of Sacramento Planning Commission held a public hearing on November 14, 1996 regarding the Sacramento River Parkway Plan Update ("Parkway Plan") and the Sacramento River Parkway Plan Final Environmental Impact Report ("EIR").

At the hearing, thirteen (13) members of the public spoke in opposition to all or parts of the Parkway Plan, or the adequacy of the EIR. Three (3) members of the public spoke in favor of the Parkway Plan, or the adequacy of the EIR. Prior to and at the hearing, the Planning Commission received eleven (11) pieces of written correspondence regarding the Parkway Plan and the EIR. Eight (8) pieces of this correspondence stated opposition to all or parts of the Parkway Plan, or claimed inadequacies in the EIR. Three (3) pieces of correspondence were in favor of the Parkway Plan, or claimed the EIR was adequate. Copies of correspondence received by the Planning Commission are attached. It should be noted that all of the attached correspondence was received after the close of the Sacramento River Parkway Plan Draft Environmental Impact Report (DEIR) public comment period, which ended on May 22, 1996. All correspondence dated November 14, 1996 was received by the Planning Commission on the day of the hearing.

TESTIMONY AND CORRESPONDENCE IN OPPOSITION

Much of the testimony and correspondence in opposition to the Parkway Plan or that claimed inadequacies in the EIR was duplicative of the comments received during circulation of the DEIR. Responses to the matters contained in duplicative testimony and correspondence are outlined in the Response to Comments, which are contained in the EIR.

Some of the written correspondence presented to the Planning Commission challenged the adequacy of the Responses to Comments contained in the EIR. Staff has evaluated this correspondence and concluded that the Responses to Comments were, in fact, adequate and appropriate for this EIR.

At the Planning Commission hearing, the arguments made in opposition to all or part of the Parkway Plan, or that claimed inadequacies in the EIR, can be condensed into two (2) primary areas:

1. PUBLIC COMMENT: *The EIR is inadequate in that it does not identify all possible environmental impacts, does not identify adequate specific mitigation measures (particularly regarding privacy and security) and does not identify funding sources for mitigation measures.*

1. STAFF RESPONSE. The EIR is a Program EIR. By definition, a Program EIR need not identify each and every possible environmental impact or mitigation measure. (14 Cal. Code Reg Section 15168(a)). A Program EIR should identify probable environmental impacts to the extent that they can be identified at the programmatic stage of the Lead Agency's planning. The identification of impacts may thus be more general than it would



be in a project-specific EIR, at which time more specific information would be available. The Program EIR is designed to allow a Lead Agency (such as the City) to consider broad policy alternatives and program wide mitigation measures at an early time. (14 Cal. Code Reg Section 15168(b)(4)).

The Council is being asked to consider a trail and parkway alignment from among several alternatives. Each of these alternatives brings with it different impacts and mitigation measures. Before embarking on a more detailed analysis of impacts of each of alternatives, it is appropriate for the Council to make a policy decision regarding the trail and parkway alignment.

In the EIR, privacy and security were addressed as potential significant impacts and mitigation measures were identified, including providing for security along the trail. As the planning process proceeds, mitigation measures will be addressed further and may include such items as privacy fencing. It should be noted that an EIR need not identify illegal mitigation measures. In the case of the Sacramento River Parkway, a mitigation measure that required indeterminate, open-ended funding would be illegal since that mitigation measure would violate the California Constitution's prohibition on open-ended municipal indebtedness.

Some commentators argued that the EIR inadequately addressed endangered species matters. Staff has reviewed these comments and believes that the EIR does, in fact, adequately address EIR matters at the Program level in EIR Section 6.5 Biological Resources.

Staff's position is that a Program EIR was necessary and proper for this stage of the Sacramento River Parkway planning process, and that the EIR is adequate and meets legal requirements for a Program EIR. As required by CEQA, mitigation measures and analysis appropriate for this project and that are currently known were included in the EIR. Accordingly, the EIR is not legally required to provide the level of detail claimed by the commentators. Subsequent activities in the Sacramento River Parkway planning process will need to be evaluated in light of the EIR to determine whether any additional environmental document(s) will need to be prepared. (14 Cal. Code Reg Section 15168(c)). Staff anticipates that one or more Initial Studies will be prepared to determine if a subsequent activity in the Parkway Plan has significant effects that were not examined in the program-level EIR.

2. PUBLIC COMMENT: *The Parkway Plan and the EIR do not provide adequate direction regarding the use of eminent domain to acquire private property, do not properly value private property, and do not adequately address diminution in value of private property. The Parkway Plan also constitutes an illegal taking of private property.*

2. STAFF RESPONSE: As stated above, the EIR is a Program EIR. It is not designed to, nor is it legally required to, provide specific information regarding acquisition procedures or valuation of private property.

As stated in the EIR Response to Comments, acquisition of private property will be performed in accordance with applicable law, and within applicable Constitutional parameters. Acquisition and valuation of private property will be determined on a case-by-case basis. As stated in the staff report, while no motion with a specific recommendation

received the necessary five (5) votes for passage, staff noted from the Planning Commission's actions a consensus among the Commissioners that eminent domain to acquire easements or rights of way for a multi-purpose trail should not be used in the private in-holdings area until fifty one per cent (51%) of the parcels are under private ownership.

The Parkway Plan is an amendment to the City of Sacramento General Plan and is thus only a planning document at this point. The City has an obligation to plan under California's Planning and Zoning Law (Govt. Code Section 65000 et seq.) and to identify facilities in that plan. Since the Parkway Plan is merely a planning document, the Parkway Plan need not designate specific values for acquisition of private property. Accordingly, the commentators' claims that the Parkway Plan and the EIR are inadequate by not providing more detail on valuation (including diminution in value) are incorrect since such matters are inappropriate for a planning document or a Program EIR.

Finally, the mere placement of planning designations in the Parkway Plan does not, in itself, constitute a taking of private property. The Parkway Plan itself does not create any monetary liability on the part of the City to acquire property. Neither adoption of the Parkway Plan or certification of the EIR will prohibit any currently permitted uses on the private property contained in the Parkway Plan area. Similarly, no Resolution of Necessity identifying private property to be acquired has been adopted by the City Council. Even assuming that the planning designations in the Parkway Plan produce a market reaction that alters market value, the planning designations in the Parkway Plan do not legally constitute a taking. Accordingly, it is staff's position that there has been no taking of private property as claimed by the commentators.

#### TESTIMONY AND CORRESPONDENCE IN FAVOR

Testimony in favor can be condensed to state that the Parkway Plan would have a positive effect on the Sacramento area as a whole and that the Parkway Plan would create economic, recreational, and aesthetic benefits. Testimony in favor that addressed the EIR stated the EIR was adequate and that a Program EIR was appropriate for this project.

## DEIR

### Draft Environmental Impact Report

### Sacramento River Parkway Plan Update

November, 1996

### Critique and Summary

#### RECOMMENDATION

**Do not approve the EIR, the DEIR, or the PARKWAY PLAN at this time, for all the reasons which follow. Each of these documents are fundamentally flawed. The present plan is a patchwork which started as the Bikeway plan. The concern for the Riparian Habitat has been an added factor and has not been thoroughly thought through. Send the plan back to the Planners, include some ecologists in the group, re-think the total, and rewrite it again.**

#### History/Update

The "vision" of a Sacramento River Bike Trail was originated in the early 1970's. In 1973 a group of land owners saw the "land grab" move, hired a lawyer, and protested having a bike trail on the levee on their property. By 1975 the City Council decided to adopt the Master Bikeway Plan, but the Pocket areas were deferred so that this portion was included in the Plan but would not be activated until further notice. This was, in effect, an illegal property taking.

Those who planned the Parkway Play tenaciously hold to their "vision" of a quarter century ago. These original planners, during the "alternative life-style" years were in their "30's something".

#### Twenty-Five Years Later

They are now in their 50's or 60's. Since then a whole new generation has been born and grown to adults. Many people of the new generation prefer something more challenging, for instance, mountain trails. Many of the new generation spend more time at the computer on the internet. Many active ones are into (or on to) roller blades. This segment of the younger generation needs to have the use of the proposed trail. Also, handicapped people need access to the proposed parkway. Some of these people need motorized wheel chairs. They need access and protection. Now the property owners find themselves in a PLA, a further taking of property.

#### The Authors of the Plans and DEIR

The authors of the plan and its update include the author of the DEIR. This person has been the one who has been most active in presenting the plan at all workshops. Most authors will tell you that it is hard to take criticism of their productions. It seems this author is no exception and has

glibly written creative mitigations for all significant impacts. Some of the so-called mitigations are not realistic or practical, and some are in conflict with the State Reclamation Board. The two main goals of the total project, Preservation of Natural Habitat and public use have been proven to be incompatible.

### Trail Placement

On page two there is a reference to the State Reclamation Board, indicating its preference that any bike trail be on the berm instead of the crown of the Levee in order to reduce impacts to the levee structure. As far as this reporter can determine, this is the only reference to the Reclamation Board, and no other mention of the recommendation. Their recommendation should be an important consideration of the planners and proponents of the proposed parkway.

### An Alternative

There is a discussion in the DEIR of the "Environmentally Superior Alternative". This states that the superior alternative would be to "Remove Parkway Development to between the Levee Crown and the River's Edge". Of course, this is not possible as there is no berm in many locations along the river.

The alternate route from the Captain's Table to the Pocket Canal and to River Village Drive and Garcia Bend is the only reasonable, safe, and practical one. All other suggested routes for this portion of the river/ levee should be deleted from the plan.

### Private Property

On Page 3 there is a statement that the Property of the PIA's will be purchased at "Fair Market Value". The suggested "Fair Market Value" is placed at a ridiculously low level. (See the attached for information on the designation "Private Inholding Area" or PIA and its effect on the private property that was included in the original Bikeway Master Plan. Talk about the Taking of Private Property! It was a rude awakening property owners to find that a public parkway was now going through their backyard! It's on every map the planners have published and circulated.

The DEIR cites some research done by the University of Pennsylvania on 3 railroad sites changed to pedestrian and bicycle trails. Two examples are abandoned railroad beds running through farm land. This did not change the value of the farm land (property); no elevation, plenty of room to plant screening. The third example is the trail from Lafayette to Moraga in California. Since this railroad had 20 foot easements on each side of the rail bed, is on the same level as the homes (no elevation as per levee) and was allowed to build and grow screening between the trail and private homes, (as the private property is not allowed to do along the levee) and because the neighbors had their choice of a well maintained trail vs. an unsupervised, unmaintained abandoned railroad bed, their privacy and safety and property values were not threatened. None of these examples is comparable to the Sacramento situation!

Sacramento's proposed parkway is a very narrow strip of land. It does not compare to the American River Parkway.

## Safety

Regarding 6.2-2 of the DEIR, the Police protection is woefully inadequate. There is already one Police Officer based in the Promenade Shopping Center for three years, starting in 1995. This one Police Officer can not hope to mitigate the crime in the Little Pocket and the Greenhaven Pocket Areas. It takes 30 minutes for a Police Officer to respond to an alarm—more time if the problem is on the levee. In that length of time a child could be raped and killed long before the Police Officer could arrive. The promised "safety" has not been adequately planned nor have resources been allocated.

There is some concern for bicyclists' safety. However, the safety of pedestrians and handicapped must be addressed. There needs to be a speed limit on bicycle riding. Their speed and lack of concern for pedestrians has been a problem in other areas, for instance, Marin Co. where bikers are barred from riding on 40% of their trails.

## Noise Barriers? Forget it!

Regarding 6.4-1, 6.4-2 and 6.4-3 of the DEIR, it is recommended that the sound barriers (fencing and landscaping) be constructed to protect the residents in the area from noise. Are the Staff members who wrote the DEIR aware that the residents have been instructed by the State Reclamation Board to trim all shrubs, trees, and vines to a height of five feet above the ground? That all fences must be see-through? This is not only allows all noise to reach the homes, but also allows all bikers and pedestrians a clear view of the back yards, and into the homes from kitchens to bedrooms. This not only increases the noise, but reduces the privacy and safety of the residents.

## Toxic Waste Cleanup

Regarding 6.6-1 and 6.6-2, apparently the writer of the DEIR did not consider the limited budget predicted by the Plan. The plan is to clean the oil and other contamination from parking lots and put the waste toxic material, including the toxic cleaning material, into catching basins. There is no mention of what happens to it after going into "catching basins". What if it rains before they clean the parking lots? Sorry, fish. Sacramento's gutter water goes directly into the river without treatment. No mention of how often the parking lots will be cleaned of oil slick.

The plan for trail maintenance assumes sweeping and litter pick-up every two weeks during peak periods. River rats will find it before that! (Hopefully no poison will be used to kill the rats, as that will also kill the Swainson Hawks, beavers, and other protected animals...all animals)).

### Signs, (directional)

Many promises are made in the DEIR regarding signs to guide people to recreation areas and to avoid areas of sensitive nature, but the budget plans for a maximum of 12 signs! And who will monitor the public's response? When we have people already going around fences, over fences, through fences, and even tearing down fences, who would believe that people will obey the signs? Would a hundred signs help? Given the amount of graffiti and vandalism in all communities and other areas, this "mitigation" suggestion seems to be totally wishful thinking.

### Preserve, Restore

Public usage is one environmental hazard that the plan does not mitigate. It is already a problem and will become even a greater one. Public usage has proven to be the main destroyer of natural habitats.

Even though the first priority of the revised Plan (now called Parkway Plan) is "to preserve, protect, enhance and restore the riparian corridor and its associated ecosystem" there is nothing in the proposed budget for these goals, nor is there anything written into the plan to accomplish any of this except to state that some areas will be set aside as nature areas and the public will be restricted from them (see Signs, above). There is no inventory of what is currently in the Natural Habitat. There is no inventory of what is native to California, not of plants, animals, birds, insects, nor fish.

The plan states that Nature Study will be encouraged by constructing nature trails, but who will keep the public on the trails, off the natural grass? Without supervision, children and others will be all over them, tramping down all ground vegetation and compacting the ground. This has a negative impact on all other wild life. The total ecosystem cannot survive without the native ground cover. And the ecosystem needs the riparian corridor. Vs a patch of land here and there.

## SUMMARY

There are many shortcomings of the DEIR, the EIR, and the SACRAMENTO RIVER PARKWAY PLAN. They are all flawed. Obviously, the present plan is a patchwork. Much thoughtful planning is still needed.

Most of the mitigations suggested are unrealistic and/or not satisfactory for a variety of reasons.

Therefore, these plans SHOULD NOT BE APPROVED at this time.

Respectfully submitted,

Dr. Ann L. O'Neil

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**TABLE 2-1 SUMMARY OF MAJOR IMPACTS  
AND MITIGATION MEASURES**

<u>Project Impact</u>	<u>Rating</u>	<u>Alternative or Mitigation</u>
6.2-1 Local Circulation	(LTS)	None required
6.2-2 Bikeway/Trail Safety Off-Street	(S/A)	City of Sac. Police Dept. respond to problems in the Parkway as needed. No special patrols. A neighborhood Police Officer committed to Pocket Greenhaven, based in Promenade Shopping Center. <i>Not adequate, explained elsewhere.</i>
	Changed to (LTS)	
On Street	(S/A)	None needed.
Equestrian	(S/A)	Task force to establish standards <i>Not known if Equestrian use is compatible with foot and bike traffic nor wheel chairs</i> <i>Not Adequate.</i>
	Changed to (LTS)	
6.3-1 Vehicle emissions	(LTS)	None needed
6.3-2 Cumulative Vehicle emissions	(LTS)	None needed
6.3-3 Carbon Monoxide	(LTS)	None needed
6.3-4 Construction dust	(S/A)	Implement dust control measures, i.e., apply non toxic soil stabilizers, enclose, cover or water twice daily both exposed piles and active construction areas, cover all truck beds hauling dirt, etc. <i>These measures have not proven acceptable for those with allergies, emphysema, other respiratory diseases. Not adequate.</i>
	Changed to (LTS)	
6.4-1 Noise,	(S/A)	Implement sound barriers (fencing, landscaping;) Close access from sunset to sunrise. Site off-street trails away from residences without impacting wild life habit. <i>Fencing and landscaping screening is not allowed because of levee safety. Also, not possible to prevent access at night. Not Adequate</i>
	Changed to (LTS)	

6.4-2 Noise,	(S/A) Changed to (LTS)	See 6.4-1
6.4-3 Noise, Construction	(LTS)	Enforce City's Noise Ordinance
6.5-1 Impacts to Riparian Habitat/Riverbank Vegetation	(LTS)	None required at program Level. Mitigation may be required at a project specific level. <b><i>Public access and protecting habitat have been proven to be incompatible. Not Adequate.</i></b>
6.5-2 Impacts to tree Resources Heritage Trees	(LTS)	Enforce City's existing tree preservation Policies <b><i>Without patrols, not possible. Not Adequate</i></b>
6.5-3 Special Status Species Swainson's Hawk	(S/A) Changed to (LTS)	Determine the sensitivity and suitability of the site for Swainson's Hawk habitat. Submit a mitigation plan to DFG. Hire a qualified Biologist to conduct survey within a 1/2 mile radius of site to locate active nests. Replace lost habitat in accordance with DFG requirements. Avoid construction during breeding and nesting times. <b><i>A biologist's report would be limited to his/her knowledge of ornithology. The rating should stay at (S/A) until the expert's report.</i></b>
6.5-4 Special Status Elderberry Longhorn Beetle	(S/A) Changed to (LTS)	Prior to development, of specific site, determine sensitivity of the site habitat. If sensitive, contact the DFG for guidance. <b><i>Same as for 6.5-3</i></b>
6.5-6 Impact to shaded Riverine Aquatic Habitat	(S/A) Changed to (LTS)	Prior to development, assess SRA habitat. Design modification of plan. Replant to create a multi-story canopy buffer. Control erosion to reduce run-off. See Mitigation, 6.6-1.
6.5-7 Increased erosion and siltation	(S/A) Changed to (LTS)	Implement Mitigation Measures. (See Water Quality, 6.6-1)
6.5-8 Special Status, Delta Smelt and Winter Run	(S/A) Changed to (LTS)	Implement Mitigation measures under 6.5-1 and 6.6-1 (Water Quality)



## Chinook Salmon

6/6-1 Run-off and Erosion (S/A)  
from Public Access  
Routes and Parking

Changed to (LTS)

Use indigenous plants to landscape new and/or enlarged parking facilities and create a vegetation buffer to collect and treat runoff before it enters the river. Incorporate drainage for the new parking lots and or large impervious surface areas with catch basins containing grease/sediment traps. For new lots and large impervious surface areas with catch basins containing grease/sediment traps. For new lots and large impervious surface areas implement cleaning and maintenance program designed to minimize toxic materials into Sac River from runoff. Have maintenance personnel promptly clean oil/grease/toxic deposits on premises. Require erosion control and on-going Maintenance in order to prevent and repair damage and erosion caused by use. Implement landscape program to integrate best management practices which eliminate, reduce and minimize the use of pesticides and herbicides which contribute to non point source pollution. ***Idealistic. Not likely to happen. Requires full time maintenance crew and gardeners who know native plants, animals, ecology.***

6.6-2 Construction Silt (S/A)  
and erosion

Changed to (LTS)

Restrict any construction grading to the dry season May 1 to Sept. 30. All grading activities shall be done in accordance with Uniform Building Code Chapter 70 and shall include grading techniques which control excessive runoff during construction. Implement dust and erosion control measures during construction, e.g., watering exposed soils, covering exposed soils with straw or other materials, adopting measures to prevent vehicles from tracking mud onto adjacent roadways, covering trucks containing loose and dry soil, providing interim drainage measures during construction. In non-pavement areas, any vegetation covered or removed during construction (including slope protection) should be replanted following construction. Depending upon location and magnitude of project, install a silt trap during construction to minimize increases in turbidity. All

		potentially contaminate materials, e.g., fuels, paints, solvents, cement additives, must be identified and an advance plan by contractors should be provided. An emergency response should be provided by the lead contractor or the supervising agency to cover spills of such materials. Implement post construction Best Management Practices approved by the Utilities Dept. <i>Same as for 6.3-4</i>
6.6-3 Water quality Marinas an Marine Vessels.	(LTS)	No new Marinas are proposed, so none needed <i>No consideration of existing docks which will bring more water traffic to the area. Not Adequate</i>
6-6.4 Litter and Debris	(S/A)  Changed to (LST)	Provide sufficient trash receptacles, placed in convenient places for users. Consistent Maintenance to dispose of overflowing trash, especially during peak season. In public areas, require education and signs to inform users of the importance of paper disposal. <i>Proposal is to collect only once every two weeks. River rats will find food and multiply. Not Adequate</i>
6.7-1 Hydrology-Flooding	(LTS)	No facilities are proposed in the flood area. Individual development projects in the Parkway will undergo further environmental review by the City to determine impacts and mitigation measures.
6.7-2 Hydrology, Levee Maintenance. Parkway Plan includes policies for protection of the levees and for control of unauthorized public access.	(LTS)	None required at Program Level. <i>The proposed policies are not enforceable. See full proposal. Not Adequate</i>
6-7.3 Public Safety	(S/A) Changed to (Red/Mag)	Plan must comply with all requirements of the "City County Land Use Policy with the 100 year Flood Plan"
6.8-1 Prehistoric Resources	(S/A)  Changed to (LTS)	Must retain a qualified archeologist to monitor all subsurface excavations during construction and to assess and record any subsurface artifacts that might be unearthed. If subsurface archeological or historical remains are discovered on site, work on the area shall stop immediately, and a qualified

archeologist and a representative of the Native American Commission shall be consulted to develop any necessary mitigation measures to reduce any archeological impact to less than significant impact.

6.8-2 Historical/  
Cultural  
Resources (S/A)  
Changed to  
(LTS)

Same as for 6.8-1

6-9.1 Public Safety:  
Security of  
Private Property (S/A)  
Changed to  
(LTS)

Prior to implementation the policies and mitigation measures of the recently adopted 2010 Bikeway Master Plan shall be incorporated into the design. **See Critique. Not enforceable. Not Adequate**

6.9-2 Conflict of Land (S/A)  
Changed to  
(LTS)

Mitigation measures will reduce program level impacts to less than significant level. Prior to removal of the PIA designation the following conditions must be met prior to off-street trail development. The trail will not impact native riparian habitat. All feasible security and privacy measures will be implemented. Where access points are near or adjacent to residential areas residential street parking shall be monitored and if warranted, resident preferential parking system restrictions shall be instituted and enforced. ***Of course the trail will impact native riparian habitat. The security and privacy measures suggested have been shown to be insufficient. Not Adequate.***

6.9-3 Impacts to  
Property  
Values Not rated  
because of  
many  
variables

No clear cause and effect can be established between implementation of a trail system and loss of property values. A number of opinions have been expressed. Since no clear impact can be ascertained at this time, no mitigation measures are proposed. ***The planners' attempts to establish cause and effect has been limited to the 3 abandoned railroads turned into bike trails which are not comparable to Sacramento's proposal. The planners' list of possible variables noticeably omits the one most important—location. The value of the property has to be compared to other waterfront property, not old abandoned railroads.***

## **DRAFT ENVIRONMENTAL IMPACT REPORT**

### **Sacramento River Parkway Plan Update**

November, 1996

## **RECOMMENDATIONS, CRITIQUE AND REVIEW**

To: Planning and Development Department  
1231 I Street, Room 300  
Sacramento, CA 95814  
From: Dr. Ann L. O'Neil,  
Date: November 14, 1996

### **INTRODUCTION**

This DEIR concerns the Sacramento River Parkway Plan which geographically covers the river's berm, levee, and 10 to 20 feet landward from the toe of the levee of the Sacramento River, from the South Natomas area to the city limits in the south at Freeport.

### **RECOMMENDATIONS**

(1) **Based on the attached excerpts from the DEIR, comments by the author, and the conclusions stated in the CRITIQUE in this report, is recommended that this DEIR be totally revised and redone by qualified environmentalists. DO NOT APPROVE THE DEIR, THE EIR OR THE PLAN AT THIS TIME.**

(2) It is further recommended that the "Vision" of those who have been instrumental in developing the Sacramento Riverfront Parkway Plan increased to encompass at least the next 150 years, and reflect the necessary ecology that will help sustain all life, including humans, and that the Sacramento River Parkway Plan reflect this long-term vision.

(3) Because the two goals of the Plan are in conflict, it is recommended that (A) the first goal, that of preserving, protecting enhancing and restoring the riparian corridor (of the Sacramento River) and its associated ecosystem, be implemented, and (B) the second one be deleted, since public recreation access is already provided at several points along the Sacramento River within the Sacramento City Limits.

(4.) If B above is not done, then the alternate of off-street trails and parkway must be written into the Plan as the Designated routes, vs. "alternate:", thereby realizing the "vision" of a continuous trail from Folsom to Freeport.

preserve for the Riparian Habitat. Any access to the levee and it's berm and 10 feet of the toe of the levee should be only for the maintenance of the levee and flood control. The native habitat is, and always has been left intact, except where levee maintenance requires otherwise. Privately held property should remain just that--private property.

(6) Levee maintenance and flood control must be the primary concern, always.

(7) The plan must include the handicapped, including wheelchairs, including motorized wheel chairs; must also include roller-blade traffic; and should make provisions to include other innovations which were not developed in 1974.

### CRITIQUE

(A) The EIR can only respond to the Draft Sacramento River Parkway Plan (DSRPP) as was their charge. What is omitted from the Parkway Plan cannot be part of the EIR response. The DSRPP is presented as an "up-date" of the Sacramento River Bike Trail, but in actuality does only a couple of things: (1.) **change the name of the project, and** (2). **add some consideration for nature study and protecting the habitat.** No.2 above is crucial, but unfortunately, **every significant impact has been declared insignificant by unrealistic so-called " mitigations" in the DEIR.**

(B) The "Vision" of a Sacramento River Bike Trail was originated in the early 1970's. In 1973 a group of land owners grouped together, hired a lawyer, and protested having a bike trail on the levee on their property. By 1974 the City Council decided to adopt the Master Bike Trail Plan, but the Pocket areas were deferred so that this portion was included in the Plan but would not be activated until further notice. The idea started over a quarter of a century ago. That plan was flawed, as is the present Plan with the new name.

(C) On Page 7 there is a statement that the Property (of the PIAs) will be purchased at "fair market value". The so-called "fair market value" is placed at from \$12,500.00 to \$20,000, depending on the location of the property, whether or not there is a dock, berm area, tree cover, etc. These are very low estimates, and not considered "Fair" by most land-owners nor most real estate dealers in the area, nor would anyone else, considering we are talking about riverfront property. These estimates are not only out-dated, but they also fail to take into consideration the lost property value of the home-owners. Some real estate agents have already felt the pressure of difficult sales of these properties as long as the Master Plan includes a bike trail and/or public access parkway in their back yard. The problem has not been researched, and the mitigation suggested is based on opinions only. The Master Plan should be revised to eliminate any mention of any trail through what is now private property.

(D) Regarding 6.6-2, the suggested Police protection is woefully inadequate. One Police Officer is based in the Promenade Shopping Center for three years, starting in 1995. This one Police

Officer can not hope to mitigate the crime in the Little Pocket, Greenhaven and Pocket areas. The promised "safety" has not been adequately planned nor have resources been allocated.

(E) Regarding 6.4-1, 6.4-2, 6.4-3, It is recommended that sound barriers (fencing and landscaping) be constructed to protect the residents in the area from noise. The staff member who wrote this DEIR is obviously unaware that the residents by the levee have been instructed by the State Reclamation Board to trim all shrubs, trees and vines to a height of up to five feet? That all fences must be see-through? This not only allows all noise to reach the homes, but also allows all bikers and pedestrians a clear view of the back yards, and into the homes, from the kitchens to the bedrooms. This not only increases the noise, but reduces the privacy and safety of the residents.

(F) Regarding 6.6-1 and 6.6-2, did the DEIR author consider the limited budget predicted by the River Parkway document? There is nothing budgeted to maintain parking lots. And trail maintenance assumes sweeping and litter pick-up every two weeks during peak periods. Nothing is said about trash receptacles nor maintenance of such equipment. Who will be there to promptly clean up oil drippings from parked cars to prevent runoff and pollution to the River? Since Garcia Bend is part of the Proposed River Parkway Plan, perhaps this is a test case to see if someone is there to "promptly clean up oil drippings from parked cars..."

(G) Many promises are made in the River Parkway Draft document regarding signs to guide people to recreation areas and to avoid areas of sensitive nature, but their budget plans for a maximum of 12 signs! Only four of these can be replaced or repaired per year. Given the amount of graffiti in all communities, and the vandalism in unpatrolled areas, this budget seems very low.

(H) Even though the first priority of the Plan is stated "to preserve, protect, enhance and restore the riparian corridor and its associated ecosystem:" there is nothing in the budget for these goals, there is no plan to accomplish any of this except to state that some areas will be set aside as nature areas and the public will be restricted from them. Nature study will be encouraged with nature trails, but how will they keep everyone on the trails, and away from the grassy areas so as not to tramp down the grass and soil, thus eventually eliminating it? And how to keep they people from picking the wild flowers, thus reducing their chances of reproducing?

The plan proposes to use signs to keep the public out of the nature areas (only 12 signs are proposed for the entire area). With the public already going around, over, through fences posted "private Property", signs will not keep the public out of sensitive areas. That suggested mitigation is pure fantasy. The writer of the DEIR claims that the proposal describes the areas under consideration, however, there is no inventory of what exists in the habitat to preserve

(I) The plan is to restrict public access in Nature Study areas, and as the public land in the Pocket area has been declared a Nature Study Area (see page of this report), then a "continuous trail" from Natomas to Freeport open to the pedestrians and bicycles and preservation of this Nature Study area, is possible if the trail stays as this EIR proposes as the so-called alternate route (see page 7, this report).

(J) There is some concern for the bicyclists' safety. There needs to be equal concern for pedestrians' safety. There needs to be an enforceable speed limit so that no bicyclist will run down a pedestrian. That has been a problem in other areas. For instance, in the Golden Gate National Recreation Area, bikers have been banned from about 40% of their trails. This was tested in court, and has been upheld. (Page 7, *In brief*, Sierra Club Legal Defense Fund, Summer, 1996).

(K) The State Reclamation Board, with its responsibility of levee maintenance and flood control states (as noted in the DEIR) that a multiuse trail should be on the waterside berm, and not on the crown of the levee.

(L) The alternate route from the Captain's Table to the Pocket Canal and to Garcia Bend Park is the only reasonable, safe and practical route.

(M) The levee trail is not considered a commuters' bikeway. It is a circuitous route. Shorter, more efficient bike trails have already been designated for commuters' convenience.

(N) The study done to determine if there would be additional safety hazards and/or change property values was done through the University of Pennsylvania, comparing three railroad sites changed to pedestrian and bicycle trails. One runs from Lafayette to Moraga in California. In that instance, the trail is not on a levee with views of the private residences. They were able to grow a vegetation screen as the Pocket Area people are not allowed to do, no residents were owners of any of the property; the railroad right-of-ways historically included at least a 20 foot easement on both sides of the track; and the residents had their choice of an abandoned, unmaintained, unsupervised railroad bed or a maintained, easily monitored trail. This does not compare to the situation along the Sacramento River levee, especially in the Pocket Area. The other two sites studied are located primarily in farming areas. These are not comparable to the Pocket Areas nor to any of the proposed Sacramento River Parkway.

(O) Mitigations suggested to change an impact from "Significant" to "Less than Significant" are not realistic and should be checked by people trained in ecosystems. Such people are available in California State Departments. This writer had no trouble contacting two of them. Other qualified people are available in Universities. There are several Universities within a 50-mile radius of Sacramento.

((P) While it is legal for anyone to write a DEIR regardless of whatever level of ecological knowledge that person may have, is a conflict of interest if the one most involved in the development of the plan is also the writer of the mitigation suggestions. (See Recommendation No. 1, page 1, of this document.)

## **EXCERPTS FROM THE DEIR**

*(Except the italics)*

The Report considers actions written into the Sacramento River Parkway Plan and makes decisions as to whether an action or logical parts in a chain of actions is:

1. Less than Significant (LTS),
2. Significant and Avoidable (S/A),
3. Significant and Unavoidable (S/U) or
4. Reduce Magnitude of Impact (but not to a less than significant level) (RED/MAG).

*( These ratings are used in the Summary, see pages 8-10)*

Where the goals presented in the Parkway Plan are conceptual vs. specific, the EIR states that further EIRs will be required when specific actions for specific areas within the geographical area are planned.

The stated main goals of the River Parkway Plan are:

1. To preserve, protect, enhance, and restore the riparian corridor and its associated ecosystem, and
2. To provide public recreation access for active and passive recreational uses related to the River.

The EIR finds that the Parkway Plan policies and land use designations support these goals. (p1-1). *(But most mitigations are unrealistic and/or inadequate. This writer disputes this statement.)*

Further:

The Draft Sacramento River Parkway Plan goals are stated as follows:

(2) "To recognize the multiple use aspect of the Sacramento River Parkway for recreation, habitat preservation and flood control.

((1) To preserve, protect and enhance the natural and cultural resources of the Parkway. *(The reader will note that the two goals have been reversed in priority here. See No.s 1 and 2 above.)*

"To provide appropriate access and facilities for the enjoyment of the Parkway by present and future generations. *(The plan excludes the hadnicapped and others. See RECOMMENDATION No. 7, Page 2).*

"To create a continuous, lineal Parkway with *bicycle and pedestrian* access along the Sacramento River from the City limits at I-80 and Garden Highway in the South Natomas to the City limits at Freeport." (pp.3-2, 3-3) *This is out of line with the stated goal of making the Pocket*



*area a Nature Study area, with limited public access and no bike trails. In some areas of the Pocket, the corridor is so narrow that there isn't room for both.)*

Natural resource protection and enhancement is the main goal of the Parkway and will take precedence over public access recreation in the Parkway. Trails and other facilities will be developed so as not to significantly impact native riparian habitat. Prime Habitat area will be protected from human encroachment. (p. 3-3)

Recreation uses allowed in the Parkway include walking, bicycling, nature study and equestrian use...A class A bikeway will be paved per City of Sacramento standards and will accommodate pedestrian use...The State Reclamation Board would prefer that the multiuse trail should be located on the waterside berm of the river levee instead of the levee crown in order to reduce impacts to the levee structure. (p 3-4). <sup>(see note in critique)</sup>

## PROPOSED PLANNING CONSIDERATIONS BY PLANNING AREA

**South Natomas:** See Draft EIR, p. 3-5.

**Downtown/Land Park:** See Draft EIR, p. 3-5.

**Freeport:** See Draft EIR, pp. 3-7 to 3-8.

**Pocket:** pp. 3-5 to 3-7 (excerpts, actual quotes, except for *italics*).

The area is primarily single family residential, although some apartments and condominium development exists. In the Little Pocket and Greenhaven areas, much of the riverfront is privately owned. Most of the publicly owned land is in the south Pocket area. (The 1980 Pocket Community Plan requires that new subdivisions dedicate riverfront property as a condition of approval. *Thus development is held hostage until the riverfront property is given up to the city.*) Existing recreation and public access opportunities are Zacharias Park, Northpointe Way, Garcia Bend Park and Shore Park. There are short stretches of bikeway along the river levee at Zacharias Park and by Shore Park. The Pocket Area is primarily designated as Nature Study by the Parkway Plan to protect the riparian habitat and to reduce noise and traffic to the adjacent neighborhoods.

Existing developed parks in the area including Zacharias and Garcia Bend are designated as Recreation Area. Other less developed public access points such as Northpointe Way, Pocket Canal and Shore Park are designated as Nature Study. The Freeport Water Tower (Meadowview Sewage Treatment site) is designated as Nature Study and Recreation Area with Major Access and will be developed as public access to the River. In this area, proposed Parkway Plan shows a continuous river trail along the levee.

This trail system was also considered and reviewed by the Sacramento City Council in April, 1995 as part of the adoption of the 2010 City/County Bikeway Master Plan. At that time the City council voted to defer action for sections of the bikeway due to issues related to public access

and privacy of the adjacent residential units. In this area, the levee crown and riverfront are partially publicly owned and includes a special designation called the Pocket Area Private Inholding (PIA) designation which is described below: *(Others have already pointed out that this concept is of questionable legality. It is a taking of private property. The designation was imposed on home owners without consultation or notification. The home owners found out about it only when the Draft Parkway was available to the public.))*

**Pocket Area Private Inholding Area (PIA) Designation:** The Greenhaven and Little Pocket portions of the Parkway present special economic and social constraints, yet offer a vital opportunity to provide a continuous trail to Freeport, linking with the American River Parkway from Natomas and Folsom. Most of the riverfront property in these areas consists of private residential inholdings which require special consideration with respect to Parkway development. The PIA designation recognizes the practical limitations to developing this portion of the Parkway, yet maintains the *(out of date)* vision of a continuous trail as a long-term goal. The PIA label modifies the underlying Parkway land use designation. For example, "Nature Study/PIA" denotes a Nature Study area subject to the additional conditions imposed by the PIA status. Two PIA areas are proposed: 1) Little Pocket PIA - from Captain's Table to Seymour Park (northern extension); and 2) Greenhaven PIA - from Seymour Park (northern extension) to Arabella Way... (See map in EIR). Each PIA has distinct natural characteristics and ownership patterns that warrant separate consideration. The effects of the "PIA" classification are listed below:

- ◆ Acquisition of property for inclusion in the Parkway is allowed in the "PIA".

- ★ Fee title and/or easement will not be acquired through eminent domain except under limited circumstances.

NOTE; The final policy language for these limitations is not yet resolved but concepts include **restricting eminent domain** activities to actions necessary to preserve prime habitat or restricting eminent domain acquisitions for the multiuse trail until 51% or more of the trail segment is publicly owned. While final policy is not available, it is important to note that the method of acquisition does not change the physical environmental impacts of the plan at a program level.

- ★ Property will be purchased at "fair market value" from willing sellers. (See critique)

- ◆ PIAs are part of the Parkway, but not part of the Parkway Development Strategy. Trails and other recreation facilities will not be developed in these areas until the "PIA" classification is removed from the Parkway land use designation.

- ◆ The Sacramento River Parkway Plan must be amended by the City Council in order to remove the "PIA" status.

- ◆ The "PIA" designation allows staff to revisit these areas in the future for inclusion in the Parkway development plan if, one or more of the following conditions is met:

- Parkway acquisition and development funds become available.
- Land becomes available through State Lands Commission boundary determinations or title settlements.
- The City has acquired, through fee or easement, fifty-one percent (51%) of the lineal area along the river in the PIA. A proposed alternative to this language is that the PIA area remains the only unconstructed portion of the trail system and park acquisition until development funding for the PIA area is available.  
*(Any designated easement must have the consent of the home owner. The current easement is for levee maintenance, only.*

If and when the "PIA" is redesignated for Parkway development, the following conditions should be met prior to the Off-Street Trail being developed in the area:

- 1) trail will not significantly impact native riparian habitat, *(See CRITIQUE No. N)*
- 2) all possible security and privacy measures will be implemented. *(See CRITIQUE No.D)*
- 3) funding for operations and maintenance shall be secured prior to implementing a trail segment.

## CHAPTER 2.0 SUMMARY

### Excerpts

*(Actual quotations, except for the italics)*

The Sacramento River Parkway Plan is a twenty year policy guide for habitat preservation and restoration and recreational development for lands adjacent to the River. *(This is not quite accurate. The 1973 plan, adopted in 1974, was a Bikeway Plan, with little or no mention of habitat. It seems the Planners are trying to re-write history!)*

Natural resource protection and enhancement is the main goal of the Parkway and will take precedence over public access recreation in the Parkway. (p. 2-2)

...The Plan promotes as much access to the River as possible, while maintaining sensitivity to the private residential inholdings in the Parkway... (p. 2-2)

#### Areas of controversy are:

1) The proposed continuous levee trail system along the river poses controversy in the Pocket area of the City of Sacramento. Sections of the Little Pocket and north Pocket have homes which back-up to the levee and river. In these areas, residents perceive the proposed bike trail on the levee to be an intrusion. Although the Parkway Plan does not delineate the exact location of the levee/river trail, it is evident that in the Little Pocket and Pocket areas...that only a very narrow buffer exists at between the top of the levee and the backyards of adjacent residents. During hearings on the Parkway Plan, residents in these areas expressed concern that implementation of the trail would result in trail users seeing directly into homes and backyards, and possible related security issues such as trespassing, noise, litter, vandalism and loitering. *(Which already happens when people illegally go around, climb over, go through or tear down fences and trespass on the private land. As stated above, the easement is for the Water Resources Dept. for maintenance, only.)*

2)...Also, in the Little Pocket and Greenhaven areas, private land ownership extends to the highwater\* mark of the Sacramento River and the levee (and trail) would need to traverse the parcel. Clarification of easements and or acquisition of property would need to occur. This may alter land division patterns including setbacks and other requirement of the remaining parcels. *\*(Evidence exists that the ownership extends to the mean high-water mark, exclusive of floods.*

Because of widespread concern regarding the on-levee bike trail in the Pocket area, this EIR considers an alternative which avoids levee trail access in those sections of the Pocket area and diverts the trail to inland off-street routes in the Pocket area\*...Also, this EIR includes a Chapter on trail safety and socio-economic impacts to review possible conflicts in this area.

3) Public access to public trust lands and navigable waters (The Sacramento River) is required by the Subdivision Map Act and protected by the State Lands Commission...In determining

access, minimization of conflicts of use, protection of private property rights, and protection of habitats must be taken into consideration and balanced...Overall, the intent of the Parkway Plan and Alternatives is to provide policy level guidance as to how access to the river can most reasonably be accomplished with the least harm.

This EIR is based on the Draft Parkway Plan as written. At this time, there are still areas of the Plan that are under consideration for modification. Most of these areas respect the conditions for acquisition and implementation of the bikeway in the Pocket Area and the types of conditions that would need to be met to pursue fee title acquisition. Additionally, still under consideration is the implementation of the Parkway Plan resource protection policies through use of an ordinance amendment. Areas on the waterward side of the levee could be designated with the overlay SRP-F (Sacramento River Parkway - Flood). This designation...would also incorporate policies to protect natural features and riparian vegetation in the parkway...the Planning Department also proposes that areas on the levee crown and landward side of the levee would be designated SRP (Sacramento River Parkway)...acknowledges the need to protect wherever possible existing riparian vegetation, and to develop and plant new areas in a manner which minimizes impacts to the levee and river...*(Home Owners have always maintained the Riparian Habitat. They don't need to have the City or anyone else take over because of a designation imposed upon them.)*

### **ALTERNATIVES STUDIED WITHIN THIS EIR**

Three alternatives are studied in this EIR...

Alternative A. No Project Alternative: The Plan would not be developed.

- A1. Existing Conditions: No Changes
- A2. Existing Plans: Development would occur, but would be in accordance with existing plans (1975 Parkway\* Plan, and 1988 Sacramento General Plan Update.)  
*\*(This was at that time the Bikeway Plan)*

Alternative B. Remove Off-Street River Trail from Captain's Table to the Pocket Canal:

The trail section would be re-routed from Captain's Table, follow the existing Riverside Boulevard on-street trail and existing off-street trails south to Seymour Park, follow Seymour Park off-street trail to the Pocket Canal trail, reconnecting with levee trail north of River Village Drive and Garcia Bend Park...

*(This seems to solve the most problems, does not disturb the habitat with public traffic and fits in with modern-day thinking.)*

Alternative C. Restrict Parkway Development Between the Levee Crown and the River's Edge:

This alternative proposes to remove all proposed Parkway (access and recreation uses) development that is located between the crown of the levee and river's edge, not inclusive of the levee crown...This alternative would eliminate development of the Riverside Rest Area and

potentially portions of the multiuse trail from the Parkway. This alternative is developed to lessen the impacts of public use on the near river environment.

#### Environmentally Superior Alternative

The "Remove Parkway Development Between the Levee Crown and the River's Edge" alternative would be the environmentally superior alternative ... This alternative would prevent development along the River, except where the development is preexisting or approved in an adopted development Plan. Potential impacts to plant/animal life, noise, cultural resources and air quality would be significantly reduced under this alternative.

*As stated above, Alternative B offers the most advantages to each goal: Protect Habitat and provide a continuous trail from Folsom to Freeport.*



SUPERMARKETS AND DRUG CENTERS

CORPORATE OFFICE

November 5, 1996

City of Sacramento  
Department of Planning and Development  
1231 I Street, Room 300  
Sacramento, CA 95814-2904

Re: Public Hearing 11/14/96  
Project M 96-006: Sacramento River Parkway Plan

Gentlemen:

Due to a conflict in schedules, I will be unable to attend the above referenced hearing and submit this letter to insure that my interests and those of my neighbors are represented.

I write on behalf of a parcel owned by Arabella Wildlife Habitat. This property bounded on the south by gate 4.64 and continues north approximately 1000 feet. Arabella Wildlife Habitat is an unincorporated Association whose members consist of ten property owners, bordering the Association Property on the east. Arabella Wildlife Habitat is designated as, and is to be maintained as, a wildlife habitat reserve. The property is presently the habitat of Swainson Hawks, Elderberry Beetles, Giant Garter Snakes, and various birds and animals.

As you are aware, Swainson Hawks, Giant Garter Snakes and Elderberry Beetles are protected under the California Endangered Species Act.

P.O. Box 15618, Sacramento, CA 95852  
500 West Capitol Avenue,  
West Sacramento, CA 95605-2696

Phone (916) 373-3333  
Fax (916) 444-3733

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Guidelines of the Department of Fish and Game protect the nesting and/or foraging habitat necessary to maintain the reproductive effort. Under their guidelines, protection of the habitat requires that disturbance at active Swainson Hawk's territories be reduced or eliminated during critical phases of the nesting cycle. These phases are identified as March 1 through August 15 annually. Disturbances that cause nest abandonment and/or loss of habitat upon which the birds depend, are potentially punishable by fines and/or imprisonment.

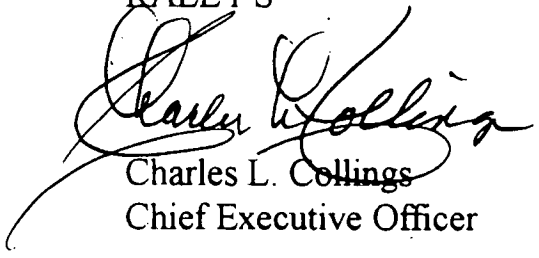
The Sacramento River Greenway Plan Draft Environmental Impact Report identifies substantial negative environment impact that would result from recreational usage of the Arabella Wildlife Property. They do not identify mitigation measures.

Please take this information into consideration in your review of the Sacramento River Parkway Plan.

My address is 6790 Arabella Way, my office phone is 373-6552, my home phone 424-5504.

Very truly yours,

RALEY'S



Charles L. Collings  
Chief Executive Officer

CLC:ebh



## THE SACRAMENTO RIVER RIPARIAN HABITAT AS A WILDLIFE SANCTUARY

Serious debates are raging about the future use of the levee along the Sacramento River. Recreationists, naturalists, residents, security personnel, and ordinary citizens have divergent viewpoints. Recreationists feel that the levee should be devoted to walking and bike trails that continue along the full length of the levee. Naturalists see a unique riparian habitat that is rapidly and permanently being destroyed by the encroachment of humans. This riparian habitat is the product of millions of years of evolution and a home to hundreds of plant and animal species. Residents who own homes along the levee have invested their life savings in these properties. They are alarmed and angry that there is an effort to take away their private property, and scared that they will lose their privacy and security if their backyards are turned into a public thoroughfare. Increased use of the levee creates additional security risks. Police can barely cope with crime in the streets and can hardly be expected to maintain effective security along the riverbank too. Is there a solution to the levee problem that will benefit everyone I think so. Read on...

First, any decisions concerning levee utilization should consider the long term consequences based on a scale of hundreds, or even thousands, of years. Without such a long term perspective we may as well eat, drink, be merry and not worry about preserving the environment for generations to come. Over the hundreds of thousands of years, plants and animals along the river have pretty much solved their problems of survival, making adjustments to floods and fires and other natural events. Many of these animals and plants can live only in this environment. Now, for the first time in history, humans have encroached into this environment on a massive scale. For some species the mere presence of humans is sufficiently disturbing to doom them to extinction. Each species has a different tolerance to the activities of humans. However, from the standpoint of the long term survival of animals and plants along rivers and streams, virtually all human activities have been destructive. Changes along the river are proceeding at an alarming rate which, if continued, threaten to destroy or permanently alter the results of thousands of years of evolutionary events. This is a very dangerous experiment with unknown consequences for the long term survival of even our species. It is to our credit that environmental impact studies are being conducted these days...but it is sad that we even have to have the concept of "endangered species" as the basis for making decisions on protecting wild life. By the time animals and plants reach the status of "endangered species" many are already doomed to extinction, never to be seen, enjoyed, or utilized by future generations. By animals I am also referring not only to those with high visibility, such as owls, hawks, and mammals, but to thousands of species that are too small and sparse to be easily seen by humans. Remember, there are two million species of insects on earth! All are beneficial in the context of nature.

Perhaps the easiest way to appreciate the true picture of Sacramento River and its riparian habitat is to fly over the area, something I've done many times. Suddenly it becomes obvious that the river with its narrow band of vegetation along the banks, is only a delicate thread winding its way through the valley. The riparian habitat is extremely limited and much has already been destroyed. To relieve our guilt feelings we as humans rationalize that the animals can "move over" or find a new place to live, thereby making space for construction projects (destruction projects?) along the river. Unfortunately, the truth is that these animals are locked into their way of life. Their only chance at survival is the preservation of the habitat in which they find shelter and food necessary for survival. We have already destroyed most of their habitat. About the best we can do now is to save the existing riparian habitats by avoiding, as much as possible, intrusion by humans. The remaining undeveloped oases of vegetation along the river represent "survival islands" where wildlife still has enough food and privacy to reproduce and survive. The best we can do now is to preserve these stretches of "undeveloped areas" along the river. Above all, it is important to reduce the presence of humans in these areas to the absolute minimum. We must apply the concept of good

neighbors if wildlife and humans are to coexist over the long term. In other words humans can enjoy those parts of the riparian habitat that have already been developed. But it seems wise to preserve the remaining stretches of riparian habitat for the long term survival of these special plants and animals that have no other place to go. Is it asking too much to divert people traffic away from these sensitive and irreplaceable natural treasures along the river to protect these "animal and plant oases?". I think that we **can** coexist with other animals and plants if we make an honest effort. Actually we **must** coexist if we want humankind to survive in a world that is of the quality that makes human life worth living.

The goal of total continuity of bicycle and walking trails along the river and levees necessarily means the loss of these precious wildlife habitats, these oases where wildlife still clings to survival. Much of the wildlife simply disappeared recently when the levee was temporarily open to the public during levee construction. When construction was completed, and access by the public was closed, the wildlife appeared again. Public access and ownership of the levee would not ensure the restoration and maintenance of the riparian habitat for all to enjoy. There simply must be areas where people are excluded if wildlife is to survive. There are already many areas of the river that are accessible by the public. To demand more is to simply display the kind of greed and "me first" attitudes that have been characteristic of the past century. Must we continue our ruthless dominance and destruction of the riparian habitat, in our seemingly endless greed to dominate and mold the environment to our ends? Must we continue to make mistakes similar to those of the past at the expense of the future? Why can't we cooperate to preserve the existing riparian areas even if this means non-continuity of bicycle trails and slightly less access to the levee by the public. As a bicycle enthusiast, I don't mind small detours onto well-marked bicycle lanes or along quiet residential streets, through parks, along canals, etc. for short stretches if this is the price that must be paid to preserve valuable habitat for trees, vegetation, and wildlife.

So what should be the future use of the levee? What would serve all interests as much as possible? First, I think that existing resources should be directed to improving security and enhancing the utilization of those sections of the river front that are already accessible to the general public. A high priority should be to preserve and protect the limited, remaining riparian habitat along the river side of the levee, land that is owned and protected by homeowners who live on the other side of the levee. In addition to preserving valuable habitat, the land would continue to generate taxes for the good of everyone. Bicycle lanes and trails that bypass the riparian habitat areas should be made safe and enjoyable. Access by the general public onto the vulnerable and valuable riparian habitat, which is also private property, should be totally prevented. This is the only way to protect wildlife which still can be viewed from the river or the opposite bank.

Remember, the levee was built for one purpose...flood protection. Certainly tax payers are getting a bargain in flood protection, whether or not they are in the areas that would be flooded if there were no levee. Recreational use of the levee is important, but it should be secondary and should be balanced with the total needs of the community. The future generations of people and wildlife deserve serious and courteous consideration by those of us who are current custodians of the environment.

### **About the author**

Dr. Gary is a retired Professor of Entomology after a 32 year career in research and teaching at the University of California. He is a biologist who specializes in honey bees.

**Norman E. Gary, PhD**

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The stated main goals of the River Parkway plan are:

1. To preserve, protect, enhance and restore the riparian corridor and its associated ecosystem and:
2. To provide public recreation access for active and passive recreational uses related to the river.

The Environmental Impact Report blithely mitigates the conflict of these two goals to 'less than significant'. We contend that these goals are in serious conflict with each other. It is impossible to turn the public loose in such a narrow band and preserve the habitat. I refer you to Dr. Norman E. Gary's treatise on "The Sacramento River Riparian Habitat as a Wild Life Sanctuary". Dr. Gary is a retired Professor of Entomology and spent 32 years in research and teaching at the University of California, Davis. I urge your careful consideration of his comments prior to approving the EIR and the Parkway Plan.

Those of us living on the levee had 2 years during the recent re-construction to observe what happens when the public has unlimited access to the levee. The Corps of Engineers dutifully posted vehicular access points with "hard hat area, keep out" signs. The City did nothing at the pedestrian access points. Hundreds and hundreds of people and unleashed dogs tramped through the area of operating equipment and trucks. Very few even glanced at the river. They were too busy looking at us -- and leaving a trail of debris in their wake.

Skunks, raccoons and opossums vacated their levee home and many proceeded to make their homes under our homes and in our attics. According to friends they migrated as far as Riverside Blvd. and So Land Park Drive. Fortunately, the creatures large and small have mostly returned to their levee habitat. They weren't driven away by the heavy equipment working only a small area at a time but by the vast numbers of people and dogs who were there day and night.

Please, let's not drive them away forever. There are viable alternatives to a plan that calls for a continuous parkway along the river. Let's not totally destroy a very narrow riparian habitat.

Thank you. B.J. "Mac" McKinnis 643 Brickyard Drive, Sac. CA 98831  
391-1334

25 October 1996

TO: Scot Mende  
& Gary Little  
FROM: Charlie Zell

FAX 264-8329  
FAX 264-7643  
441-0428

Subject: Comments on Staff Report for Planning Commission on 17 October.

These comments do not require any response from you. They represent some of my thoughts as of the day I have written them. The comments are in the same order that the subjects are in the Staff Report.

Page 1

SUMMARY last sentence. It is difficult to separate something that is a vision, fancy, daydream, or wish list. Since the Parkway is a facility of which a large portion does not exist as such, its implementation will require capital funds. The Plan is so vague on funding I cannot see how the Plan addresses implementation.

Page 2

1) last line. this comment also applies to other references to equestrian use. If the staff did a little examination of the actual topography along the levee, it can be readily seen that it would be physically impossible to provide any kind of separate equestrian trail without the removal of single family homes and apartments. Why keep people in suspense when further studies would show what is already self evident.

Page 3

Top of page reference to "non-paved". Although I do not have the Plan in front of me, I believe that this is the first time reference is made to non-paved surfacing. It should be noted that non-paved surfacing creates dust with use. I do not believe that this was addressed in the DEIR. Since the trail will have family use with children, it should be noted that tumbles on non-paved surfacing produces more skin abrasions than a smooth paved surface as presently exist along the Sacramento River.

Riverfront District. The definition is vague, and when compared with existing development it must mean that anything goes. This land use definition is inconsistent with the objective for a continuous trail within view of the river. If this definition was developed because of the high cost

of buying existing development, it not consistent with the plan for the Little Pocket and Greenhaven areas.

Goals and Policies, first paragraph, last sentence. In reference to "erosion" it should be noted that there are presently serious erosion problems on public and private lands that are not now being addressed and need immediate attention. Funding for corrective actions are not in the City budget or the Plan.

Second paragraph, Off-Street trails. This is not consistent with the plan for the Natomas area (Garden Hwy.). Between Garcia Bend Park and Discovery Park a simple review of the topography shows that the length and width of the interrupted berm makes any consideration of the berm as a trail a fallacy. See remarks above about equestrian.

Third paragraph Interim Bypass Route. For the Little Pocket area there are two alternatives not addressed in the Plan. or DEIR. One is in conjunction with the hotel development at the Captain's Table, have the proposed river taxi to ferry bicyclists across the river so that they can use the existing facility in Yolo County. The other is to construct a Class I bikeway on the east side of Riverside Blvd. using State and City right-of-way between Captain's Table Way and south of 35th Ave. This bikeway would require the removal of some landscaping and the relocation of a portion of the sound wall which is not up to current State standards.

Page 4

Second paragraph - Public Safety. In reference to steep slopes the only way to protect the public is by a fence or barrier on the levee. Such fences and barriers are not permitted by State regulations. It should be noted that fences or barriers are not provided along the trail between Miller Park and the Captain's Table where the edge of the trail is right next to steep slopes.

Third paragraph -Security. The problems of trying to close the Parkway will be more difficult than the present problems at Miller Park. The trail between Richards Blvd. and Old Sacramento should be open at all times and lighted so that the visitors staying in motels on or near Richards Blvd. can have a safe route to and from Old Sacramento.

Fourth paragraph, Natural & Cultural Resources. Limiting public access to areas of high habitat values can only be done by fences. Where these fences are needed, such fences are not permitted by State regulations. The plan does not identify these sensitive areas.

## Implementation of the Plan

First paragraph - The implementing cost is not known. The Plan makes inferences as to fund availability, but the issue is not adequately addressed in the Plan. Just looking back at the past 20 years, only the easiest portions have been implemented and practical no City funds were used. All of the land acquired was from developers or developers funding. The real hard issues of funding is not really addressed in the Plan.

The reference to the fact that the Little Pocket and Greenhaven areas are not considered as a high priority is not consistent with the statement elsewhere in the report that gives priority to the acquisition of a nature study area. That area is in the Little Pocket area but is not clearly identified as such.

Last paragraph, PIA. The staff report nor the Plan does not discuss the negative aspect the PIA concept as it applies to the Parkway. The PIA designation to a parcel represents a significant negative impact to a potential buyer who is considering buying a home for their life time. If the City purchases a property, it and the SHRA do not have the infrastructure for the management and maintenance of the property. As river frontage becomes rarer the value of the land will escalate as there is no place else in the Sacramento area with the same amenities. There would be only three types of willing sellers. 1) an uninformed person who does not realize the intrinsic value of the property such as an heir. 2) An owner who panics at the thought of the Parkway being on their [property, and 3) A vindictive person who would hates their neighbors.

## Page 5

Third bullet. This is the understatement of the year. The work "may" should read "will". The plan is devoid of any discussion or analysis of future City fiances and funding specifically oriented to the Parkway.

Last check mark at bottom of page. See my remarks above. It should be noted that this portion of Riverside Blvd. has less traffic than it had 20 years ago.

## Page 6

First check mark at top of page. The word "perhaps" should be deleted. What about existing public access points such as at Benhan Way?

In reference to "waterside" see my remarks above.

Acquisition Strategies. See my remarks above on PLA.

Riparian Vegetation Protection. This is an entirely new issue. The need for this is not discussed or justified.

Next to last paragraph. The reference to 10 feet is not consistent with the drawing in the Plan that shows a much greater width.

Last paragraph in reference to PIH. If percentage is to be computed, it should be based upon a distance measure along the centerline of the levee crown between property lines. This will clarify any confusion for odd shaped parcels and where property lines are not at a right angle to the levee.

#### Page 7

1) under first bullet. The use of the word "area" is not clear. It should be noted that area is measured in square feet or acres. It appears that what is intended is a lineal measurement. See my remark for the previous page.

#### Page 8

First paragraph. See my remarks above relating to willing seller. It should be noted that the Plan definition of Nature Study includes trails.

Second paragraph. See my comment about actuation and past accomplishments. It would be more realistic to completely eliminate any designation in the Little Pocket area for at least the next 50 years.

Tree Preservation. This is an entirely new issue to the Plan. The need for the additional designation has not been demonstrated or justified.

#### Page 9

First full paragraph. In reference to "Little Pocket habitat", if this land is acquired, it should not be used in computing the PIH threshold.

Neighborhood Access Points. I do not know where the Sleepy Rive Access point is. It is not shown on any attachment. Neighborhood access points must be ADA accessible as a resident in a wheelchair is more likely to use the facility rather than a non-resident who has to drive to the Parkway. Whiter designated as an access point or not the Parkway is accessible to the public where it is adjacent to a cul-de-sac or a circle. The plan does not discuss these de facto access points.

Page 10

Last sentence in paragraph at top of page. The modification is endorsed, but may be difficult to do. In reference to the levee where the Parkway is planned is zoned "flood plain". At this time I do not know the land use designation in the General Plan. Possible conflicts should be clarified.

Second full paragraph. The word "City Plan" should read "Parkway Plan" as "City Plan" is not clearly defined.

Fencing policies. I believe that the correct title is State Reclamation Board. Since "high water" is not defended, the area under the jurisdiction of the State Lands Commission would be better defined as the "public trust" area. The number of cross levee fences and gates is determined by the State Reclamation Board and there is no need for mention in the Parkway Plan.

Page 11

Paragraph at top of page. The Riverside Blvd. site is one I have frequently brought to the staff attention, but there are other fishing sites too. Fishing sites should be clearly shown on the plan. Since fishing sites are difficult to make ADA accessible along the river, this issue needs further exploration.

Page 12

Equestrian Groups. See my related remarks above. The staff should have the guts to address this issue straight on. If the staff recommends further study, then funds for the study should be in the next City budget.

Alternative C. This paragraph is confusing as it talks about private land and Parkway development. The staff report clearly states that Parkway development only applies to public land.

Attachment A

This map does not have a legend and the meaning of the different lines is not clear.

Attachment B

If the bypass route is shown, it is not clear.

- The modifications to the Bikeway Plan is not shown or discussed.



# FRIENDS OF THE SACRAMENTO RIVER GREENWAY

Testimony presented to the Sacramento City Planning Commission  
November 14, 1996

Anne Rudin, representing Friends of the Sacramento River Greenway, speaking in support of staff recommendations for the Sacramento River Parkway Plan.

**Who we are:** a broad , community based coalition of more than fifty groups and individuals formed about four years ago for the following purposes:

- to support the development of greenways for recreational uses and habitat preservation;

- to prevent uncoordinated urban development that would put at risk the assets of the Sacramento River that are essential for water quality, a sustainable ecosystem with its biodiversity, and the natural beauty of a waterway that belongs to all the people.; and

- to bring all interests and parkway users together: bicyclists, hikers, joggers, equestrians, nature lovers, and others who appreciate this very valuable asset.

**Historical background:** A parkway along the banks of the Sacramento River is not a new and recent idea.

Late sixties: When Sacramento County general Plan was adopted with the new American River Parkway, there was envisioned a continuous trail from Discovery Park to Folsom, along the Folsom South Canal to Dry Creek, west to the Sacramento River and thence north to Discovery Park. Money was not available for land acquisition, therefore the entire route was never accomplished.

The proposal is balanced and fair. It provides assurances and protection for property owners. Its short term strategies and mitigation measures are reasonable.

We are willing to accept this compromise, but we strongly urge that the long range goal of continuous public access be maintained and that the maps so indicate. However into the future it may be, it is essential that the line be kept on the map in order for the City of Sacramento to qualify for funds from state and federal sources.

**Value to the community and region:** It has already been established that rivers, parkways and greenways enhance the attractiveness of a city, increase property values, and bring other economic as well as esthetic benefits.

A study of the Burke-Gilman Trail in Seattle states that real estate agents who were interviewed regarded proximity to the trail as an amenity that helped to sell property. It attracts buyers and caused property values to increase.

In the same study, done by the Seattle Department of Engineering, Office for Planning, police who were interviewed found no greater incidence of burglaries and vandalism along the trail, showing that fears of increased crime were unfounded. In general, residents along the trail saw few problems and were very positive about the improved quality of life that the trail brought.

Another report, published by the National Park Service, cites city after city that realized increased valuation of homes because of proximity to greenways, as well as economic benefits that inure due to increased demand for sporting goods, sales of equipment and other services to trail users.

**Summary:** Friends of the Sacramento River Greenway supports the *staff* proposal for the Sacramento River Parkway. We believe that it will have a positive effect on the area as a whole with many benefits to the people who use it, the economy of the area and the image of Sacramento as a city that values and protects its natural resources and amenities.

1825 Garden Highway  
Sacramento, CA 95833

November 14, 1996

Mr. Scott Mende  
City Planning Division  
1231 I Street, Room 300  
Sacramento, CA 95814

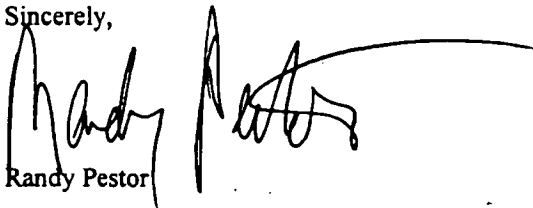
Dear Mr. Mende:

After reviewing the Sacramento River Parkway Plan (M91-006), I have the following comments:

1. The Sacramento River Parkway Plan for the Natomas area (page 48) shows a "proposed off-street trail" adjacent to the Garden Highway (this is also consistent with the city/county bikeway master plan for the South Natomas area). To implement the plan, the development strategy (Table 6-2, page 80) must reference this needed trail. Also, the cumulative cost summary for parkway development activities (Table 6-3, page 81) should delete the reference to "no trail proposed" for the South Natomas - Discovery trail segment and include a trail development cost estimate for this trail.
2. Under "acquisition methods" (page 71), the "dedication" method states that the city "pays the market value of the land based on an appraisal." This statement should be deleted because the city should not pay for land that is dedicated.
3. The plan (page 27) states "No General Fund monies will be used for the Parkway." Because some General Fund monies may be needed, this statement should be deleted.
4. The plan includes an excellent description of existing and potential funding sources (pages 82 to 84) and public/private partnership opportunities (pages 84 to 85) to implement the plan. It would be helpful to identify the expected funding sources and partnership opportunities, as well as the acquisition methods, that will be used to implement the proposed activities identified in Table 6-2 (page 80) and Table 6-3 (page 81).

The Sacramento River is an important asset in the city. The river does not "belong" to those residents who are fortunate to reside near it. Actions by city officials and staff to effectively implement the Sacramento River Parkway Plan should help to ensure that this asset is available to all city residents and visitors.

Sincerely,



Randy Pestor

# Sacramento River Parkway Advocates

425 Camelia River Way \* Sacramento, CA 95831 \* 916/427-7095

October 24, 1996

Planning Commission  
City of Sacramento  
1231 I Street  
Sacramento, CA 95814

Dear Planning Commissioner:

More than 30 years ago the County of Sacramento had the foresight to plan for what is now the American River Parkway. A master plan was developed to identify public uses of parkway land and to preserve their beauty, wonder and accessibility. The parkway has become a center of many organized and informal community activities.

Today, the City of Sacramento has the opportunity to implement the vision of a Sacramento River Parkway. The Sacramento River offers many of the same amenities that exist in the American River Parkway. We look forward to sharing this wonderful resource with all City residences. With your approval of the Sacramento River Parkway plan this vision will become a reality.

Sincerely,



Dale A. Secord

cc: Mayor Joe Serna, Jr.  
Scot Mende, Planning Department

Enclosure

## Sacramento River Parkway Fact Sheet

*Have you ever thought how nice it would be to have continuous public access to the Sacramento River, with a multi-use trail from South Natomas to Freeport?*

The City of Sacramento in cooperation with the State Lands Commission is updating the existing plan adopted in 1975 for the Sacramento River Parkway.

### **What do the Sacramento River Parkway Advocates propose?**

The Plan should provide for a continuous multi-use path, picnic areas with fishing docks and restroom, and general access points from South Natomas to Freeport.

### **Who opposes this?**

A small vocal group of residents along the Sacramento River in the Greenhaven/Little Pocket area is opposing the completion of this project to the exclusion of the residents in the Greater Land Park/Pocket/South Sacramento and Greater Sacramento Areas.

### **Who owns the levee?**

The City of Sacramento and other public agencies own about 70-75% of the levee within the city boundaries. Private ownership is mainly limited to two areas: the Little Pocket area and a 2-3 mile section from Zacarias/Seymour Park (near Riverside Blvd and 43rd Ave) south to Arabella Way (½ mile north of Garcia Bend Park). Property tax of all Sacramento area residents is used to maintain these levees.

### **What are the concerns of those land owners?**

- \* **Privacy** Homeowners have expressed concern that users of a multi-use trail on the levee would be looking directly into their backyards. We have advocated planting of landscaping to shield views. We also advocate use of the berm on the river side of the levee when possible to minimize potential problems.
- \* **Security** Homeowners have raised the concern about possible trespass across private property, vandalism and burglary. We advocate installation of solar cellular phones along the trail and active surveillance and patrolling by law enforcement personnel. We also support landowners using deterrent fencing and landscaping. Studies of similar trails indicated that crime does not increase due to trail use. The Sacramento Police have stated that this trail would likely cause less crime than local shopping areas.
- \* **Funding** Those opposed to the Parkway have claimed that in these tight financial times the City cannot afford to buy the private land and build a multi-use trail. Special federal transportation funds have already been granted for construction of the southern portion of the multi-use trail (from Arabella Way to Freeport). We advocate a phased purchase and development approach for completion of other sections of the Parkway, consistent with future funding opportunities.

# Sacramento River Parkway Advocates

## Comments on the Final EIR

1. The Sacramento River Parkway Advocates have reviewed the Final Parkway Plan Environmental Impact Report (EIR). It is important for the Planning Commission and City Council to remember that this is a program EIR not a project EIR. The program level EIR documents that most of the potential environmental impacts are less than significant or could be avoided through careful planning and implementation of mitigation measures.

As pointed out in the EIR, the environmental process should assist decision-makers and the public in 1) identifying the most environmentally responsible alternatives and, 2) making informed decisions regarding means to mitigate impacts regardless of the alternative plan chosen for implementation.

2. We do not agree that Alternative B (Remove Off-Street River Trail from Captain's Table to the Pocket Canal) ameliorates the potential environmental impacts assumed to occur with the proposed project. This Alternative is just a transfer of any problems from one trail to another.

The City Planning staff suggests that since the present trail alignment along the Pocket Canal already exists that Alternative B would not transfer the potential problems to that trail. If and when other segments of the Sacramento River Parkway trail are constructed (e.g., Freeport to Garcia Bend) trail use on the Pocket Canal will increase if the remaining Greenhaven/Pocket River levee trail is not constructed.

3. It should be remembered that the Final EIR (page 23) concludes "that land use and public safety impacts could be reduced to less-than-significant with the application of the policies included in the Plan coupled with the additional mitigation measures included in the DEIR."

4. Many of the letters from those opposed to the Sacramento River Parkway commented on the merits of the proposed Plan and not on any environmental impacts. Those opposed to the Parkway were unable to substantiate any unavoidable adverse environmental adverse impacts or that the EIR was inadequate.

**The Sacramento River Parkway Advocates recommends that the Planning Commission and City Council certify the EIR.**

# Sacramento River Parkway Advocates

## Comments on the October 17 Staff Report

1. We do not support the Yee/Kastanis proposed PIA language. The language in the Parkway Plan (page 60-61) was a compromise from the Parkway Working Group and recognizes the practical limitations to developing portions of the Parkway, yet maintains the vision and goal of a continuous trail on the levee. The Yee/Kastanis proposed language would be unduly restrictive.
2. We do not support the Yee/Kastanis proposed language with regard to the use of eminent domain that restricts its use only after 51% of the lineal area has been acquired by public agencies. This would foreclose the opportunity to purchase the properties should federal or state acquisition funds be available.
3. We support the present consideration of 51%. The suggested 60% is unduly restrictive.
4. We recommend the acquisition language (page 71-72) be modified to include:  
The City should have the first right of refusal to purchase an easement or fee simple title at the time of sale of properties.

In a real estate study performed by the Sacramento River Parkway Advocates, it was determined that over 75% of all the privately owned parcels have been sold at least once since the original Parkway Plan was adopted in 1975. We can expect these privately owned parcels to continue to be sold. This new acquisition language would allow the present owners to continue to retain private ownership of the levee. Changes in ways property is regulated are often implemented by cities and counties at the time of change of ownership. This provides a fair compromise to present property owners but still moves the City towards accomplishment of the goal of implementing a continuous Parkway.

5. The Plan should retain the concept of a continuous *riverside* trail to maximize the recreation, scenic, and access opportunities afforded by the River.
6. The City needs to evaluate the adequacy of the proposed Interim Bypass Route with regards to the bicycle facility standards. There are numerous locations where the Seymour Park/Canal Trail does not meet safety standards and there are segments which need substantial upgrades due to broken asphalt surfaces.
7. We have previously proposed an Interim Bypass Route and would again like to have the Planning Commission and City Council consider and approve it. We recommend that a Class II bike route be established on residential streets adjacent to the Sacramento River levee in the Greenhaven area and the City acquire right of way on a vacant lot near the Elk Lodge. This Class II bike route would include the following residential streets: Clipper Way, Brickyard Drive, Riverlake Way, North Point Way, Driftwood, Surfside Way, Benham and Arabella Way.

8. Private Inholding Area (PIA) boundaries. We strongly recommend that the area from Arabella Way south (downriver) to Garcia Bend be excluded from the Greenhaven PIA. The rationale for exclusion is: there exists federal ISTEA funds to construct a bicycle trail on this portion of the levee, there are logical public access points at each end of this segment of the Parkway trail, and there are only a couple of private properties within this long segment.

9. Recommended Parkway Implementation Priority and timetable:

**Immediately**

- A. Initiate purchase of remaining private properties between Arabella Way south to the Garcia Bend.
- B. Construct Class I bikeway (using existing federal ISTEA grant) along Sacramento River levee from Arabella Way south to City limits.
- C. Purchase Elk Club property and implement a Class II bike route along residential streets parallel to the Sacramento River.

**Within 5-10 Years**

- A. At time of resale of properties or from willing sellers purchase fee title or easements on levee in area between Arabella Way north to Seymore Park. When 51% lineal area is within public ownership and funding is available initiate eminent domain to acquire remaining levee.
- B. Construct a Class I bikeway.

**Within 10-20 Years**

- A. At time of resale of properties or from willing sellers purchase fee title or easements on levee in area between Seymore Park north to Captains Table. When 51% lineal area is within public ownership and funding is available initiate eminent domain to acquire remaining levee.
- B. Construct a Class I bikeway.

**The Sacramento River Parkway Advocates recommends the Planning Commission and City Council approve the Sacramento River Parkway Plan including the goal of a continuous riverside trail and an acquisition policy which includes city exercising first right of refusal at the time of sale of properties.**



November 13, 1996

Dear Board Members:

As an avid bicycle enthusiast, I ride my bike an average of 6-8000 miles per year. To have a bike trail at my front door would be fantastic. What could be more convenient for me and my family. At the beginning I thought this would be so wonderful, but as I thought about this I began to remember problems. Litter, kids throwing rocks at my van and house making dents in the garage door, stolen bicycles out of garages, etc. These are things that are happening with limited access. What can I expect with unlimited access?

Two years ago when the moisture barrier was being installed along the levee, theft along this area seemed to drop dramatically. I can only refer to the Pocket News paper and their lack of reporting of crimes in this area. Since the levee retrofit, crime has increased again along the levee ribbon. Can I expect more crime and vandalism with the new unlimited access of the trail?

I use the Canal bike trail and it works very well. Along the Canal bike trail I see some litter that thoughtless people leave. The City has on a regular basis crews to cut the lawns and pick up the trash. Who will do this on the proposed bike trail? My neighbors and I maintain about 275 feet of the levee, next to the road, and are constantly picking up after passers by. I don't want to have to pick up more trash.

In the preliminary plans, I did not see where there are more police patrolling the area, there weren't more maintenance crews picking up the trash. I'm proud of my area, I would like to keep it that way. I live in an area that is very diverse, and I am not the type of person to say I have mine so every one else stay out. Safety for my family and neighbors is very important to me, and I will sacrifice my cycling convenience for their well being.

Thank you for your time.



Andrew Hiroshima  
353 Country River Way  
Sacramento, CA 95831

*Anna F. O'Neil*  
686 Riverlake Way  
Sacramento, California 95831  
(916) 391-6274

November 13, 1996

To the Planning Commissioners:

Rita Donahue  
Sheldon Duruissear  
Phil Harvey  
Patrick Kennedy  
Lee LaChappelle  
Linda Myers  
John Valencia  
Ken Wemmer  
Joseph Yee

Dear Commissioner:

The enclosed represents my reactions and concerns regarding the Updated Sacramento River Parkway Plan and the subsequent DEIR.

There are many issues involved, as this is a complex situation which involves many people and the riparian habitat along the Sacramento River.

Many people would be much prouder of Sacramento if they could say "Sacramento has a Riparian Habitat Preserve" Vs another bikeway. In 1973-5 the plan was a Bikeway Plan. In 1995 the plan was re-named "Parkway", including the bike trail. The bike trail has been the major focus until many people began to bring up the fact that some endangered species live in the area, and now the emphasis has changed.

Sacramento would be a leader in the field if our City could proudly publicize that a part of the Sacramento River-front has been set aside to be a Riparian Habitat Preserve.

My recommendation is: Do not approve the present plan nor the DEIR nor the EIR at this time. Send it back to the planning group, add some environmentalists to the group, and re-do and re-name the plan again.

Sincerely,



Dr. Ann L. O'Neil

TO: Mayor Serna and City Council Members

DATE: November 14, 1996

FROM: Diane Truly

SUBJECT: Sacramento River Parkway Plan

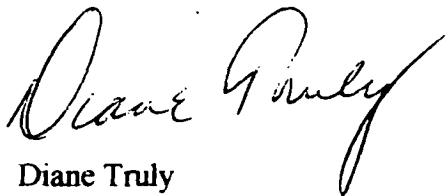
I submitted a Comment Form on the Sacramento River Parkway Plan Draft EIR (Letter 17 in the final EIR). In it I expressed my belief that approval of public access would cause a reduction in property values of the affected properties. Staff dismissed my concerns with the following statement: "No clear cause and effect can be established between implementation of the trail system and a loss of property values..."

It is difficult for me to understand why anyone would doubt that property values were going to be adversely impacted by the loss of privacy that will result from having people able to walk above a property and peer into the back yard. Part of the enjoyment of property is the ability to be in one's own backyard without large numbers of people able to see in. I bought my house in 1994 and paid \$520,000 for it which was validated to be an appropriate price by an independent appraisal. Part of its appeal was the spacious back yard with its feeling of a tranquil retreat. I would not have paid as much had it been open to the view of the public.

If the levee is opened to the public I will put my house on the market and the market will determine if I am right. Property values have been stable since I purchased the house so there are no other factors to consider.

I will then expect the City to make me whole. If my experience validates my concerns and shows a decrease in value I am sure other homeowners will use my loss to provide substantiation of their losses as well.

I have no problem with whatever is decided so long as the affected property owners are properly compensated and I believe you will do the City a disservice if you approve this Plan without recognizing the true cost of it rather than accept staff's reassurances which have no foundation and are contrary to common sense.



Diane Truly  
925 Piedmont Drive  
Sacramento, CA 95822  
(916) 444-7763

Presentation by  
Charles E. Zell

Sacramento Riverfront  
Association  
Little Pocket Neighborhood  
Organization  
Concerned Citizen &  
River Front Property Owner

City Planning Commission  
14 November 1996

# ENVIRONMENTAL IMPACT REPORT

## **The EIR is inadequate.**

- The City did not provide the proper amount of resources in proportion to the importance of the project.

- Environmental issues were dealt with in generalities.

- Environmentally sensitive plants, fauna, & wildlife were not specifically located & evaluated.

- The mitigations are not realistic or enforceable.

- Other future EIR's was only vaguely addressed with the frequent use of the word "may".

**The EIR should not be certified. An entirely new EIR is needed.**

# Sacramento River Parkway Plan Draft

## **The plan is inadequate & deficient.**

1. The City did not provide adequate resources to properly update the 1975 plan.
2. The plan stresses bikeway continuity, but present emphasis is riparian restoration and preservation.
3. The plan is called visionary, but it is difficult to separate the vision from fantasy.
4. The accomplishments and lack of accomplishments in the past 20 years are not really reflected in the plan.
5. The plan is not consistent:
  - a. The bikeway (trail) is not always directly along the river:
    - On the Garden Highway
    - Through Old Sacramento
    - R Street to Miller Park
6. The plan is not in agreement with the adopted Sacramento River Front Plan.
7. The plan calls for a "multi-use" trail, but restricts types of users.
8. The plan is really a specific plan rather than a policy document.
9. The plan is called a policy document because the staff failed to do any real planning in the past 20 years.
10. It shows specific facilities at specific locations but claims the location of the trail is unknown.
11. It covers a very narrow strip of land at a very specific location.
12. The needs of fishermen are not addressed.
13. In the preparation of the plan -

- a. All existing resources were not used.
- b. A survey of existing facilities was not made.
- . A survey of existing recreational uses was not made.
- d. A survey of environmentally sensitive items & areas was not made.

14. The plan presents some totally invalid or non-feasible concepts.

**The plan should be returned to staff for major revisions to make it realistic and practical.**

## **Recommended plan revisions.**

1. Remove all reference to a trail on or near the Garden Highway except for a Class III bike route on the street.
2. Include an all weather bicycle crossing of the American River flood plain.
3. Have the trail lighted between Richards Blvd. and Old Sacramento.
4. Do not show any bikeway through Old Sacramento.
5. Show a bike/pedestrian traffic signal across Capitol Mall at the Tower Bridge.
6. Bring the plan in o agreement with Sacramento River Front Plan.
7. Conduct a feasibility study at Broadway to avoid a circuitous routing of the trail.
8. Designate a Class III bike route through Miller Park.
9. Provide off-street parking at the end of Sutterville Road.
10. At the Captain's Table:
  - a. Show a rest area and bicycle service facility on the east side at the end of the existing bike trail.
  - b. Route the trail adjacent to the freeway right-of-way to Riverside Blvd.
  - c. Show a water taxi with service to Yolo County and Old Sacramento.
  - Captain's Table to south of 35th Ave.
  - d. Eliminate any reference to any trail.
  - e. Route a Class II bikeway (bike lane) on Riverside Blvd.
  - f. Conduct a feasibility study of a Class I bikeway (off-street) next to the freeway sound wall.
  - g. Delete any reference to any facilities at the old DeRosa marina.
  - h. Eliminate the nature study area for Chicory Bend.

11. South of 35th Ave to Seymour Park.
  - a. Use existing trail on levee.
  - b. Designate access point south of 35th Ave. as a major access point with off-street parking & handicapped access.
  - c. At same location designate as fishing area.
  - d. Near "The Trap":
    - Provide off-street parking.
    - Provide path or steps from Riverside Blvd. to top of levee.
    - Designate existing paved ramp as bike and handicapped access.
    - Designate as fishing area.
12. Seymour Park to Pocket Canal pumping plant.
  - a. Eliminate any reference to a trail on private property.
  - b. Where the levee is publicly owned and is accessible from a public street, designate as neighborhood access with handicapped access.
13. Pocket Canal pumping plant to north of Freeport.
  - a. Designate top of levee as the trail site.
  - b. Same as above for neighborhood access.
  - c. Other access points and facilities shown in the plan are OK.
14. At Freeport.

Since the Sacramento Southern Railroad tracks occupy the entire top of the levee and there are no off levee sites, this area needs additional

## study. **General comments.**

1. If trail is to be used by both pedestrians and cyclists, the pavement should be at least 14 feet wide.
2. Fencing & landscaping should be consistent with State regulations.
3. All reference to equestrian use should be deleted.
4. Dusk to dawn is too vague. There should be stated seasonal hours.
5. "private inholding areas" concept should be eliminated.
6. City Council must pass a resolution before the public is permitted to use any publicly owned land or easement on the levee, shall certify that the City has adequate resources to operate, maintain and police the area in a clean and safe condition, and that the City holds the underlying property owner harmless for any liability relating to the public use of an easement.



# Staff Report

1. No justification or reason is given for the change from a surfaced trail to an unsurfaced trail. Considering potential dust, and the characteristics of the users, the trail should be surfaced.

2. No justification or reason is given for the need for inclusion of the heritage tree provision in the plan and the additional heritage tree classification. No changes are needed.

## CONCLUSIONS

1. The EIR should not be certified, but returned to staff for a completely new report.

2. The draft plan is totally inadequate and should be returned to staff for major revisions.

3. The City should budget adequate funds so that the Parkway Plan and EIR can be properly done.

4. The City Council shall designate as an interim measure:

a. No parkway designation on private property.

b. Any trail or bikeway on the levee between Captain's Table and Garcia Bend Park except where a trail or bikeway is presently maintained by the City.

DENNIS W. DE CUIR  
STUART L. SOMACH

## DE CUIR & SOMACH

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DAVID S. KAPLAN  
OF COUNSEL

November 14, 1996

HAND DELIVERED

Chairman Ken Wemmer and  
Members of the Planning Commission  
City of Sacramento  
1231 I Street  
Sacramento, CA 95814

Re: Sacramento River Parkway Plan (M91-006)

Dear Chairman Wemmer and Members of the  
Planning Commission:

Thank you for the opportunity to submit comments pertaining to this important project for the City of Sacramento. For reasons that I will make clear in the following analysis, a number of serious concerns continue to exist that necessitate this critical evaluation. It is my hope that upon reflection, you will agree that it is inappropriate to certify the environmental impact report and approve the Parkway Plan at this time, at least until these concerns can be addressed in a meaningful manner.

This firm represents the Sacramento Riverfront Association ("SRA"), an unincorporated association of approximately 180 homeowners and residents located generally in an area along the Sacramento River between the Captain's Table and Garcia Bend Park. For many years, SRA members have participated extensively in the development and refinement of the Sacramento River Parkway Plan (the "Plan"), the accompanying environmental review, and several related land use plans for areas along or in the vicinity of the Sacramento River.

Although the Plan represents a great deal of time and effort on behalf of many individuals, including my clients, there remain a disconcerting number of

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deficiencies with respect to both the Plan and the accompanying environmental review. The following analysis focuses on certain major problems with the proposal now before you. It should not, however, be considered in isolation. For a comprehensive assessment of the project's deficiencies, please refer to the comments, correspondence and testimony previously submitted in response to the Plan and the environmental impact report for the Sacramento River Parkway Plan Update (SCN:93102086) (the "EIR"), which are incorporated in their entirety by reference herein. These include, but are not necessarily limited to comments prepared by the Sacramento Riverfront Association, Mr. Phil Hiroshima, Mr. Charles Zell, Mr. Dennis MacIntire, Ms. Janet Gordon Boyer, and Harriet and Mac McKinnis.

A. General Considerations:

1. In discussing the "Delineation of Public/Private Boundaries" on page 10 of the October 17, 1996 staff report, it is noted that the City does not intend to increase public use with respect to certain sections of the levee. It is acknowledged, however, that this particular unintended consequence may actually occur. The response given is that:

Ultimately, the City Plan will provide that protection of private property should be accomplished through signage and fencing or landscaping parallel to the levee toe or on the levee crown. (Staff Report, p. 10.)

While this solution may prove feasible in the long-run, it completely fails to take into account the City's short-term responsibility to landowners being trespassed against, or otherwise victimized by unlawful public uses. In addition, it is equally likely that this proposed solution will not prove feasible over time, in which case the harm will continue unabated.

2. As a means of dealing with the safety/privacy issue assessed in comment A. 1, above, the staff report on page 10, further indicates that private fencing is acceptable as long as there are no short-term plans for the acquisition of recreation easements. In addition to the question of why private landowners should have to pay for fencing to mitigate impacts resulting from a public project, there is no explanation of what form the mitigation or substitute mitigation will take for areas in which recreation easements are planned beyond the short-term.

B. Environmental Impact Report

With respect to the EIR being considered by the Planning Commission for certification, SRA submits the following additional comments:

Draft EIR

An alarming number of legal deficiencies continue to exist in the draft EIR ("DEIR"). Unfortunately, these were not adequately dealt with in the final EIR's responses to comments, nor were appropriate changes made to the text to ensure legal sufficiency. As a result, certification of the EIR is premature at this point.

A general point of concern involves the DEIR's Table 2-1, Summary of Major Impacts and Mitigation Measures (the "Summary Table"). Such summaries are required in accordance with § 15123 of the CEQA Guidelines (Title 14, California Code of Regulations § 15000 *et seq.*), and are designed to provide the reader with a clear vision of the EIR's impacts and mitigation measures. The table is supposed to provide a means by which individuals and agencies can avoid a comprehensive review of the EIR, but nevertheless gain an understanding of the project and the environmental issues.

Unfortunately, the Summary Table in this DEIR is often indecipherable. The impacts and mitigation measures frequently do not match what should be the corresponding impacts and mitigation measures in the text of the DEIR. This results in a confusing and internally inconsistent document that does not meet the expectations of CEQA, particularly Public Resources Code § 21003(b), requiring the EIR to be meaningful and useful to the public and the lead agency. (See also Guidelines § 15123(a).) In some instances, this problem required us to segregate the critical analysis presented in this correspondence to separately identify deficiencies in the Summary Table from those in the body of the EIR. To the extent this approach is duplicative, please accept our apologies, but in the interest of thoroughness, it was necessary.

1. The document wrongly attempts to defer determinations regarding certain impacts and specific analysis of mitigation measures. The EIR states:

Analysis at the design stage will include further analysis of the mitigation measures, and the impacts associated with those measures as well as the direct impacts associated with construction of Parkway facilities.

(DEIR, 1-2.)

While it is acceptable not to analyze project-specific mitigation measures at the program EIR stage, it is unlawful for the agency, under these circumstances, to defer mitigation that is applicable to and appropriate for the program. It is equally inappropriate to defer the complete and thorough analysis of any environmental impacts capable of being addressed at this time. (*See Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 728 (agency's failure to determine the present feasibility of mitigation is a legitimate basis for invalidating an EIR); *see also Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296.)

2. The DEIR notes on pages 2-3 and 2-4, a point of controversy regarding the option of equestrian trails. "[T]he EIR assumes that equestrian uses could be allowed but only after a subsequent feasibility study." (Emphasis added.) No identification of impacts or mitigation measures is attempted with respect to this possible future use.

If future equestrian uses are allowed upon completion of a feasibility study and nothing more, then there are no subsequent discretionary government actions that will trigger CEQA review. Consequently, equestrian activities will have entirely avoided environmental review.

3. The Summary Table identifies impact 6.5-8, pertaining to special status species. While the impact is deemed significant, the mitigation proposal relies in part on implementing mitigation measure 6.5-1. This is illusory, as impact 6.5-1 is insignificant at the program level, and no mitigation measures are even proposed. *See*, DEIR, 6.5-14 to 6.5-15.

4. Impact 6.6-3 (Summary Table) states that no water quality impacts are anticipated due to the absence of new marinas in conjunction with the project. Impact 6.6-4, however, clearly stresses that litter/debris from boats is a problem requiring mitigation. These conclusions are completely inconsistent. Either boat, or marine vessel-based litter and debris must be mitigated, or there is no significant boat/marine vessel impact, and mitigation is not necessary.

5. Impact 6.2-2 (Summary Table) is significant based on the multiple uses proposed for the trail. (DEIR, 6.2-15 to 6.2-19.) The designated mitigation measure, establishing a Task Force, to develop standards for equestrian use, constitutes uncertain and unconfirmed future mitigation that violates the rule established in *Sundstrom, supra*, 202 Cal.App.3d at 306-308, prohibiting the deferral of environmental assessment and the identification of mitigation measures until after project approval. (*See also Kings County Farms Bureau,*

*supra*, 221 Cal.App.3d at 728; *Oro Fino Gold Mining Corporation v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884-885; and *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1393-1394.) Moreover, this measure falls far short of accepted standards for developing future mitigation measures, as set forth in *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, whereunder the establishment of tangible performance standards or criteria may enable agencies to develop precise mitigation measures in the future.

6. Impact 6.9.1 (Summary Table and DEIR, 6.9-10) has a variety of deficiencies. First, the fourth sentence references "[s]tudies conducted for rail trails." The term "rail trails" is nowhere defined and without knowing what the term "rail trails" refers to, it is impossible to establish any legitimate comparison to safety issues on Parkway trails. In addition, no studies concerning the alleged rail trails have been referenced or otherwise cited, and no data are provided.

7. The statement at the end of impact 6.9-1, indicating that funding for public safety officers is uncertain, conflicts, among other things, with Plan policy T.8, which states:

Trail segments should be implemented with sufficient funds to provide for operations, maintenance, and security of that segment of the Parkway.

(Parkway Plan, p. 31.)

The acknowledgment of possibly inadequate funding also runs afoul of Plan policy SE3 (Parkway Plan, p. 36), which recognizes the need for "other security measures", in order to "minimize potential security and privacy problems. . . ."

8. (Summary Table) Impact 6.9-2 relates to the conflict of land uses, and strikes at the heart of my client's concerns about the proposal under review. The mitigation measure, in part, indicates that "all feasible security and privacy measures will be implemented." This is inadequate. To the extent security is needed as a mitigation measure, it must be implemented, and cannot be subject to the vicissitudes of feasibility.

9. Summary Table Impact 6.9-3. See analysis of impact 6.9-5, *infra*.

10. The DEIR's acknowledgment that "a general policy to allow equestrian use in the Parkway is included in the Plan" (DEIR, 3-4), is problematic because of the admitted lack of mitigation. (See comment B.5, *supra*.) There is

no analysis of impacts relating to safety, vectors, noise, sight lines into rear yards, etc. More importantly, mitigation of these potential impacts is ignored entirely, as the DEIR wrongly attempts to defer all analysis to a later date. (See comments B.1 and B.5, *supra*.)

11. Impact 6.9-1 identifies Trail Policy T8 (p. 6.9-9) as follows:

Trail segments should be implemented with sufficient funds to provide for operations, maintenance and security of that segment of the Parkway. (Emphasis added.)

It is our assumption that the proposed Plan language is not intended to provide an escape mechanism in the event the City no longer wants to provide sufficient funding. It is further assumed that the City is committed to implementing the various trail segments only if there are sufficient monies available. Any other interpretation of this policy would be directly contrary to the needs and clear expectations of the local residents.

One means of avoiding problems relating to the lead agency's subsequent obligations involves changing the conditional term "should be implemented" to the mandatory, "shall be implemented." See *Camp v. Mendocino County Board of Supervisors* (1981) 123 Cal.App.3d 334, 348. This will more adequately reflect what we hope to be the City's true intent with respect to requiring operations, maintenance, and security funds.

12. With respect to the DEIR's summary of security policy SE3 (DEIR, 6.9-10), the same analysis as set forth in comment B.11 applies.

13. With respect to the proposed project, the DEIR notes that "[t]he Draft Parkway Plan contains an estimate of \$100,000 per year for security and assumes that only the off-street trails will require supplemental patrol..." DEIR, 6.9-11. Although the applicable mitigation measure is set forth on page 6.9-12, it is entirely inadequate to limit the supplemental patrols to off-street sections of the trail. In fact, evidence in the DEIR suggests to the contrary, "that patrol presence is necessary to deter potential crime." DEIR, 6.9-11. There are no conclusions, or even assumptions in the DEIR's analysis that this presence should be greater only in the off-street sections.

14. Additionally, deficiencies in terms of the reliability of the mitigation measures proposed, are apparent in the statement: "whether funding will always be available for public safety officers to patrol the Parkway is uncertain." DEIR, 6.9-11 to 6.9-12.

15. The requirement for "Safety Officer Patrols" in mitigation measure 6.9-1 (*id.*) is undefined. Does this mean the Sacramento Police Department? (See comment B.17, *infra.*)

16. Mitigation measure 2 for impact 6.9-1 (DEIR, 6.9-12), indicates that "trail corridors shall be fenced at the time the project is developed." This falls short of the ongoing mitigation requirements of policy T8, which calls for funding well beyond the time of development, and includes funding for operations, and maintenance, as well as security.

17. Impact 6.9-2 (DEIR, 6.9-12), pertaining to the proposed project, indicates that some areas of the trail "will not be routinely patrolled by City police." This remains unacceptable. The analysis of this impact once again raises the issue of inadequate funding for the proposed public safety mitigation measures.

18. Mitigation measure 6.9.2 (DEIR, 6.9-13) is subject to the same deficiencies and comments set forth above with respect to impact 6.9-1.

19. The maintenance of a "vision of a continuous trail as a long-term goal" (DEIR, 6.9-15) in those areas designated PIA is problematic. Particular concerns exist with respect to the devaluation and decreased marketability of property that is encumbered with this designation.

20. The proposal to mitigate impact 6.9-4 (DEIR, 6.9-16) is inadequate due to the meaningless nature of mitigation measure 1.b. Reliance on "all feasible security and privacy measures" provides the public with absolutely no indication of what the mitigation measure(s) actually will be. (See CEQA Guidelines § 15126(c).)

21. Impact 6.9-5 (DEIR, 6.9-16 to 6.9-17) is inconclusive with respect to the effect on property values under the proposed project scenario. There is, however, a definite lack of evidence in support of the DEIR's default conclusion of no significant impact. The non-referenced and unincorporated Rail Trail study, and an ambiguous and extremely unclear reliance on "most real estate professionals" are insufficient bases for determining that there is no significant impact.

Because of the flawed impact analysis, the conclusions regarding mitigation are deficient.



22. DEIR Chapter 7 addresses impacts deemed less than significant. Insofar as public service impacts are concerned, it is indicated that "a staff report will be prepared for [the] City Council describing the fiscal and social impacts of future Parkway development." (DEIR, 7-4.)

We are unaware of the existence of any staff report addressing these issues. To approve the Project without full consideration of these matters, not only is inconsistent with and contradictory of the DEIR, but also, casts a pall upon the decisionmakers' ability to act in light of limited dissemination of directly relevant information.

23. The DEIR continually confuses the public as to what the purpose of the Plan truly is. The indication on page 7-5 that "[t]he primary purpose of the Sacramento River Parkway Plan is to provide goals and policies to enhance recreation opportunities along the Sacramento River in the City of Sacramento," is inconsistent with statements in both the Plan (*see* Objective statement, Parkway Plan, p. 1, Goals and Policies, p. 28-37) and the EIR (stating that, "[n]atural resource protection and enhancement is the main goal of the Parkway and will take precedence over public access recreation in the Parkway"). (DEIR, 3-3.)

This sort of confused approach to a such a basic consideration as the Plan's purpose is a particularly clear indication that the environmental review is flawed, and should not be certified.

24. Chapter 9.0/Cumulative Impacts. The DEIR is unacceptably dismissive of the entire issue of cumulative impacts. In fact, the limited analysis is conclusory and not based on substantial evidence. The statement on page 9-2 that: "[s]ince the Parkway Plan provides comprehensive policy guidance regarding public access and resource preservation, the Plan does not significantly contribute to cumulative effects," is of no consequence under CEQA.

The Plan promotes and enhances the development, use, and expansion of the riverfront resource, and as such its impacts may be significant and require mitigation. At the very minimum, the Plan's contributions to the cumulative impact environment must be examined. For example, although it is claimed that the Plan and EIR "mitigate adverse effects to water quality and riparian and other river habitats" (DEIR, 9-3), no sufficient mitigation is identified to address the obvious and potential extensive cumulative impacts to existing neighborhoods brought about by Plan implementation.

## Final EIR

25. Generally, the responses to comments are inadequate. They are conclusory in nature, and not supported by facts in the record. A non-exhaustive sampling of deficiencies with respect to the responses to comments is set forth below.

26. Statements in the FEIR regarding the agency's duties with respect to economic and social effects are contrary to law. These include conclusions such as, "[p]urely social and/or economic effects are not the subject of an EIR," and "unless the comment raises substantial issues relative to the adequacy of the EIR, social economic effects (such as property values) are not required to be addressed by the EIR."

The standard to which the FEIR should have adhered is one in which economic or social changes can be used to determine whether physical changes are themselves significant effects on the environment. (Guidelines § 15131(b).) Furthermore, physical changes caused by economic or social effects of a project, may be considered significant in the same manner as any physical change in the environment would be.

27. Response to Comment 8-2 is inadequate. It fails to explain why the previously unmitigatable issue of privacy in the Little Pocket and Greenhaven/Pocket areas has suddenly become mitigatable. The response blandly attempts to explain this defect based on the fact that the current environmental review is at a program level, and by indicating that "the assessment of impacts may change based on the project description . . . [and due to] a number of policies which, in and of themselves, reduce potential land use conflicts." (FEIR, 23.) The public is neither informed about which aspects of the project description the response is referring to, nor the specific policies alluded to that supposedly reduce the land use conflicts in a manner sufficient to mitigate this previously unmitigatable impact.

28. Response to comment 8-6 merely exacerbates the DEIR's inadequate handling of the issue regarding impacts to property values. Nothing in the FEIR takes any steps towards resolving this CEQA deficiency.

29. Response to comment 8-9 indicates that due to the fact that planning for the proposed multi-use trail is only preliminary, impacts cannot be adequately assessed, and by extension, mitigation measures cannot be developed. The response argues that at the program level information regarding "the final

alignment, construction drawings and surveys for the proposed trail are not available." FEIR, 24 to 25

In fact, what appears to be the case, is that the program EIR is being used wrongly as justification for the EIR's failed impact analysis. While we recognize that final alignment determinations remain to be made, there is more than enough information relating to the alternative conceptual alignments to assemble a series of alternate impact scenarios and corresponding proposed mitigation measures. It is fallacy to claim that such a step requires construction drawings, surveys, etc.

30. Response 9-6 indicates that the concept of "block busting" is not a significant effect because it does not result in the physical disruption of a neighborhood. The analysis, however, falls short in that it fails to take into account the fact that development of the trail system will have direct physical disruption consequences, including, but not limited to the imposition of mitigation measures such as substantially expanded fencing of trail corridors (*see* mitigation measure 6.9-1, DEIR, 6.9-12) and vegetative screening requirements. Further substantial evidence demonstrating the physical segmentation effects can be found in the following Plan policies: SA3, p. 35; SE3, p. 36; SE4, p. 36; E1 and E4, p. 37; P4, p. 32; P13, p. 33; and in the discussion of proposed Parkway land use on page 59 of the Plan. If examined properly, it is quite apparent that "block busting" should be deemed significant.

31. Comment 25-1 in the FEIR, again raises the issue of inadequate funding for security purposes. The response completely glosses over the problem of mitigation measures that cannot be guaranteed and which must, therefore, be considered illusory. The simple fact that the FEIR recites the particular mitigation measures that are acknowledged as being subject to a lack of adequate funding is in no way sufficient to meet the requirements of CEQA.

32. Comment 26-2 raises issues concerning privacy on private property. Instead of addressing this comment responsibly, the FEIR attempts to avoid the subject by hiding behind the veil of a programmatic level analysis. Once again, the fact that the EIR is a program level document, does not allow the agency to avoid analyzing and mitigating impacts for which it does have adequate information. Clearly, the issues of privacy and incompatible land uses are examined in the EIR. Thus, it is completely wrong for the agency to claim, as it does in response 26-2, that the comments pertain to "site specific construction period impacts," and cannot be analyzed further.

C. Sacramento River Parkway Plan

Chapter 2

1. Page 25/Shared Jurisdiction - The reference to Appendix B, should be changed to indicate Appendix A.

2. Page 27/Public Safety - The draft Plan acknowledges that security and law enforcement have been made difficult by virtue of the "remoteness and inaccessibility" of much of the levee, and due to the presence of "numerous fences on the levee." SRA is troubled by the fact that despite these serious existing issues, the City is preparing to embark on a project that will greatly exacerbate the problem, all the while recognizing that feasible solutions are not yet available.

Chapter 3

3. Page 28/Sacramento River Parkway Goals - SRA is greatly concerned about the absence of any goal relating to protection of the neighboring properties. The void left by the absence of such a goal is particularly apparent in light of the existence of policy G7, which states: "Land adjacent to the Parkway shall be protected from injurious or incompatible elements associated with Parkway land uses." An overall goal to this effect is clearly warranted.

4. Page 30/Trail Policies - The second and fourth paragraphs of this section describe the Interim Bypass Route, as that portion of the trail "recommended as a bypass of segments of the Parkway where the Parkway may be undevelopable for a period of time." This laudable effort at an alternative route is directly contradicted by the description of the proposed Off-Street Trail, which the Plan text claims "traverses the entire length of the Parkway and provides continuity to the Parkway." (Emphasis added.) This direct inconsistency must be reconciled before the Plan is approved. SRA will oppose any effort to adopt a continuous and uninterrupted Off-Street Trail on the levee.

5. Pages 30-31/Policy T1 - Language appears to be missing from this policy.

6. Page 31/Policy T8 - This policy should be amended to read:

Trail segments shall [should] be implemented with sufficient funds to provide for operations, maintenance and security of that segment of the Parkway.

(See comment 10, pertaining to the draft EIR; see also DEIR comment 7, regarding the uncertainties surrounding funding, such as called for in policy T8.)

7. Page 32/Policy P4 - The call for land use boundaries consisting of signage and "appropriate barriers" is of questionable value. There is no explanation or description of what an appropriate barrier might consist of. Clearly, with heightened concerns regarding the proposed Plan areas and adjoining residential properties, this proposal warrants a great deal more thought and certainty than currently demonstrated.

8. Page 32/Policy P5 - How does the City propose to enforce the critical hourly access limitations? This is a particular problem in view of the oft-noted budgetary constraints.

9. Page 32/Policy P8 - Despite the fact that Policy P8 states that "access points and associated improvements shall be designed to minimize impact upon adjacent land uses," no information whatsoever is provided with regard to where patrons utilizing those access points are supposed to park their vehicles.

10. Page 33/Policy P12 - With respect to Intermediate and Neighborhood access points, the draft Plan indicates "no vehicle access." In particular, with respect to the latter Neighborhood category, there are absolutely no provisions for locating the cars of Parkway users in a non-disruptive manner. While the Plan may be designed to limit problems associated with vehicles lining neighborhood streets by eliminating parking and thereby discouraging non-neighborhood users, it is just as likely that these users would arrive anyway, and finding no off-street parking facilities, would adversely affect local congestion, noise, aesthetics, etc.

11. Page 33/Policy P13 - This policy requires the City to "provide fencing of private properties adjacent to designated public access points, as needed." There is no indication regarding who is to make this determination of need, nor how it is to be made. For example, does the "as needed" language mean as requested?

12. Page 35/Security Policies - The text indicates that fence applications will not be contested by the City, if, in part, those applications are for areas in which "recreation easements are not planned for acquisition in the short-term ..." There is, however, no information about what is supposed to happen over the long-term. The same privacy and security issues cannot reasonably be expected to go away. In fact, they may even increase over time.

Chairman Ken Wemmer and  
Members of the Planning Commission  
November 14, 1996  
Page 13

13. Page 36/Policy SE3 - The imposition of vegetative screening, fencing, and other security measures must be mandatory, not optional. The term "should be implemented," must, therefore, be changed to "shall be implemented." See also DEIR comment 12, *supra*.

#### Chapter 5/Acquisition

SRA is very concerned about the apparent under valuation of properties potentially subject to acquisition. A thorough reexamination by a qualified expert is required.

#### D. Conclusion

We hope that these comments make clear that a number of serious issues remain to be resolved, both with respect to the Plan and its environmental review. For the Commission to approve the project as currently presented and forward it to the City Council would be ill-advised. Rather, SRA requests that the entire project be returned to staff to adequately address these and other questions raised.

Very truly yours,



Timothy M. Taylor

TMT:dlp

cc: Jimmie Yee, City Council  
Robbie Waters, City Council  
Scott Mende, Senior Planner  
Grace Hovey, Associate Planner

Attachment 3  
SACRAMENTO RIVER PARKWAY PLAN  
VOTE OF THE PLANNING COMMISSION  
NOVEMBER 14, 1996

Motion #1: Recommend Certification of the Environmental Impact Report for the Sacramento River Parkway Plan. M: Kennedy; S: Donahue. 6 ayes; 1 no (Myers); 2 absent (Valencia, Harvey). {Motion passed}

Motion #2: Recommend approval of the staff recommendation (i.e., the draft Parkway Plan with revisions as set forth in the staff report pp. 7-11) with two amendments:

- A. Remove multi-purpose on-river trail designation for Little Pocket
- B. Eminent domain cannot be used for any acquisition until 51% of the parcels within Private Inholdings Area are under public ownership.

Motion: Kennedy; Second: Donahue. 4 ayes (Donahue, Kennedy, LaChappelle, Wemmer); 3 noes (Duruissseau, Myers, Yee); 2 absent (Valencia, Harvey). {Motion failed; 5 votes needed for recommendation}

Motion #3: Recommend approval of the staff recommendation (i.e., the draft Parkway Plan with revisions as set forth in the staff report pp. 7-11) with three amendments:

- A. Remove multi-purpose on-river trail designation for Little Pocket
- B. Remove multi-purpose on-river trail designation for Greenhaven (north of Pocket Canal)
- C. Eminent domain cannot be used for any acquisition until 51% of the parcels are under public ownership..

Motion: Myers; Second: Yee. 3 ayes (Duruissseau, Myers, Yee); 4 noes (Donahue, Kennedy, LaChappelle, Wemmer); 2 absent (Valencia, Harvey). {Motion failed}

SACRAMENTO RIVER PARKWAY PLAN & EIR  
CITY PLANNING COMMISSION  
NOVEMBER 14, 1996

Speakers Opposed to Plan & EIR

Phil Hiroshima	6508 Benham Wy	Greenhaven
Charles Zell	967 Piedmont Dr	Little Pocket
Karsten Vieg	171 Portinao Cr	Middle Pocket
Ann O'Neil	686 Riverlake Wy	Greenhaven
B.J. Mac McInnis	643 Brickyard Dr	Greenhaven
Beverly Lewis	6 Alstan Ct	Middle Pocket
Diane Truly	925 Piedmont Dr	Little Pocket
Olivia Fonseca	830 Riverview Ct	Little Pocket
Anne McKee	913 Piedmont Dr	Little Pocket
Leon Corcos	4634 Capstan Wy	Little Pocket
Manuel Saldaña	821 Riverview Ct	Little Pocket
John Brophy	931 Piedmont Dr	Little Pocket
Francis Vonsoest	6860 Arabella Wy	Middle Pocket

Speakers In Favor of Plan & EIR

Aimee Rutledge	446 Mariner Point Wy	Middle Pocket
Anne Rudin	1410 Birchwood Ln	Land Park
Grant Werschull	3815 Moddison Av 2604 Argolis Wy	River Park



**CITY PLANNING COMMISSION  
SACRAMENTO, CALIFORNIA  
MEMBERS IN SESSION:**

**ITEM # 1  
FOR NOVEMBER 14, 1996  
PAGE 1**

**M91-006 - SACRAMENTO RIVER PARKWAY PLAN**

LOCATION: Lands Adjacent to the Sacramento River  
Freeport to I-80 Overcrossing @ Garden Highway

COUNCIL DISTRICTS: 1, 4, 7

STAFF CONTACT: Scot Mende, Senior Planner, 264-5894  
Grace Hovey, Associate Planner, Environmental Services, 264-7601

**SUMMARY:** Staff had prepared a report to the Commission for a October 17th hearing. That hearing was cancelled. Staff hereby resubmits the October 17th staff report as an attachment to this November 14th staff report. The October 17th staff report provides general background and provides, on pages 6-11, specific options for policy language revisions.

**RECOMMENDATION:** Staff recommends that the Commission formulate its recommendation to the City Council regarding the following items:

1. *Certification of the Sacramento River Parkway EIR (SCH 93-10286)*
2. *Adoption of the Sacramento River Parkway Plan Update*
3. Amendment of various planning documents to be consistent with the adoption and implementation of the Sacramento River Parkway Plan:
  - A. Sacramento City/County Bikeway Master Plan with reference to the off-street bicycle trail between Pocket Canal and Captain's Table;
  - B. Pocket Area Community Plan with reference to the off-street bicycle trail between Pocket Canal and Riverside Blvd. (the northern edge of the planning boundary);
  - C. General Plan Conservation & Open Space Element which refers to the 1975 Sacramento River Parkway Plan page 6-11 to reflect the Updated Plan;
  - D. General Plan Circulation Element which includes a Bikeways Map to reflect any decisions regarding the off-street trail between Pocket Canal and Captain's Table.

Report Prepared By,



Scot Mende, Senior Planner

**CITY PLANNING COMMISSION  
SACRAMENTO, CALIFORNIA  
MEMBERS IN SESSION:**

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FOR OCTOBER 17, 1996  
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**M91-006 - SACRAMENTO RIVER PARKWAY PLAN**

LOCATION: Lands Adjacent to the Sacramento River  
Freeport to I-80 Overcrossing @ Garden Highway

COUNCIL DISTRICTS: 1, 4, 7

STAFF CONTACT: Scot Mende, Senior Planner, 264-5894  
Grace Hovey, Associate Planner, Environmental Services, 264-7601

**SUMMARY:** The Sacramento River Parkway Plan and Environmental Impact Report on the Parkway Plan are being presented for adoption. The Parkway Plan addresses the lands adjacent to the Sacramento River within the City limits (and slightly southward to Freeport). The Plan presents a long-range vision and implementation plan for habitat preservation & recreation opportunities.

**RECOMMENDATION:** Staff recommends that the Commission formulate its recommendation to the City Council regarding the following items:

- A. Certification of the *Environmental Impact Report* for the Sacramento River Parkway Plan (SCH 9310286)
- B. Adoption of the *Sacramento River Parkway Plan Update*
- C. Amendment of the *Sacramento City/County Bikeway Master Plan*

**BACKGROUND INFORMATION**

The Parkway Plan area is shown on Attachment A, with a close-up of the Little Pocket/ Pocket area shown on Attachment B. Attachments C & D provide tabular information about the length and ownership of Parkway segments.

- The Sacramento River Parkway Plan was first adopted in 1975.
- The Draft Sacramento River Parkway Plan Update was released in October, 1993 for public review.
- The Draft Environmental Impact Report on the Sacramento River Parkway Plan Update was released in February, 1996.
- The Final Environmental Impact Report on the Sacramento River Parkway Plan Update was released on September 18, 1996.

Two related documents (see Attachment E) are on separate tracks for review and approval:

- 1) The Sacramento City/County Bikeway Master Plan (City/County) was adopted by the Board of Supervisors in December, 1993 and by the City Council on April 11, 1995. The Bikeway Plan adopted on-street and off-street bikeways adjacent to the Sacramento River, but deferred to the Sacramento River Parkway Plan the decision about a bicycle trail north of the Pocket Canal to the Captain's Table Marina. The Bikeway Master Plan addressed bikeways but does not address a multi-use trail (i.e., bicycling, walking, jogging, and possibly equestrian use).
- 2) The Sacramento River Greenway Plan (State Lands Commission) represents a multi-jurisdiction policy plan for both sides of the River.
  - a) The Draft Greenway Plan was released in December, 1992
  - b) The Draft Environmental Impact Report on the Greenway Plan was released on September 22, 1996. A hearing on the DEIR will be held on October 21, 1996 at 3:00 p.m.-5:30 p.m. and 7:00 p.m. in the City of Sacramento Planning Commission Meeting Room located in the ground floor at 1231 I Street.

### STAFF ANALYSIS

The objectives of the Plan are to preserve protect, enhance and restore the riparian corridor and its associated ecosystems, and to design a system of controlled public access for active and passive recreational uses related to the river.

The Plan includes:

- o description of the existing land uses, facilities, and activities in the area;
- o description of physical, social, economic, resource, and political factors which influence the management, use and enjoyment of the river;
- o goals and policies for the management of the Sacramento River Parkway; and
- o development and implementation strategy for the Parkway.

### Land Use Designations

The Plan contains planning area maps and assigns land use designations to all public lands, and to private lands proposed or contemplated for public easements or ownership. The land use categories include:

- o *Riparian Habitat Preserve*: Minimal facilities, managed to protect and restore original habitat.
- o *Nature Study Area*: Includes riparian habitat and other environmentally sensitive areas with special habitat or topographic characteristics capable of sustaining light

to moderate use. Facilities would include trails (non-paved), benches at observation points or rest areas, interpretive signs, water, and portable restrooms.

- o *Recreation areas:* Active recreation allowed without development of extensive facilities. Facilities include bike/hike trails, interpretive signs, picnic areas, restrooms, boat ramps, and parking.
- o *Urban Waterfront Recreation:* Moderate to heavy use by tourists, downtown workers, bicyclists. Activities include picnicking, pedestrian and bicycle use, Marina dockage (short-term or long-term, on-stream or off-stream). This category includes waterfront commercial (restaurants, marinas, retail shops).
- o *Riverfront District:* Unique to South Natomas, this designation allows recreation, commercial, and residential, provided that the development occurs at a scale, design and intensity compatible with the river environment.
- o *Public Utility:* Flood control, transportation, water and sewer service, etc. Generally minimal habitat and recreation value, although some degree of passive recreation may be compatible.

#### Goals & Policies

Goals and policies for the Sacramento River Parkway are provided to refine the approach to preservation of natural resources, and for acquisition and development of public property. Specific policies are addressed for: trails, public access, urban development compatibility with the Parkway, public safety, security, natural and cultural resource preservation and restoration, and protection from erosion.

*Off-Street Trail:* The long-term policy is to provide an on-levee (or waterside berm) trail that traverses the entire length of the Parkway. The trail is designed to accommodate pedestrians, bicyclists, and maintenance and emergency vehicles. Feasibility of equestrian use of trail will be studied further at a later date.

*Interim Bypass Route:* The short-term policy is to rely on an on-street bicycle route for portions of the Parkway where an off-street trail may be undevelopable for a period of time (e.g., Greenhaven / Little Pocket).

*Public Access:* Public access points shall be logically located and clearly marked so as to accommodate pedestrians, bicycles, and emergency vehicles and to minimize impact upon adjacent land uses. Public access points are categorized as major (allows vehicle access and parking), intermediate (minimal recreation facilities), and neighborhood (low profile connection to trail system).

**Urban Development:** Proposed development in the Parkway should provide visually appealing landscape treatment, should blend and be in scale with the surrounding riverine environment, and should provide open space view corridors.

**Public Safety:** Policies have been developed to protect the public and landowners from potentially unsafe conditions in the Parkway (including natural hazards such as steep slopes), installation of emergency phones (callboxes) and mileage markers.

**Security:** The public access points shall be closed at sunset, the parkway shall be patrolled on a regular basis, and boundaries between public and private property shall be clearly identified with fencing and signage.

**Natural and Cultural Resources:** Preservation and restoration of resources shall be accomplished by emphasizing the importance of retaining native vegetation, and limiting access to areas of high habitat values.

**Erosion Control:** Trails, fencing and signage shall be appropriately located to channel traffic away from erosion-prone areas. Indigenous grasses and other native vegetation should be used, where feasible, to stabilize slopes.

#### Implementation of the Plan

The Sacramento River Parkway Plan incorporates strategies to implement the goals and policies. These strategies recognize that full implementation is constrained by acquisition costs and concerns of adjacent homeowners.

**Acquisition Priorities:** Approximately 75% of the Parkway is currently under public ownership. It is a long-term goal of the Parkway to acquire the balance of the Parkway. The priorities for acquiring this land are to facilitate the connection of recreation facilities or trail systems, to protect riparian habitat, to provide unique recreation opportunities, and where minimal opposition exists from adjacent land owners. The South Pocket area (Arabella Ave. to Freeport Reservoir) is a high priority for acquisition, in that strategic acquisition would close gaps in the existing public ownership pattern (See Attachment D). The Little Pocket & Greenhaven areas are not considered as priority areas for acquisition due to a variety of social and economic constraints.

**Private Inholdings Area (PIA):** The Private Inholdings Area (PIA) concept was developed for the Greenhaven and Little Pocket portions of the Parkway. This designation recognizes the practical limitations to developing this segment of the Parkway, yet maintains the vision of a continuous on-levee trail as a long-term goal. Properties in the PIA would be acquired solely from willing sellers and would not be acquired through eminent domain. The bikeway would divert to an on-street designation and/or inland off-street route for a distance of about 3 miles.

**Issues:** The following issues of concern have been raised during the review of the draft Sacramento River Parkway Plan:

- Privacy of homeowners, in that backyards are visible from levee crown
- Security of homeowners, in that police presence is limited to response to calls, police access to levee is limited, and levees offer vantage point for potential criminals;
- Trail maintenance and police protection costs may be difficult to fund during budgetary crises;
- Acquisition costs of the entire Parkway Plan area may exceed the City's short-term financial resources;
- Perception by homeowners that property values would be negatively impacted (labeled by some homeowners as "inverse condemnation") by Parkway designation and/or Parkway development;
- Potential environmental impacts on Swainson's Hawk and riparian habitat;
- Access points may create local impacts on adjacent properties with additional traffic, parking, litter.

**Project Alternatives:** In addition to the draft Plan, several alternatives (see Attachment B) and potential modifications worthy of consideration have been offered:

**1975 Parkway Plan:** The 1975 Plan designated the entire stretch of the River as a Parkway, with long-term goal of developing on-levee multi-use trail:

- ✓ Create "Interim By-Pass" on-street bikeway through Little Pocket along Riverside Blvd.
- ✓ Create "Interim By-Pass" on-street bikeway through Middle/North Pocket along Pocket Road / Riverside Blvd.
- ✓ The concept of a bicycle trail along the Seymour Parkway and Pocket Canal was adopted into the 1977 Bikeway Master Plan, but was not considered part of the 1975 Sacramento River Parkway Plan.

**No Little Pocket Trail:** Delete on-levee river access within Little Pocket area, but develop multi-use trail in the following segments:

- ✓ In Middle Pocket area between Garcia Bend Park and Arabella Way (79% of which is currently under public ownership)
- ✓ In Greenhaven Pocket area between Arabella Way and Seymour Park (50% of which is currently under public ownership)
- ✓ Route bicycle traffic onto Riverside Boulevard.

**South Pocket Only Trail:** Develop South Pocket Trail, but delete on-levee segments of the proposed multi-use trail; specifically:

- ✓ No river access between Pocket Canal and Captain's Table (except perhaps to preserve the existing 0.55 mile bike path upriver of Seymour Park @ Clipper Way)
- ✓ Emphasize Pocket Road / Riverside Blvd. (from Garcia Bend Park to Captain's Table) as the on-street branch of the "Sacramento River Parkway Trail"
- ✓ Emphasize Pocket Drainage Canal and Seymour Parkway as the off-street branch of the "Sacramento River Parkway Trail"

**Waterside Multi-Use Trail:** Allow for a multi-use trail in the Middle, Greenhaven, and/or Little Pocket areas only if it is feasible to locate the trail on the waterside of the levee

**Waterside Unpaved Trail:** Allow for an unpaved pedestrian (and equestrian?) trail on the waterside berm of the above segments, but prohibit bicycles.

**PIA Modification:** Modify the terms and conditions of the Private Inholdings definition in the proposed plan (p. 60) to modify language that establishes criteria to revisit the PIA issue; specifically by deleting reference to the "trail establishing itself as a good neighbor" and "availability of funding".

**Acquisition Strategies:** Modification of text chapter on Acquisition Strategies to add discussion of voluntary sales of right-of-way to City.

**Riparian Vegetation Protection:** Amend the City Code to establish a Riparian Vegetation Protection Ordinance.

#### SUGGESTED REFINEMENTS TO THE PARKWAY PLAN

**Project Description:** Page 3, paragraph 1, of the Draft Parkway Plan should be modified slightly to provide a more precise project description:

"The boundaries of the area generally are the City limits inclusive of South Natomas to the north, the Sacramento River on the west, City limits at Freeport on the south, and Interstate 5 Freeway on the east or 10 feet landside of the landward toe of the Sacramento River levee, or the inland boundary of public land along the River, whichever is most appropriate for land use issues."

**Private Inholdings Area:** Two private inholdings areas (PIA) are identified in the Plan. The Little Pocket PIA is 96% privately owned, with the only public portion being a public housing project owned by SHRA. The Greenhaven PIA is 50.1% privately owned, with several publicly owned & publicly accessible areas interspersed among the areas

subdivided prior to 1975. The following alternative treatments have been suggested for the PIAs:

- A. **Existing Language:** The PIA is defined and discussed on page 60-61 of the draft Parkway Plan.
- B. **Yee/Kastanis Amendment:** During the 1993 Workshops immediately following the release of the Draft document, Councilmembers Kastanis and Yee commented that the language should be amended to modify the fourth bullet to delete the reference to "economic & social feasibility" to read as follows:
  - The "PIA" designation would be deleted to allow inclusion in the Parkway development strategy if, at a later date:
    - 1) the City and other public agencies have acquired, through fee or easement, fifty-one percent (51 %) of the lineal area along the river in the PIA; or
    - 2) the PIA area remains as the only unconstructed portion of the trail system and parkway acquisition and development funds become available.

In addition, the Yee/Kastanis amendment would modify Chapter 5, "Acquisition, p. 72, to read as follows:

- 5. **Eminent Domain:** This method is used when other methods of acquisition cannot be used. Eminent domain is the right by which government may acquire private property for public use upon payment of just compensation and without consent of the owner. Condemnation is the act by which government executes eminent domain. This method of acquisition shall not be undertaken until the City has acquired, through fee or easement, fifty-one percent (51 %) of the lineal area along the river in the PIA, as defined on p. 60.
- C. **"51%":** As used in the PIA, when 51 % of the lineal area along the River in the PIA has been acquired by public agencies, then the City would delete the PIA designation and could begin eminent domain proceedings. At present, the Greenhaven PIA is just below 50% public ownership. Hence, it is important to define this threshold clearly. One interpretation would be one foot greater than 50.000%; (if this is the desired threshold, then the terms should be re-labeled as  $\geq 50\%$ ). Another alternative is to increase the required percentage (e.g., to  $\geq 60\%$ ).



- D. **Eminent Domain for Acquiring Nature Study/Riparian Habitat:** The current language restricts against using eminent domain for any property within the Private Inholdings Area (until such time that the PIA designation is removed, having surpassed the public ownership threshold). A shortcoming of this policy is that key environmentally sensitive lands could only be acquired from willing sellers. Staff recommends that this policy be modified to allow for eminent domain of lands with high habitat values (i.e., designated as Nature Study or Riparian Habitat).
- E. **No Eminent Domain Until {Date}:** Another alternative is to restrict the use of eminent domain until a date certain. For example, since the Little Pocket is almost exclusively privately owned and developed, it is unlikely that public ownership will achieve even a 50% threshold within the mid-term. The City may wish to commit to not utilizing eminent domain for trail segment acquisition in the Little Pocket until a date certain (e.g., 2010).

*"Continuous Trail":* Several objections have been raised with regards to the use of the term "Continuous Trail". In point of fact, if the objective is to provide an opportunity to traverse between the Freeport area and the American River Parkway through Old Sacramento, there are several ways of accomplishing this objective.

- a. A continuous **riverside** trail (predominantly off-street) as is proposed in the Plan to maximize exposure to the River;
- b. A continuous **connecting** trail (e.g., Seymour Parkway and Pocket Canal bikeways) that provides for safe recreational bicycle and pedestrian travel between areas with exposure to the River. Throughout the Plan, this concept is labeled an "Interim Bypass Route".

*Tree Preservation on Private Property:* Chapter 45.04 of the City Code provides for protection of heritage trees. Outside the riparian zones, a heritage tree is defined as having a trunk circumference of at least 100 inches. Within the riparian zones (within 30 feet beyond the high water line), a heritage tree is defined as having a trunk circumference of at least 36 inches. Staff recommends that this reference be added to the Plan on page 16, immediately preceding the discussion of Zoning.

*Acquisition Methods:* The draft Plan lists six "acquisition methods" (pp. 71-72). In actuality, some of these methods are forms of ownership. Staff recommends that this section be reorganized as follows:

1. Public Use / Ownership
  - A. Fee Simple Acquisition
  - B. Recreation Easements
2. Acquisition Methods
  - A. Donation
  - B. Dedication

- C. Mitigation Banking
- D. Voluntary Sale [new section]
  - 1. City purchases Trail Right-of-way During Sale of Residential to New Owner
  - 2. City purchases Trail Right-of-way Directly from Residential Homeowner
- E. Eminent Domain

*Acquisition (New Development) Priorities:* The draft Plan Table 6-2 (p. 80) "Development Strategy" identifies short, mid- and long-term strategies for each of the areas in the Parkway. The Table states: "Acquire fee / easement from willing sellers" for the Greenhaven and Little Pocket areas. Similarly, the Plan's section "Acquisition Priorities for the Parkway" (pp. 73-74) does not differentiate between the Greenhaven and Little Pocket areas. Staff recommends the consideration of a higher priority for acquiring Greenhaven trail segments and Little Pocket habitat, with a lower priority for acquiring Little Pocket trail segments.

*Acquisition Costs:* The Parkway Plan document (pp. 75-76) has estimated the total cost of acquisition at \$1.5-\$3.0+ million. In point of fact, the data that was utilized for the referenced real estate study is speculative. The City does not have substantive comparable sales information upon which to draw firm conclusions about acquisition costs. Staff recommends that the specific dollar references be deleted from the Plan or qualified as a speculative estimate.

*Neighborhood Access Points:* In contrast to major and intermediate access points which are intended for regional or community access, neighborhood access points are intended for light use by the residents within approximately a 1/2 mile radius of the entry point. Homeowners adjacent to these potential access points are concerned about overuse (litter, noise, parking in the neighborhood, security). Some of these homeowners are concerned about designation of specific neighborhood access points in the Plan and/or Parkway Maps. The Sleepy River Access point is already in place and has been specifically identified in the adopted Bikeway Master Plan. The Portinao Circle potential access point is neither existing nor specifically designated in the Bikeway Master Plan. Staff recommends that the precise location of the Neighborhood Access points between the Pocket Canal and the Arabella Way Access should be addressed as part of the final Plan adoption process (i.e., between the Council Motion of Intent to Approve and the final Resolution to adopt the Plan). In the interim, staff has modified the exhibits to read: "Tentative Neighborhood Access Point".

*Land Use Designations on Private Parcels:* The Draft Plan (p. 38-39) addresses the relationship between private property and Parkway land use designations. Staff recommends that this section be modified to read as follows:

Parkway land use designations have been assigned to all property, both public and private, within the boundaries of the Parkway. The purpose behind assigning a

designation to all properties is to provide a long-range vision of the Parkway, to provide priorities for acquisition, and to plan for Parkway development should private property become public. In the meantime, until such time that private land is acquired, only the public land within the Parkway will be part of the development strategy of the Parkway. Implementation of the Parkway land use designations and policies will apply only to public lands. Existing City zoning and General or Community Plan land use designations will remain in effect on private land. Staff evaluation of applications for development on private property shall not be prejudiced by Parkway Plan designation.

*Delineation of Public/Private Boundaries: Fencing & Signage:* Recent publicity associated with the City's update of the Plan has heightened community awareness of the plans to utilize the levee as a recreational resource. At the same time, some confusion may exist that a City Plan immediately translates to reality. Thus, certain sections of the levee, for which the City has no current easements, may experience increased public use in advance of City acquisition. This is not the intent of the City.

Ultimately, the City Plan will provide that protection of private property should be accomplished through signage and fencing or landscaping parallel to the levee toe or on the levee crown.

The following fencing policy is recommended for inclusion in the Plan as a subset of Chapter 3 (Goals & Policies--Security Policies, pp. 35-36):

- New private fences, subject to approval by the State Board of Reclamation, should be located at the boundary between private property and an area intended for public access (or used for public access);
- New private fences are acceptable provided that the fence is located in an area for which recreation easements are not planned for acquisition within the short-term;
- Fences should not extend below the high water mark (jurisdiction of State Lands Commission) which would impede public use of public land;
- The total number of fences should not become excessive (thereby increasing the eventual City cost to acquire easements and delaying levee maintenance & inspection activities);
- Fence permit applicants should be advised by the permittee (State Board of Reclamation) that the fence permit is revocable once the City acquires and exercises its recreation easements.

Similarly, signage would be helpful in delineating public/private boundaries and hours of public access. The following policy modification is recommended for inclusion in the Plan as a subset of Chapter 3 (Goals & Policies--Security Policies, pp. 35-36):

- SE5 Signage shall clearly identify which areas are intended for public use and shall identify restrictions on hours of use (generally closed from sunset to sunrise).

*Heavy Seasonal Use by Fishermen:* Public Access points over the levee (e.g., on Riverside Blvd. across from the apartment complexes) attract fishermen who often arrive by automobile. The City may wish to provide public parking areas to accommodate, where appropriate, this demand. In other areas (e.g., on cul-de-sacs across from single family homes), efforts could be made to discourage parking (e.g., residential permit parking).

### PROJECT REVIEW PROCESS

During the course of developing the draft Plan, staff has solicited substantial public input. Staff held informational workshops, including:

05/06/92	Sam. Branan Elementary School [Land Park]
02/26/92	Rio Tierra Jr. High School [South Natomas]
03/11/92	Kennedy Junior High School [Pocket]
06/13/92	Garcia Bend Park [Pocket]
02/17/93	Marshall Park Senior Center [Central City]
02/24/93	Belle Coolidge Community Center [Land Park/Pocket]
03/04/93	Jefferson School [South Natomas]

During the course of developing the draft Plan, the following workshops were held with the Planning Commission and/or City Council. Public comment from these and other meetings has assisted staff in the preparation of the Draft Plan.

03/18/91	City Planning Commission Workshop
01/30/92	City Planning Commission Workshop
12/05/92	Walking Tour of the Levee w/ Planning Commission

After the draft Plan was issued, the following additional public workshops were offered:

11/18/93	City Planning Commission Informational Report
01/11/94	City Council Informational Report
04/29/95	Walking Tour of the Levee w/ City Council
05/15/95	Working Group Meeting to discuss "Alternatives" to the Plan
06/27/95	City Council Informational Report regarding "Alternatives" to the Plan
11/07/95	City Council Informational Update Report on the Greenway Plan

Additionally, staff formed a "Working Group" comprised primarily of representatives of City Planning, City Parks, State Lands Commission, Parks & Recreation Citizen Advisory Committee, Old Sacramento Management Board, Sacramento Riverfront Association (homeowners adjacent to river), Sacramento River Parkway Advocates, and the Natomas Community Association. This Working Group provided invaluable insights into various needs and sensitivities of the various agencies and residents. While the document has attempted to reflect the concerns of the Working Group, absolute consensus was not achieved. Following are some of the general concerns expressed:

**Equestrian Groups:** Various equestrian groups would like to utilize the proposed Sacramento River trail to connect the American River Parkway equestrian trails to the Laguna Creek Parkway trails.

**Bicycle Groups:** The Sacramento River Parkway Advocates and Sacramento Area Bicycle Advocates would like to utilize the proposed Sacramento River trail on-levee with continuous bikeway access.

**Adjacent Homeowners:** The Sacramento Riverfront Association has expressed concern about potential loss of privacy and security. The raised levees provide unobscured views into backyards, and "backdoor access".

### ENVIRONMENTAL DETERMINATION

The Notice of Preparation (NOP) of an Environmental Impact Report was released on November 2, 1993. The comment period for the NOP ended on December 2, 1993. The Draft Environmental Impact Report (DEIR) was released in February, 1996. A mis-print in Chapter 6.9 of the DEIR necessitated the re-circulation of the document and extension of the commenting period through May 22, 1996. A total of 27 letters were written as comments on the Draft EIR. The Final EIR, which includes these 27 letters and responses by the EIR preparers, was released on September 18, 1996. The Final EIR was sent by certified mail to all persons who commented on the Draft EIR. A Notice of Availability for the Final EIR and Notice of Planning Commission Hearing was mailed on September 18, 1996 to all persons and agencies on the Draft EIR mailing list.

The Draft EIR analyzed impacts to transportation, air quality, noise, biological resources, water quality and hydrology, cultural resources, and Potential Conflicts Between Uses and Safety Effects (social/economic). At a Program level, environmental impacts due to the Plan were determined to be less than significant or significant and avoidable by implementation of mitigation measures identified in the Draft EIR, with the exception of Flood Risk which remains Significant and Unavoidable. Impacts to property values were discussed in the EIR, but no clear impact due to the Plan could be ascertained at that time.

California Environmental Quality Act (CEQA) alternatives to the proposed project were chosen in accordance with the CEQA Guidelines to reduce physical environmental impacts and to reduce land use conflicts by eliminating activities or development in the project area. The EIR evaluated the following alternatives:

1. **No Project Alternative** - Existing development/no change to the environment occurs under this alternative. No further development would occur in the Parkway.
2. **Development Under Existing Plans/Policies** - Under this alternative, the draft 1993 Sacramento River Parkway Plan is not adopted. The existing 1975 Parkway Plan,

the City General Plan and Community Plans would govern development in the Parkway. This alternative would minimally reduce development in the Parkway.

3. **Re-route Pocket Area River Trail (Alternative B)** - Under this alternative, the proposed river trail would be re-routed to the existing Seymour and Pocket Canal Parkways starting from Seymour Park in the Greenhaven area to the intersection of the Pocket Canal with the Sacramento River in the South Pocket. From there, the trail would go south on the river to the City limits. This alternative would reduce land use conflicts.
4. **Restrict Riverside Development (Alternative C)** - Under this alternative, no Parkway development/activities would be allowed riverside of the levee. A river trail may be allowed on the levee. Existing development would remain. This alternative would reduce impacts to riparian habitat.

Report & Parkway Plan Prepared By,



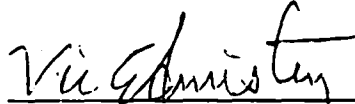
Scot Mende, Senior Planner

Environmental Impact Report Prepared By,



Grace Hovey, Associate Planner

Report Reviewed By,

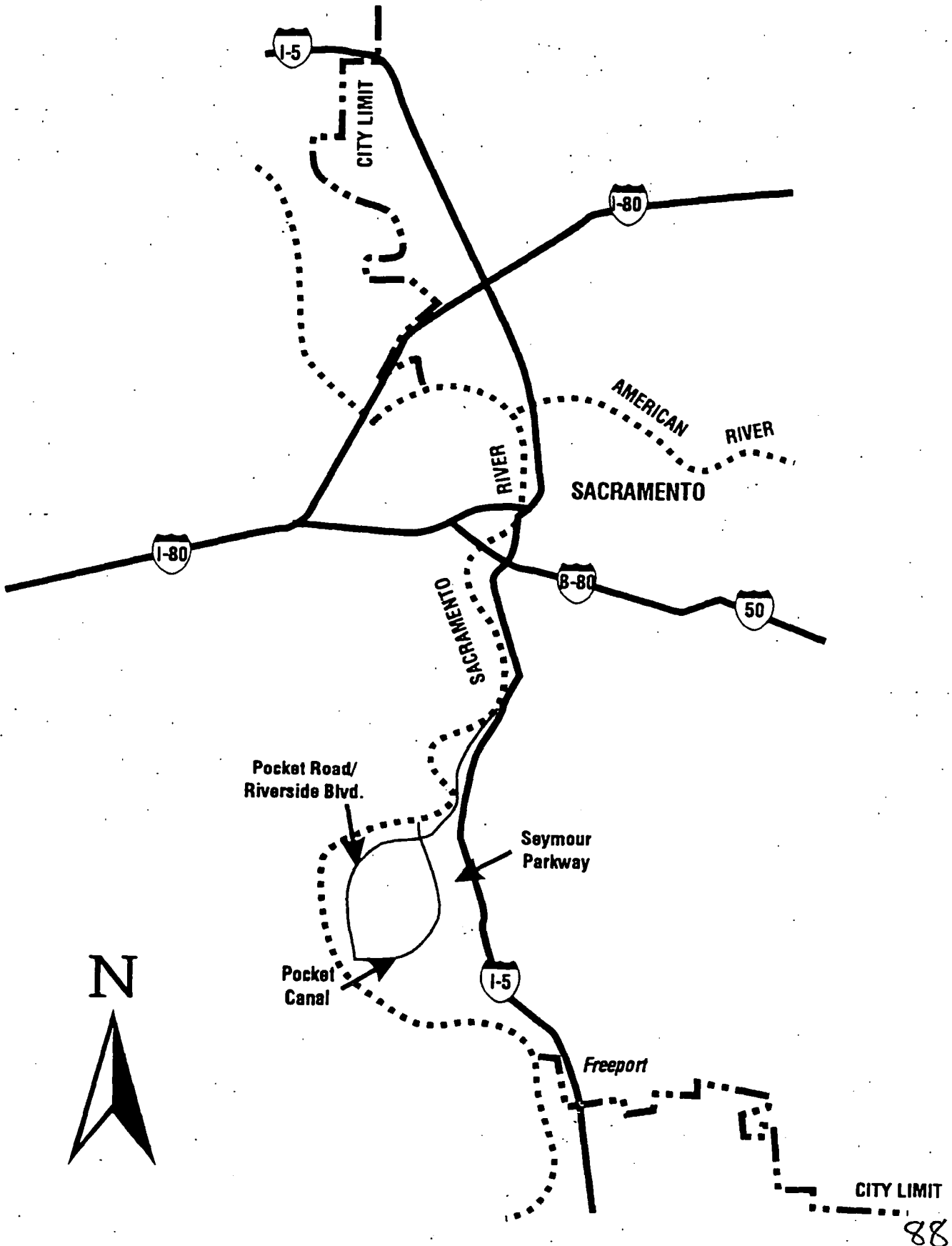


Vic Edmisten, Park & Recreation Manager, Neighborhood Services Dept.

Attachments

- A Map of Sacramento River Parkway Plan area
- B Map of Pocket/Little Pocket Segments
- C Table of Area Segments
- D Table of Property Ownership: Pocket/Little Pocket
- E Discussion of Related Documents

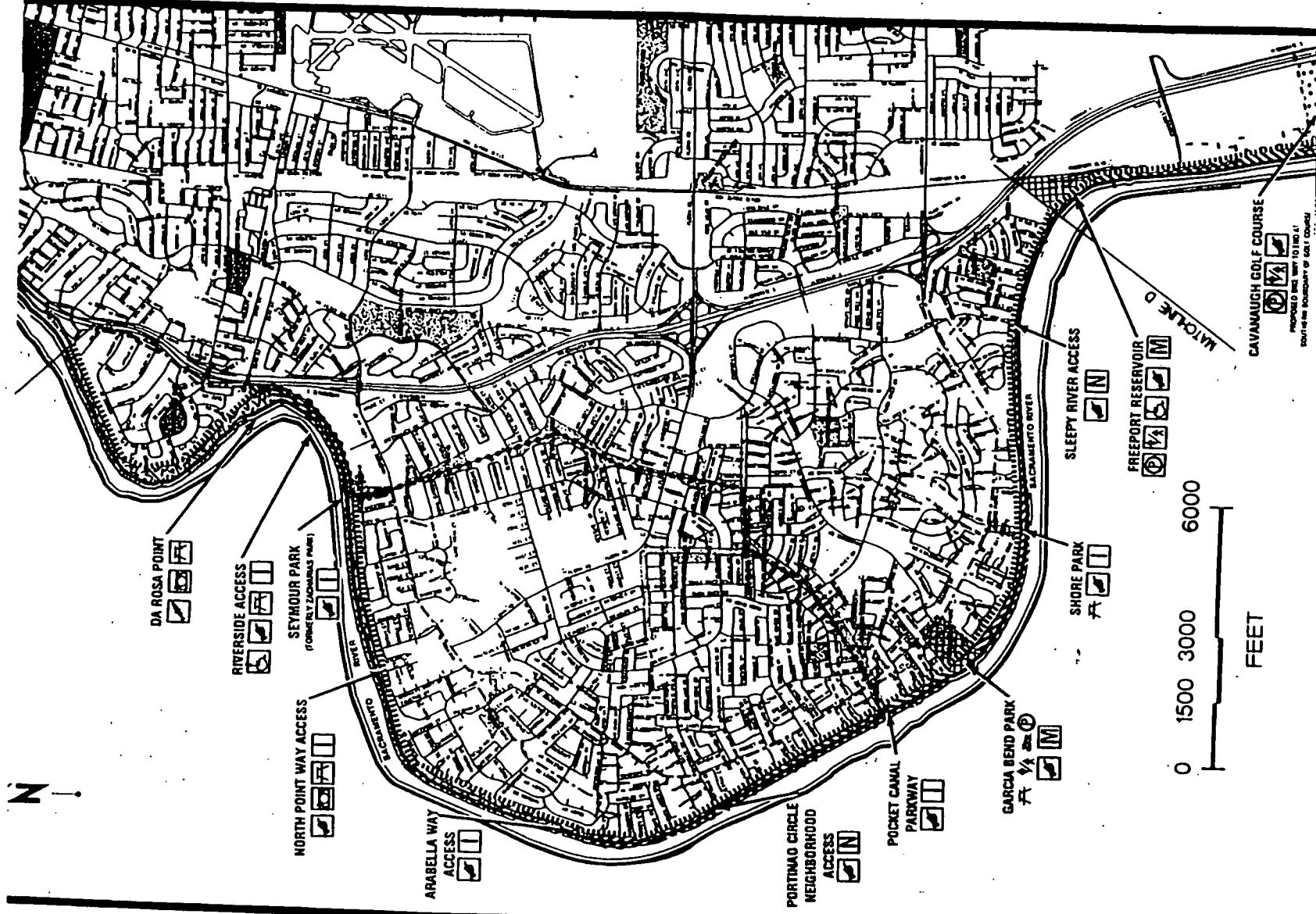
ATTACHMENT A  
MAP OF PROJECT AREA



NOV 14  
October 17, 1996

M91-006

ATTACHMENT B  
MAP OF POCKET/LITTLE POCKET AREA





Nov 14  
~~October 17~~, 1996

Attachment C  
**SACRAMENTO RIVER PARKWAY  
 AREA SEGMENTS**

SEGMENT	AREA	Lineal Ft (Miles)
	FREEPORT Freeport Bridge to Meadowview STP	4,879 lf (0.92)
	POCKET Meadowview STP to Pocket Canal	14,960 (2.83)
	POCKET Pocket Canal to Arabella Way	7,580 (1.44)
	POCKET Arabella Way to Seymour Park	10,693 (2.03)
	LITTLE POCKET Seymour Park to Captain's Table	11,429 (2.16)
	LAND PARK Captain's Table Marina to Broadway	13,068 lf (2.48)
	DOWNTOWN Broadway to Tower Bridge	5,069 lf (0.96)
	DOWNTOWN Tower Bridge to Jibboom Street Bridge	6,970 lf (1.32)
	SOUTH NATOMAS (Discovery Park) Jibboom Street Bridge to Natomas Oaks Dr.	3,854 lf (0.73)
	SOUTH NATOMAS (Garden Highway) Natomas Oaks Drive to Gateway Oaks Dr.	3,643 lf (0.69)
	SOUTH NATOMAS (Garden Highway) Gateway Oaks Dr. to I-80	9,768 lf (1.85)
	Subtotal: Freeport Area	0.92
	Subtotal: Pocket/Little Pocket Area	8.46
	Subtotal: Downtown/Land Park	4.76
	Subtotal: South Natomas	3.27
	TOTAL	17.41

## ATTACHMENT D

# **SACRAMENTO RIVER PARKWAY LITTLE POCKET / POCKET --PROPERTY OWNERSHIP**

SEGMENT	AREA	# Parcels PRIVATE	# Parcels PUBLIC	Lineal Ft (Miles) PRIVATE	Lineal Ft (Miles) PUBLIC	% PUBLIC
1	LITTLE POCKET PIA Schilling's (Captain's Table) Marina thru 5890 Riverside Bl 016-0010-025 thru 029-0021-011	46	2	8,186 lf (1.550)	344 lf (0.065)	4.0%
2	LITTLE POCKET/GREENHAVEN 029-0021-012 thru 030-0231-012 (Seymour Park @ Clipper Way)	0	6	0 lf (0.000)	2,899 lf (0.549)	100.0%
3	NORTH (GREENHAVEN) POCKET (PIA #2a) Seymour Park @ Clipper Way thru North Point Way 030-0231-012 thru 030-0041-048	20	8	1,463 lf (0.277)	2,646 lf (0.501)	64.4%
4	NORTH (GREENHAVEN) POCKET (PIA #2b) North Point Wy thru Arabella Wy 030-0041-048 thru 031-0360-079	42	6	3,894 lf (0.738)	2,690 lf (0.509)	40.9%
5	MIDDLE POCKET Arabella Wy thru Pocket Canal 031-0360-079 thru 031-0030-065	8	14	1,604 lf (0.304)	5,976 lf (1.132)	78.8%
6	SOUTH POCKET Pocket Canal thru Meadowview STP 031-0030-065 thru 031-0010-005	1	23	155 lf (0.029)	14,805 lf (2.804)	99.0%
	TOTAL LAND PARK/POCKET	117	59	15,302 lf (2.898)	29,360 lf (5.561)	65.7%

The City is currently negotiating to acquire this property.

Segments 3 + 4 comprise the Greenhaven Private Inholdings Area. The total public ownership within this PIA is 1.010 lineal miles (49.9%) of the 2.025 lineal miles in the PIA.

## Attachment E

SACRAMENTO RIVER PARKWAY PLAN  
RELATED DOCUMENTS

**Sacramento River Parkway Plan (1975):** The City undertook a Master Plan in 1975 of the Sacramento River Parkway. This Master Plan identified potential bicycle routes and natural areas, and instructed the City to determine easements for proper access to parkway resources. The study, however, did not address South Natomas (except for Discovery Park). The study boundaries begin at Discovery Park and encompass the areas south to the City limits. The *Draft Update* expands the boundaries north of the confluence with the American River and provides more refined policy guidance and implementation strategy.

**Sacramento River Greenway Plan:** State Lands Commission is coordinating a study of the 30 mile stretch of the Sacramento River (from the I-5 overcrossing northwest of the airport, to the southern City limits) that spans from the levee top on the Yolo side to the levee top on Sacramento side. Using the framework of a Cooperative Management Agreement (CC93-090; AG93-033), the cities of Sacramento and West Sacramento, the counties of Sacramento and Yolo, and the State Lands Commission have issued a Draft Greenway Plan (December, 1992). The schedule for adoption of the Greenway Plan is substantially parallel to the schedule for adoption of the Sacramento River Parkway Plan. The Draft Greenway Plan was released in December, 1992. The Draft EIR on the Greenway Plan was released in September, 1996.

The differences in the land use designations and the study boundaries between the Greenway Plan and the 1975 Sacramento River Parkway Master Plan, prompted staff to begin an update of the City's document.

**Sacramento City/County Bikeway Master Plan:** A proposed bikeway along the Sacramento River was reflected in the Draft Bikeway Master Plan. This Plan was adopted by the County Board of Supervisors in December, 1993 and by the City on April 11, 1995. As adopted by the City, The Bikeway Master Plan included the segment of the bike trail between the Freeport Reservoir and the Pocket Canal, plus the entire stretch of the bike trail between Captain's Table through Old Sacramento, across the Jiboom Street Bridge, through Discovery Park, and parallel to Garden Highway to Gateway Oaks Drive in South Natomas. The segment between the Pocket Canal and Captain's Table was deferred -- to be considered within the context of the Sacramento River Parkway Plan adoption process for a *multi-use trail*.

# SACRAMENTO RIVERFRONT ASSOCIATION

A Non-Profit Unincorporated Association  
7360 Pocket Road  
Sacramento, CA 95831

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Phil Hiroshima, Chairman  
Charles Zell, Co-chairman  
Rosie Nielsen, Secretary  
Janet Gordon Boyer, Treasurer

26 December 1996

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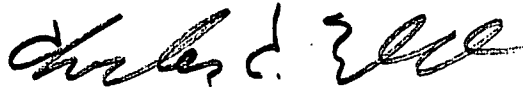
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City Clerk  
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915 I Street  
Sacramento CA 95814

## RE: Sacramento River Parkway Plan

Enclosed is a copy of a letter dated November 14, 1996, and addressed to the City Planning Commission. This letter is from the Association's legal council and it details the deficiencies in the EIR and the plan. This letter was delivered to the Planning Commission at noon on November 14th. The planning staff did not have time to analyze it before the EIR and plan was considered by the Commission. Since this letter details serious inadequacies in the EIR it should be brought to the attention of the City Council staff so that this detailed letter can be properly analyzed before the Council acts on the Sacramento River Parkway Plan.

Sincerely,



Charles E. Zell  
Co-chairperson

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DAVID S. KAPLAN  
OF COUNSEL

November 14, 1996

HAND DELIVERED

Chairman Ken Wemmer and  
Members of the Planning Commission  
City of Sacramento  
1231 I Street  
Sacramento, CA 95814

Re: Sacramento River Parkway Plan (M91-006)

Dear Chairman Wemmer and Members of the  
Planning Commission:

Thank you for the opportunity to submit comments pertaining to this important project for the City of Sacramento. For reasons that I will make clear in the following analysis, a number of serious concerns continue to exist that necessitate this critical evaluation. It is my hope that upon reflection, you will agree that it is inappropriate to certify the environmental impact report and approve the Parkway Plan at this time, at least until these concerns can be addressed in a meaningful manner.

This firm represents the Sacramento Riverfront Association ("SRA"), an unincorporated association of approximately 180 homeowners and residents located generally in an area along the Sacramento River between the Captain's Table and Garcia Bend Park. For many years, SRA members have participated extensively in the development and refinement of the Sacramento River Parkway Plan (the "Plan"), the accompanying environmental review, and several related land use plans for areas along or in the vicinity of the Sacramento River.

Although the Plan represents a great deal of time and effort on behalf of many individuals, including my clients, there remain a disconcerting number of

deficiencies with respect to both the Plan and the accompanying environmental review. The following analysis focuses on certain major problems with the proposal now before you. It should not, however, be considered in isolation. For a comprehensive assessment of the project's deficiencies, please refer to the comments, correspondence and testimony previously submitted in response to the Plan and the environmental impact report for the Sacramento River Parkway Plan Update (SCN:93102086) (the "EIR"), which are incorporated in their entirety by reference herein. These include, but are not necessarily limited to comments prepared by the Sacramento Riverfront Association, Mr. Phil Hiroshima, Mr. Charles Zell, Mr. Dennis MacIntire, Ms. Janet Gordon Boyer, and Harriet and Mac McKinnis.

A. General Considerations:

1. In discussing the "Delineation of Public/Private Boundaries" on page 10 of the October 17, 1996 staff report, it is noted that the City does not intend to increase public use with respect to certain sections of the levee. It is acknowledged, however, that this particular unintended consequence may actually occur. The response given is that:

Ultimately, the City Plan will provide that protection of private property should be accomplished through signage and fencing or landscaping parallel to the levee toe or on the levee crown. (Staff Report, p. 10.)

While this solution may prove feasible in the long-run, it completely fails to take into account the City's short-term responsibility to landowners being trespassed against, or otherwise victimized by unlawful public uses. In addition, it is equally likely that this proposed solution will not prove feasible over time, in which case the harm will continue unabated.

2. As a means of dealing with the safety/privacy issue assessed in comment A. 1, above, the staff report on page 10, further indicates that private fencing is acceptable as long as there are no short-term plans for the acquisition of recreation easements. In addition to the question of why private landowners should have to pay for fencing to mitigate impacts resulting from a public project, there is no explanation of what form the mitigation or substitute mitigation will take for areas in which recreation easements are planned beyond the short-term.

B. Environmental Impact Report

With respect to the EIR being considered by the Planning Commission for certification, SRA submits the following additional comments:

Draft EIR

An alarming number of legal deficiencies continue to exist in the draft EIR ("DEIR"). Unfortunately, these were not adequately dealt with in the final EIR's responses to comments, nor were appropriate changes made to the text to ensure legal sufficiency. As a result, certification of the EIR is premature at this point.

A general point of concern involves the DEIR's Table 2-1, Summary of Major Impacts and Mitigation Measures (the "Summary Table"). Such summaries are required in accordance with § 15123 of the CEQA Guidelines (Title 14, California Code of Regulations § 15000 *et seq.*), and are designed to provide the reader with a clear vision of the EIR's impacts and mitigation measures. The table is supposed to provide a means by which individuals and agencies can avoid a comprehensive review of the EIR, but nevertheless gain an understanding of the project and the environmental issues.

Unfortunately, the Summary Table in this DEIR is often indecipherable. The impacts and mitigation measures frequently do not match what should be the corresponding impacts and mitigation measures in the text of the DEIR. This results in a confusing and internally inconsistent document that does not meet the expectations of CEQA, particularly Public Resources Code § 21003(b), requiring the EIR to be meaningful and useful to the public and the lead agency. (See also Guidelines § 15123(a).) In some instances, this problem required us to segregate the critical analysis presented in this correspondence to separately identify deficiencies in the Summary Table from those in the body of the EIR. To the extent this approach is duplicative, please accept our apologies, but in the interest of thoroughness, it was necessary.

1. The document wrongly attempts to defer determinations regarding certain impacts and specific analysis of mitigation measures. The EIR states:

Analysis at the design stage will include further analysis of the mitigation measures, and the impacts associated with those measures as well as the direct impacts associated with construction of Parkway facilities.

(DEIR, 1-2.)

While it is acceptable not to analyze project-specific mitigation measures at the program EIR stage, it is unlawful for the agency, under these circumstances, to defer mitigation that is applicable to and appropriate for the program. It is equally inappropriate to defer the complete and thorough analysis of any environmental impacts capable of being addressed at this time. (See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 728 (agency's failure to determine the present feasibility of mitigation is a legitimate basis for invalidating an EIR); see also *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296.)

2. The DEIR notes on pages 2-3 and 2-4, a point of controversy regarding the option of equestrian trails. "[T]he EIR assumes that equestrian uses could be allowed but only after a subsequent feasibility study." (Emphasis added.) No identification of impacts or mitigation measures is attempted with respect to this possible future use.

If future equestrian uses are allowed upon completion of a feasibility study and nothing more, then there are no subsequent discretionary government actions that will trigger CEQA review. Consequently, equestrian activities will have entirely avoided environmental review.

3. The Summary Table identifies impact 6.5-8, pertaining to special status species. While the impact is deemed significant, the mitigation proposal relies in part on implementing mitigation measure 6.5-1. This is illusory, as impact 6.5-1 is insignificant at the program level, and no mitigation measures are even proposed. See, DEIR, 6.5-14 to 6.5-15.

4. Impact 6.6-3 (Summary Table) states that no water quality impacts are anticipated due to the absence of new marinas in conjunction with the project. Impact 6.6-4, however, clearly stresses that litter/debris from boats is a problem requiring mitigation. These conclusions are completely inconsistent. Either boat, or marine vessel-based litter and debris must be mitigated, or there is no significant boat/marine vessel impact, and mitigation is not necessary.

5. Impact 6.2-2 (Summary Table) is significant based on the multiple uses proposed for the trail. (DEIR, 6.2-15 to 6.2-19.) The designated mitigation measure, establishing a Task Force, to develop standards for equestrian use, constitutes uncertain and unconfirmed future mitigation that violates the rule established in *Sundstrom, supra*, 202 Cal.App.3d at 306-308, prohibiting the deferral of environmental assessment and the identification of mitigation measures until after project approval. (See also *Kings County Farms Bureau*,



*supra*, 221 Cal.App.3d at 728; *Oro Fino Gold Mining Corporation v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884-885; and *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1393-1394.) Moreover, this measure falls far short of accepted standards for developing future mitigation measures, as set forth in *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, whereunder the establishment of tangible performance standards or criteria may enable agencies to develop precise mitigation measures in the future.

6. Impact 6.9.1 (Summary Table and DEIR, 6.9-10) has a variety of deficiencies. First, the fourth sentence references "[s]tudies conducted for rail trails." The term "rail trails" is nowhere defined and without knowing what the term "rail trails" refers to, it is impossible to establish any legitimate comparison to safety issues on Parkway trails. In addition, no studies concerning the alleged rail trails have been referenced or otherwise cited, and no data are provided.

7. The statement at the end of impact 6.9-1, indicating that funding for public safety officers is uncertain, conflicts, among other things, with Plan policy T.8, which states:

Trail segments should be implemented with sufficient funds to provide for operations, maintenance, and security of that segment of the Parkway.

(Parkway Plan, p. 31.)

The acknowledgment of possibly inadequate funding also runs afoul of Plan policy SE3 (Parkway Plan, p. 36), which recognizes the need for "other security measures", in order to "minimize potential security and privacy problems. . . ."

8. (Summary Table) Impact 6.9-2 relates to the conflict of land uses, and strikes at the heart of my client's concerns about the proposal under review. The mitigation measure, in part, indicates that "all feasible security and privacy measures will be implemented." This is inadequate. To the extent security is needed as a mitigation measure, it must be implemented, and cannot be subject to the vicissitudes of feasibility.

9. Summary Table Impact 6.9-3. See analysis of impact 6.9-5, *infra*.

10. The DEIR's acknowledgment that "a general policy to allow equestrian use in the Parkway is included in the Plan" (DEIR, 3-4), is problematic because of the admitted lack of mitigation. (See comment B.5, *supra*.) There is

no analysis of impacts relating to safety, vectors, noise, sight lines into rear yards, etc. More importantly, mitigation of these potential impacts is ignored entirely, as the DEIR wrongly attempts to defer all analysis to a later date. (See comments B.1 and B.5, *supra*.)

11. Impact 6.9-1 identifies Trail Policy T8 (p. 6.9-9) as follows:

Trail segments should be implemented with sufficient funds to provide for operations, maintenance and security of that segment of the Parkway. (Emphasis added.)

It is our assumption that the proposed Plan language is not intended to provide an escape mechanism in the event the City no longer wants to provide sufficient funding. It is further assumed that the City is committed to implementing the various trail segments only if there are sufficient monies available. Any other interpretation of this policy would be directly contrary to the needs and clear expectations of the local residents.

One means of avoiding problems relating to the lead agency's subsequent obligations involves changing the conditional term "should be implemented" to the mandatory, "shall be implemented." See *Camp v. Mendocino County Board of Supervisors* (1981) 123 Cal.App.3d 334, 348. This will more adequately reflect what we hope to be the City's true intent with respect to requiring operations, maintenance, and security funds.

12. With respect to the DEIR's summary of security policy SE3 (DEIR, 6.9-10), the same analysis as set forth in comment B.11 applies.

13. With respect to the proposed project, the DEIR notes that "[t]he Draft Parkway Plan contains an estimate of \$100,000 per year for security and assumes that only the off-street trails will require supplemental patrol..." DEIR, 6.9-11. Although the applicable mitigation measure is set forth on page 6.9-12, it is entirely inadequate to limit the supplemental patrols to off-street sections of the trail. In fact, evidence in the DEIR suggests to the contrary, "that patrol presence is necessary to deter potential crime." DEIR, 6.9-11. There are no conclusions, or even assumptions in the DEIR's analysis that this presence should be greater only in the off-street sections.

14. Additionally, deficiencies in terms of the reliability of the mitigation measures proposed, are apparent in the statement: "whether funding will always be available for public safety officers to patrol the Parkway is uncertain." DEIR, 6.9-11 to 6.9-12.

15. The requirement for "Safety Officer Patrols" in mitigation measure 6.9-1 (*id.*) is undefined. Does this mean the Sacramento Police Department? (See comment B.17, *infra.*)

16. Mitigation measure 2 for impact 6.9-1 (DEIR, 6.9-12), indicates that "trail corridors shall be fenced at the time the project is developed." This falls short of the ongoing mitigation requirements of policy T8, which calls for funding well beyond the time of development, and includes funding for operations, and maintenance, as well as security.

17. Impact 6.9-2 (DEIR, 6.9-12), pertaining to the proposed project, indicates that some areas of the trail "will not be routinely patrolled by City police." This remains unacceptable. The analysis of this impact once again raises the issue of inadequate funding for the proposed public safety mitigation measures.

18. Mitigation measure 6.9.2 (DEIR, 6.9-13) is subject to the same deficiencies and comments set forth above with respect to impact 6.9-1.

19. The maintenance of a "vision of a continuous trail as a long-term goal" (DEIR, 6.9-15) in those areas designated PIA is problematic. Particular concerns exist with respect to the devaluation and decreased marketability of property that is encumbered with this designation.

20. The proposal to mitigate impact 6.9-4 (DEIR, 6.9-16) is inadequate due to the meaningless nature of mitigation measure 1.b. Reliance on "all feasible security and privacy measures" provides the public with absolutely no indication of what the mitigation measure(s) actually will be. (See CEQA Guidelines § 15126(c).)

21. Impact 6.9-5 (DEIR, 6.9-16 to 6.9-17) is inconclusive with respect to the effect on property values under the proposed project scenario. There is, however, a definite lack of evidence in support of the DEIR's default conclusion of no significant impact. The non-referenced and unincorporated Rail Trail study, and an ambiguous and extremely unclear reliance on "most real estate professionals" are insufficient bases for determining that there is no significant impact.

Because of the flawed impact analysis, the conclusions regarding mitigation are deficient.

22. DEIR Chapter 7 addresses impacts deemed less than significant. Insofar as public service impacts are concerned, it is indicated that "a staff report will be prepared for [the] City Council describing the fiscal and social impacts of future Parkway development." (DEIR, 7-4.)

We are unaware of the existence of any staff report addressing these issues. To approve the Project without full consideration of these matters, not only is inconsistent with and contradictory of the DEIR, but also, casts a pall upon the decisionmakers' ability to act in light of limited dissemination of directly relevant information.

23. The DEIR continually confuses the public as to what the purpose of the Plan truly is. The indication on page 7-5 that "[t]he primary purpose of the Sacramento River Parkway Plan is to provide goals and policies to enhance recreation opportunities along the Sacramento River in the City of Sacramento," is inconsistent with statements in both the Plan (see Objective statement, Parkway Plan, p. 1, Goals and Policies, p. 28-37) and the EIR (stating that, "[n]atural resource protection and enhancement is the main goal of the Parkway and will take precedence over public access recreation in the Parkway"). (DEIR, 3-3.)

This sort of confused approach to a such a basic consideration as the Plan's purpose is a particularly clear indication that the environmental review is flawed, and should not be certified.

24. Chapter 9.0/Cumulative Impacts. The DEIR is unacceptably dismissive of the entire issue of cumulative impacts. In fact, the limited analysis is conclusory and not based on substantial evidence. The statement on page 9-2 that: "[s]ince the Parkway Plan provides comprehensive policy guidance regarding public access and resource preservation, the Plan does not significantly contribute to cumulative effects," is of no consequence under CEQA.

The Plan promotes and enhances the development, use, and expansion of the riverfront resource, and as such its impacts may be significant and require mitigation. At the very minimum, the Plan's contributions to the cumulative impact environment must be examined. For example, although it is claimed that the Plan and EIR "mitigate adverse effects to water quality and riparian and other river habitats" (DEIR, 9-3), no sufficient mitigation is identified to address the obvious and potential extensive cumulative impacts to existing neighborhoods brought about by Plan implementation.

### Final EIR

25. Generally, the responses to comments are inadequate. They are conclusory in nature, and not supported by facts in the record. A non-exhaustive sampling of deficiencies with respect to the responses to comments is set forth below.

26. Statements in the FEIR regarding the agency's duties with respect to economic and social effects are contrary to law. These include conclusions such as, "[p]urely social and/or economic effects are not the subject of an EIR," and "unless the comment raises substantial issues relative to the adequacy of the EIR, social economic effects (such as property values) are not required to be addressed by the EIR."

The standard to which the FEIR should have adhered is one in which economic or social changes can be used to determine whether physical changes are themselves significant effects on the environment. (Guidelines § 15131(b).) Furthermore, physical changes caused by economic or social effects of a project, may be considered significant in the same manner as any physical change in the environment would be.

27. Response to Comment 8-2 is inadequate. It fails to explain why the previously unmitigatable issue of privacy in the Little Pocket and Greenhaven/Pocket areas has suddenly become mitigatable. The response blandly attempts to explain this defect based on the fact that the current environmental review is at a program level, and by indicating that "the assessment of impacts may change based on the project description . . . [and due to] a number of policies which, in and of themselves, reduce potential land use conflicts." (FEIR, 23.) The public is neither informed about which aspects of the project description the response is referring to, nor the specific policies alluded to that supposedly reduce the land use conflicts in a manner sufficient to mitigate this previously unmitigatable impact.

28. Response to comment 8-6 merely exacerbates the DEIR's inadequate handling of the issue regarding impacts to property values. Nothing in the FEIR takes any steps towards resolving this CEQA deficiency.

29. Response to comment 8-9 indicates that due to the fact that planning for the proposed multi-use trail is only preliminary, impacts cannot be adequately assessed, and by extension, mitigation measures cannot be developed. The response argues that at the program level information regarding "the final

alignment, construction drawings and surveys for the proposed trail are not available." FEIR, 24 to 25

In fact, what appears to be the case, is that the program EIR is being used wrongly as justification for the EIR's failed impact analysis. While we recognize that final alignment determinations remain to be made, there is more than enough information relating to the alternative conceptual alignments to assemble a series of alternate impact scenarios and corresponding proposed mitigation measures. It is fallacy to claim that such a step requires construction drawings, surveys, etc.

30. Response 9-6 indicates that the concept of "block busting" is not a significant effect because it does not result in the physical disruption of a neighborhood. The analysis, however, falls short in that it fails to take into account the fact that development of the trail system will have direct physical disruption consequences, including, but not limited to the imposition of mitigation measures such as substantially expanded fencing of trail corridors (*see* mitigation measure 6.9-1, DEIR, 6.9-12) and vegetative screening requirements. Further substantial evidence demonstrating the physical segmentation effects can be found in the following Plan policies: SA3, p. 35; SE3, p. 36; SE4, p. 36; E1 and E4, p. 37; P4, p. 32; P13, p. 33; and in the discussion of proposed Parkway land use on page 59 of the Plan. If examined properly, it is quite apparent that "block busting" should be deemed significant.

31. Comment 25-1 in the FEIR, again raises the issue of inadequate funding for security purposes. The response completely glosses over the problem of mitigation measures that cannot be guaranteed and which must, therefore, be considered illusory. The simple fact that the FEIR recites the particular mitigation measures that are acknowledged as being subject to a lack of adequate funding is in no way sufficient to meet the requirements of CEQA.

32. Comment 26-2 raises issues concerning privacy on private property. Instead of addressing this comment responsibly, the FEIR attempts to avoid the subject by hiding behind the veil of a programmatic level analysis. Once again, the fact that the EIR is a program level document, does not allow the agency to avoid analyzing and mitigating impacts for which it does have adequate information. Clearly, the issues of privacy and incompatible land uses are examined in the EIR. Thus, it is completely wrong for the agency to claim, as it does in response 26-2, that the comments pertain to "site specific construction period impacts," and cannot be analyzed further.

C. Sacramento River Parkway Plan

Chapter 2

1. Page 25/Shared Jurisdiction - The reference to Appendix B, should be changed to indicate Appendix A.
2. Page 27/Public Safety - The draft Plan acknowledges that security and law enforcement have been made difficult by virtue of the "remoteness and inaccessibility" of much of the levee, and due to the presence of "numerous fences on the levee." SRA is troubled by the fact that despite these serious existing issues, the City is preparing to embark on a project that will greatly exacerbate the problem, all the while recognizing that feasible solutions are not yet available.

Chapter 3

3. Page 28/Sacramento River Parkway Goals - SRA is greatly concerned about the absence of any goal relating to protection of the neighboring properties. The void left by the absence of such a goal is particularly apparent in light of the existence of policy G7, which states: "Land adjacent to the Parkway shall be protected from injurious or incompatible elements associated with Parkway land uses." An overall goal to this effect is clearly warranted.
4. Page 30/Trail Policies - The second and fourth paragraphs of this section describe the Interim Bypass Route, as that portion of the trail "recommended as a bypass of segments of the Parkway where the Parkway may be undevelopable for a period of time." This laudable effort at an alternative route is directly contradicted by the description of the proposed Off-Street Trail, which the Plan text claims "traverses the entire length of the Parkway and provides continuity to the Parkway." (Emphasis added.) This direct inconsistency must be reconciled before the Plan is approved. SRA will oppose any effort to adopt a continuous and uninterrupted Off-Street Trail on the levee.
5. Pages 30-31/Policy T1 - Language appears to be missing from this policy.
6. Page 31/Policy T8 - This policy should be amended to read:  
  
Trail segments shall [should] be implemented with sufficient funds to provide for operations, maintenance and security of that segment of the Parkway.

(See comment 10, pertaining to the draft EIR; see also DEIR comment 7, regarding the uncertainties surrounding funding, such as called for in policy T8.)

7. Page 32/Policy P4 - The call for land use boundaries consisting of signage and "appropriate barriers" is of questionable value. There is no explanation or description of what an appropriate barrier might consist of. Clearly, with heightened concerns regarding the proposed Plan areas and adjoining residential properties, this proposal warrants a great deal more thought and certainty than currently demonstrated.

8. Page 32/Policy P5 - How does the City propose to enforce the critical hourly access limitations? This is a particular problem in view of the oft-noted budgetary constraints.

9. Page 32/Policy P8 - Despite the fact that Policy P8 states that "access points and associated improvements shall be designed to minimize impact upon adjacent land uses," no information whatsoever is provided with regard to where patrons utilizing those access points are supposed to park their vehicles.

10. Page 33/Policy P12 - With respect to Intermediate and Neighborhood access points, the draft Plan indicates "no vehicle access." In particular, with respect to the latter Neighborhood category, there are absolutely no provisions for locating the cars of Parkway users in a non-disruptive manner. While the Plan may be designed to limit problems associated with vehicles lining neighborhood streets by eliminating parking and thereby discouraging non-neighborhood users, it is just as likely that these users would arrive anyway, and finding no off-street parking facilities, would adversely affect local congestion, noise, aesthetics, etc.

11. Page 33/Policy P13 - This policy requires the City to "provide fencing of private properties adjacent to designated public access points, as needed." There is no indication regarding who is to make this determination of need, nor how it is to be made. For example, does the "as needed" language mean as requested?

12. Page 35/Security Policies - The text indicates that fence applications will not be contested by the City, if, in part, those applications are for areas in which "recreation easements are not planned for acquisition in the short-term ..." There is, however, no information about what is supposed to happen over the long-term. The same privacy and security issues cannot reasonably be expected to go away. In fact, they may even increase over time.



Chairman Ken Wemmer and  
Members of the Planning Commission  
November 14, 1996  
Page 13

13. Page 36/Policy SE3 - The imposition of vegetative screening, fencing, and other security measures must be mandatory, not optional. The term "should be implemented," must, therefore, be changed to "shall be implemented." See also DEIR comment 12, *supra*.

#### Chapter 5/Acquisition

SRA is very concerned about the apparent under valuation of properties potentially subject to acquisition. A thorough reexamination by a qualified expert is required.

#### D. Conclusion

We hope that these comments make clear that a number of serious issues remain to be resolved, both with respect to the Plan and its environmental review. For the Commission to approve the project as currently presented and forward it to the City Council would be ill-advised. Rather, SRA requests that the entire project be returned to staff to adequately address these and other questions raised.

Very truly yours,



Timothy M. Taylor

TMT:dlp

cc: Jimmie Yee, City Council  
Robbie Waters, City Council  
Scott Mende, Senior Planner  
Grace Hovey, Associate Planner

Date: December 30, 1996

JAN 3 3 46 PM '96

To: Sacramento City Clerk and Council Members  
915 I Street, Room 304  
Sacramento, CA 95814-2671

This is concerning the hearing set for January 14, 1997 on the Sacramento River Parkway Plan which would appropriate privately held land along the Sacramento River levee for a bike trail. I want to state my agreement with the Sacramento River Front Association's analysis of the inadequacy of the DEIR, and Phil Hiroshima's presentation at the November 14, 1996 hearing before the planning commission which I attended. My wife Jeannette and I would like to add a personal statement.

The reason we purchased our home on Riverlake Way some twenty years ago is the privacy and seclusion of our land along the river. Almost every day, we or our two daughters take our dogs for a walk on the levee or stroll or jog. It's a wonderful place of relaxation and reflection. I can fully understand why the city would like to appropriate our little piece of heaven. But does the city have the right to take our levee property without just compensation for the unavoidable reduction in our quality of life and the value of our home? In my view, that is the fundamental issue before the Sacramento City Council.


A particularly disturbing proposal in the DEIR is the Private Inholding Area (PIA) recommendation. I know that the planning staff are very intelligent and perceptive people. Therefore, I am certain that they understand that a plan which promises that the city will reimburse property owners pennies on the dollar for their properties sometime within the next 20 years will immediately, and over time, degrade the market value of their properties. For most of the residents whose property lies within these PIAs, our homes are our largest financial asset. Neither we nor most other riverfront property owners are wealthy. It is easy to condemn men like Charles Keating for cheating ordinary people out of their life savings. So why is it so difficult to comprehend that destroying the value of our property through the bureaucratic subterfuge and legalistic legerdemain embodied in the PIA proposal is equally unethical, and unjust? It places homeowners in a position of legal limbo, and is a *de facto* taking of property, reducing its desirability and value, and in effect, clouding its title. The city should squarely acknowledge this fact. To pretend otherwise is a transparent deception.

The honest way to deal with this issue is choose one of two alternatives:


- Either the city should abandon its vision of a continuous trail along the levy and instead implement an alternative route which would be far more cost effective, or
- The city should negotiate in good faith to purchase the homes of residents with property along the bike path corridor and be prepared to offer just compensation for the true value of their homes, the disruption of their lives, and the ancillary cost of acquiring replacement property of comparable economic and aesthetic value.

We want to express our sincere appreciation to Phil Hiroshima of the Sacramento Riverfront Association for putting an enormous amount of time and effort into his analysis and other efforts concerning the DEIR. We also extend our gratitude to Council Members Robbie Waters and Jimmie Yee for their political integrity in opposing the confiscatory aspects of the proposed plan. I hope that the mayor and the other council members will also listen to their consciences and decide the issue on principle. Ultimately, it boils down to a simple question of right and wrong.

Sincerely,



Stephen D. Munro



Jeannette M. Munro

cc: Phil Hiroshima, Sacramento Riverfront Association



10.2

DEPARTMENT OF  
PLANNING AND DEVELOPMENT

**CITY OF SACRAMENTO**  
CALIFORNIA

1231 I STREET  
ROOM 301  
SACRAMENTO, CA  
95814-2998

PFP DATE: \_\_\_\_\_

HEARING DATE: \_\_\_\_\_

PLANNING SERVICES  
916-264-7037  
FAX 916-264-7185

December 4, 1996 FINAL COUNCIL ACTION DATE: \_\_\_\_\_

**MEMORANDUM**

TO: Virginia Henry, Assistant City Clerk

FROM: Grace L. Garcia, Typist Clerk III

SUBJECT: REQUEST TO SCHEDULE HEARING - EVENING (CONTROVERSIAL)

1. M91-006 **SACRAMENTO RIVER PARKWAY PLAN - Location: lands adjacent to the Sacramento River; Freeport to I-80 Overcrossing at Garden Highway (D1,4,7) (Scot Mende, x5894)**

- A. Certification of the Sacramento River Parkway EIR (SCH 93-10286)
- B. Adoption of the Sacramento River Parkway Plan Update
- C. Amendment of various planning documents to be consistent with the adoption and implementation of the Sacramento River Parkway Plan:
  - 1. Sacramento City/County Bikeway Master Plan with reference to the off-street bicycle trail between Pocket Canal and Captain's Table;
  - 2. Pocket Area Community Plan with reference to the off-street bicycle trail between Pocket Canal and Riverside Blvd. (The northern edge of the planning boundary);
  - 3. General Plan Conservation & Open Space Element which refers to the 1975 Sacramento River Parkway Plan page 6-11 to reflect the Update Plan;
  - 4. General Plan Circulation Element which includes a Bikeways Map to reflect any decisions regarding the off-street trail between Pocket Canal and Captain's Table.

RECEIVED  
CITY CLERKS OFFICE  
CITY OF SACRAMENTO  
DEC 5 10 31 AM '96

Staff requests that this item be scheduled for the session of the City Council evening agenda on January 14, 1997.

Attachments

O.K.

**CITY PLANNING COMMISSION  
SACRAMENTO, CALIFORNIA  
MEMBERS IN SESSION:**

**ITEM # 1  
FOR NOVEMBER 14, 1996  
PAGE 1**

**M91-006 - SACRAMENTO RIVER PARKWAY PLAN**

LOCATION: Lands Adjacent to the Sacramento River  
Freeport to I-80 Overcrossing @ Garden Highway

COUNCIL DISTRICTS: 1, 4, 7

STAFF CONTACT: Scot Mende, Senior Planner, 264-5894  
Grace Hovey, Associate Planner, Environmental Services, 264-7601

**SUMMARY:** Staff had prepared a report to the Commission for a October 17th hearing. That hearing was cancelled. Staff hereby resubmits the October 17th staff report as an attachment to this November 14th staff report. The October 17th staff report provides general background and provides, on pages 6-11, specific options for policy language revisions.

**RECOMMENDATION:** Staff recommends that the Commission formulate its recommendation to the City Council regarding the following items:

1. *Certification* of the Sacramento River Parkway EIR (SCH 93-10286)
2. *Adoption* of the Sacramento River Parkway Plan Update
3. Amendment of various planning documents to be consistent with the adoption and implementation of the Sacramento River Parkway Plan:
  - A. Sacramento City/County Bikeway Master Plan with reference to the off-street bicycle trail between Pocket Canal and Captain's Table;
  - B. Pocket Area Community Plan with reference to the off-street bicycle trail between Pocket Canal and Riverside Blvd. (the northern edge of the planning boundary);
  - C. General Plan Conservation & Open Space Element which refers to the 1975 Sacramento River Parkway Plan page 6-11 to reflect the Updated Plan;
  - D. General Plan Circulation Element which includes a Bikeways Map to reflect any decisions regarding the off-street trail between Pocket Canal and Captain's Table.

Report Prepared By,



Scot Mende, Senior Planner

SACRAMENTO RIVER PARKWAY PLAN  
VOTE OF THE PLANNING COMMISSION  
NOVEMBER 14, 1996

Motion #1: Recommend Certification of the Environmental Impact Report for the Sacramento River Parkway Plan. M: Kennedy; S: Donahue. 6 ayes; 1 no (Myers); 2 absent (Valencia, Harvey). {Motion passed}

Motion #2: Recommend approval of the staff recommendation (i.e., the draft Parkway Plan with revisions as set forth in the staff report pp. 7-11) with two amendments:

- A. Remove multi-purpose on-river trail designation for Little Pocket
- B. Eminent domain cannot be used for any acquisition until 51% of the parcels within Private Inholdings Area are under public ownership.

Motion: Kennedy; Second: Donahue. 4 ayes (Donahue, Kennedy, LaChappelle, Wemmer); 3 noes (Duruissseau, Myers, Yee); 2 absent (Valencia, Harvey). {Motion failed; 5 votes needed for recommendation}

Motion #3: Recommend approval of the staff recommendation (i.e., the draft Parkway Plan with revisions as set forth in the staff report pp. 7-11) with three amendments:

- A. Remove multi-purpose on-river trail designation for Little Pocket
- B. Remove multi-purpose on-river trail designation for Greenhaven (north of Pocket Canal)
- C. Eminent domain cannot be used for any acquisition until 51% of the parcels are under public ownership.

Motion: Myers; Second: Yee. 3 ayes (Duruissseau, Myers, Yee); 4 noes (Donahue, Kennedy, LaChappelle, Wemmer); 2 absent (Valencia, Harvey). {Motion failed}

SACRAMENTO RIVER PARKWAY PLAN & EIR  
CITY PLANNING COMMISSION  
NOVEMBER 14, 1996

Speakers Opposed to Plan & EIR

Phil Hiroshima	6508 Benham Wy	Greenhaven
Charles Zell	967 Piedmont Dr	Little Pocket
Karsten Vieg	171 Portinao Cr	Middle Pocket
Ann O'Neil	686 Riverlake Wy	Greenhaven
B.J. Mac McInnis	643 Brickyard Dr	Greenhaven
Beverly Lewis	6 Alstan Ct	Middle Pocket
Diane Truly	925 Piedmont Dr	Little Pocket
Olivia Fonseca	830 Riverview Ct	Little Pocket
Anne McKee	913 Piedmont Dr	Little Pocket
Leon Corcos	4634 Capstan Wy	Little Pocket
Manuel Saldaña	821 Riverview Ct	Little Pocket
John Brophy	931 Piedmont Dr	Little Pocket
Francis Vonsoest	6860 Arabella Wy	Middle Pocket

Speakers In Favor of Plan & EIR

Aimee Rutledge	446 Mariner Point Wy	Middle Pocket
Anne Rudin	1410 Birchwood Ln	Land Park
Grant Werschull	3815 Moddison Av 2604 Argolis Wy	River Park



OFFICE OF THE  
CITY CLERK

VALERIE A. BURROWES, CMC/AAE  
CITY CLERK

CITY OF SACRAMENTO  
CALIFORNIA

CITY HALL  
ROOM 304  
915 I STREET  
SACRAMENTO, CA  
95814-2671

FAX 916-264-7672

OPERATIONAL SERVICES  
PH 916-264-5426

SPECIALIZED SERVICES  
916-264-7200

December 16, 1996

To All Interested Parties

On December 5, 1996, the following matter was filed with the Office of the City Clerk to set a hearing date before the City Council:

**SACRAMENTO RIVER PARKWAY PLAN - Location: lands adjacent to the Sacramento River; Freeport to I-80 Overcrossing at Garden Highway (D-1,4,7) (M91-006)**

- A. Certification of the Sacramento River Parkway EIR (SCH 93-10286)
- B. Adoption of the Sacramento River Parkway Plan Update
- C. Amendment of various planning documents to be consistent with the adoption and implementation of the Sacramento River Parkway Plan
  - 1. Sacramento City/County Bikeway Master Plan with reference to the off-street bicycle trail between Pocket Canal and Captain's Table;
  - 2. Pocket Area Community Plan with reference to the off-street bicycle trail between Pocket Canal and Riverside Blvd. (The northern edge of the planning boundary);
  - 3. General Plan Conservation & Open Space Element which refers to the 1975 Sacramento River Parkway Plan page 6-11 to reflect the Update Plan;
  - 4. General Plan Circulation Element which includes a Bikeways Map to reflect any decisions regarding the off-street trail between Pocket Canal and Captain's Table

This hearing has been set for January 14, 1997, 7:00 p.m., City Council Chambers, Second Floor, City Hall, 915 "I" Street, Sacramento, California. Interested parties are invited to appear and speak at the hearing.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Office of the City Clerk at or prior to the public hearing.

Pursuant to Council Rules of Procedures, Chapter 5 continuance of the above matter may be obtained only by the property owner of the above property, applicant, or appellant, or their designee, by submitting a written request delivered to this office no later than noon the day prior to the scheduled hearing date. If written request is not delivered to this office as specified herein, a continuance may only be obtained by appearing before the City Council at the time of the hearing and submitting a verbal request to the Council.

Any questions regarding this hearing should be directed to the City Planning Division, 1231 I Street, Sacramento, California, phone 264-5604.

*Valerie A. Burrowes*  
Valerie A. Burrowes

City Clerk

cc: MAILING LIST - 3,806 (M91-006)



DEPARTMENT OF  
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO  
CALIFORNIA

December 26, 1996

City Council  
Sacramento, California

Honorable Members In Session:

SUBJECT: M91-006 - SACRAMENTO RIVER PARKWAY PLAN

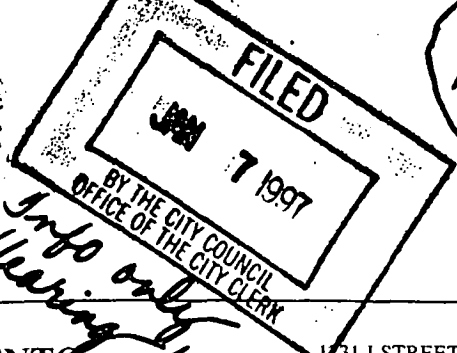
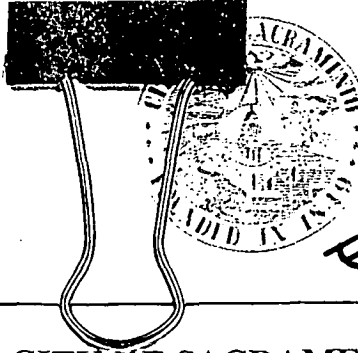
1. Certification of the Sacramento River Parkway EIR (SCH 93-10286)
2. Adoption of the Sacramento River Parkway Plan Update
3. Amendment of various planning documents to be consistent with the adoption and implementation of the Plan Update:
  - A. Sacramento City/County Bikeway Master Plan with reference to the off-street bicycle trail between Pocket Canal and Captain's Table;
  - B. Pocket Area Community Plan with reference to the off-street bicycle trail between Pocket Canal and Riverside Boulevard (the northern edge of the planning boundary);
  - C. General Plan Conservation & Open Space Element which refers to the 1975 Sacramento River Parkway Plan pages 6-11 to reflect the Updated Plan;
  - D. General Plan Circulation Element which includes a Bikeways Map to reflect any decisions regarding the off-street trail between Pocket Canal and Captain's Table.

LOCATION: Lands Adjacent to the Sacramento River  
Freeport to I-80 Over crossing at Garden Highway  
COUNCIL DISTRICTS: 1, 4, 7

RECOMMENDATION

Staff recommends that the Council provide a *Motion of Intent* regarding the above actions. Staff will return to the Council in approximately four weeks with final documents for Council approval.

CONTACT PERSONS: Scot Mende, Senior Planner, 264-5894  
Grace Hovey, Associate Planner, Environmental Services, 264-7601



10.2

1311 STREET  
ROOM 300  
SACRAMENTO, CA  
95814-2904

*adopted Intent Motion and*  
CONTINUED  
FROM 01.14.97  
TO 02.11.97

*Clark*  
*Item 1072*  
**ANNE RUDIN**  
**1410 Birchwood Lane**  
**Sacramento, California 95822**  
**916-457-3853**

January 14, 1997

Speaking in support of continuous, multi-use trails along the  
Sacramento River:

- ✓ Anne Rudin, Chair, Friends of the Sacramento River Greenway
- ✓ Charles Warren, former Executive Director, State Lands Commission
- Aimee Rutledge, Sacramento River Parkway Advocates
- ✓ Dale Secord, Sacramento Area Bicycle Advocates
- ✓ Bill Katen, South County Horsemen's Association
- ✓ *Muriel Strand, League of Women Voters*
- ✓ Carrie Cornwell, Citizens' Committee for Parks and Recreation
- ✓ John Harvey Carter, former Chair, Sacramento County Planning  
Commission
- ✓ Grant Werschkull, River Park resident and neighbor of American River  
Parkway
- Herman Mende, Sierra Club
- Residents and property owners of Pocket and Land Park areas
- Representatives of other organizations

*Maya Item 10.2*

**ANNE RUDIN**  
**1410 Birchwood Lane**  
**Sacramento, California 95822**  
**916-457-3853**

January 14, 1997

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Bill Katen, South County Horsemen's Association

*Muriel Strand, League of Women Voters*

Carrie Cornwell, Citizens' Committee for Parks and Recreation

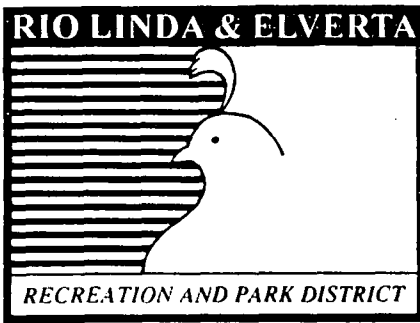
~~John Harvey Carter~~, former Chair, Sacramento County Planning  
Commission

~~\* Grant Werschkull~~, River Park resident and neighbor of American River  
Parkway

Herman Mende, Sierra Club

Residents and property owners of Pocket and Land Park areas

Representatives of other organizations



810 Oak Lane  
Rio Linda, CA 95673  
916/ 991-5929  
916/ 991-2892 FAX

December 17, 1996

Mayor Joe Serna, Jr.  
Council Members  
City Hall  
915 I Street  
Sacramento, CA 95814

Dear Mayor Serna and Council Members,

As a representative of equestrian groups and community member, I would like to add my support of continuous access to the Sacramento River levee, including a multi-use recreation path from Natomas to Freeport. Please adopt and implement the Sacramento River Parkway Plan with a multi-use trail included.

A continuous paved bikepath and multi-use trail, similar to the American River Parkway, Sacramento Northern Bike Trail, and the Ueda Parkway would greatly benefit the residents of the entire Sacramento area. It would provide increase recreation, economical and tourist opportunities for the south area, Natomas, and downtown. The paved trail would provide an safe alternative transportation corridor for bike commuters.

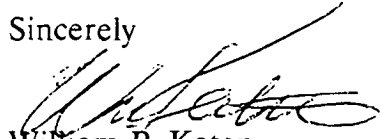
Public stewardship of the levee areas will also best endure the maintenance and safety of the levees during high water. The owners are surely going to call you to fix or repair the levee, even if they own it.

Recent data has shown that there is no decrease in property values, no increase in crime and over time a large increase in support of the trail by residents. The vast majority of residents quality of life would greatly benefit from increase public access opportunities along the Sacramento River Parkway.

I urge you to adopt a policy to acquire the levee portion of the private properties at the time of sale of the parcel. Much like a trail easement that would allow those residents who live there now to continue with their current situation but allow a mechanism for gradual ownership by the City and use by all residents of the Sacramento area.

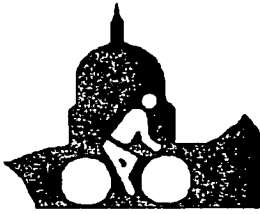
I strongly request your support for public use of the Sacramento River levee area as a parkway and multi-use recreational path. Thank you for your time and consideration.

Sincerely

A handwritten signature in dark ink, appearing to read 'W. P. Katen', written over the printed name.

William P. Katen  
Administrator

Attachments



Sacramento  
Area  
Bicycle  
Advocates

---

January 13, 1997

Sacramento City Council  
City of Sacramento  
915 I Street  
Sacramento, CA 95814

RE: SACRAMENTO RIVER PARKWAY PLAN

Dear Mayor and Council Members:

The Sacramento Area Bicycle Advocates urges you to approve the Sacramento River Parkway Plan and to implement a continuous multipurpose bike path along the entire length from Freeport to Natomas. Completion of the existing segmented Sacramento River Parkway bike path will provide an excellent commute and recreational bike route. We encourage the City to approve the Parkway Plan and modify the City/County 2010 Bikeway Master Plan so that this important facility can be completed as expeditiously as possible.

Bikeways are needed throughout the City to provide safe and convenient routes for the residents to commute to work or school, run errands or recreate. By providing for safe and convenient bicycle facilities, Sacramento can help to reduce the air pollution caused by motor vehicles and reduce traffic on the already congested streets and freeways.

The staff report suggests that an interim bypass in the Little Pocket and upper Greenhaven areas be approved by the City Council. While we support the approval of a continuous bikeway on the Sacramento River levee, provision of an interim bike route makes sense if it is both easy to use and safe. In this regard, several improvements need to be made. We recommend that the Sacramento City/County Bicycle Advisory Committee be requested to provide direction on what improvements should be made to provide a safe, convenient interim bypass route.

Sincerely,

Dale A. Secord, Chair

Ed Cox, Vice-Chair

---

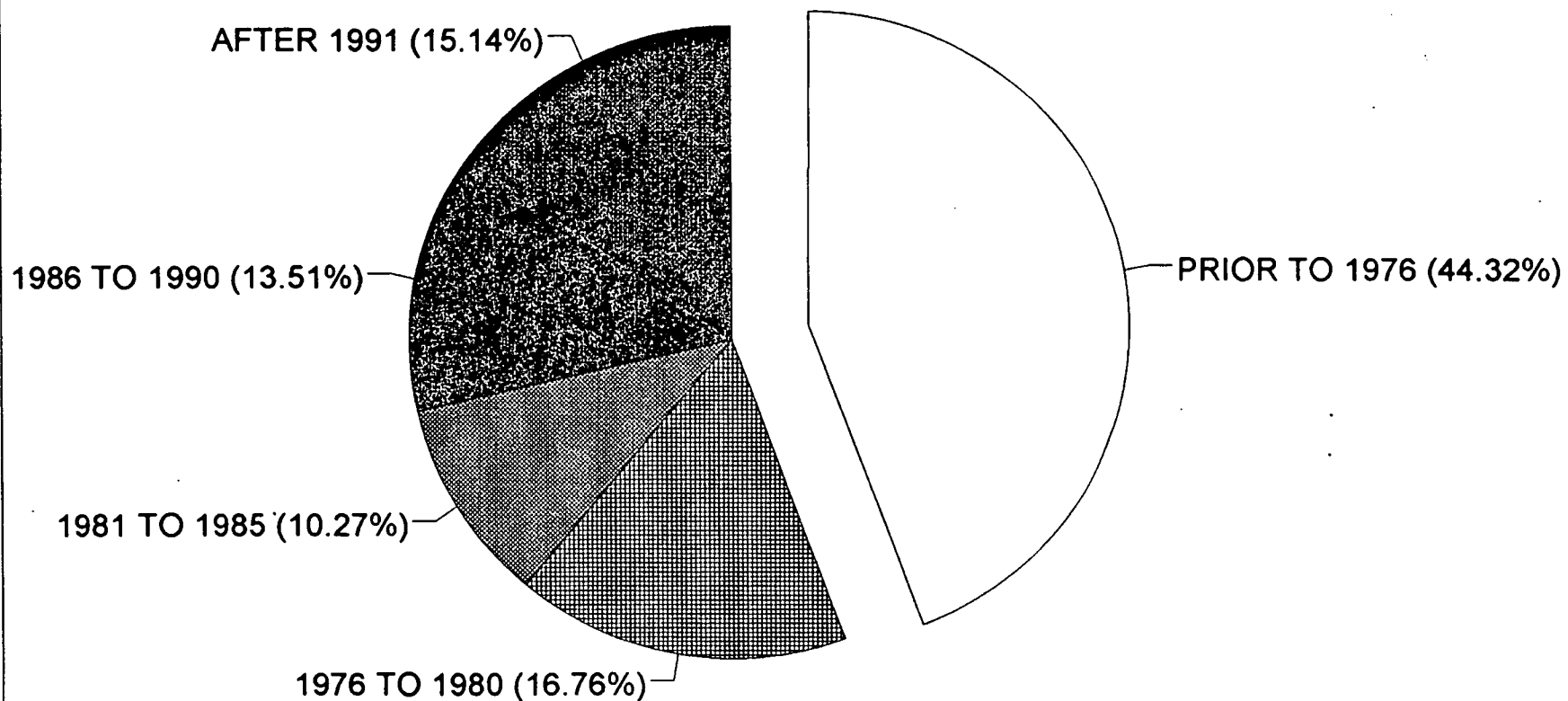
Sacramento Area Bicycle Advocates

909 12th Street, Suite 100, Sacramento, CA 95814 (916) 441-5916 or 444-5864

# **SACRAMENTO RIVER PARKWAY**

## **DATE OF PURCHASE OF HOMES ALONG RIVER**

152 LOTS IN THE GREENHAVEN AND LITTLE POCKET AREA  
(ARABELLA WAY TO CAPTAINS TABLE)

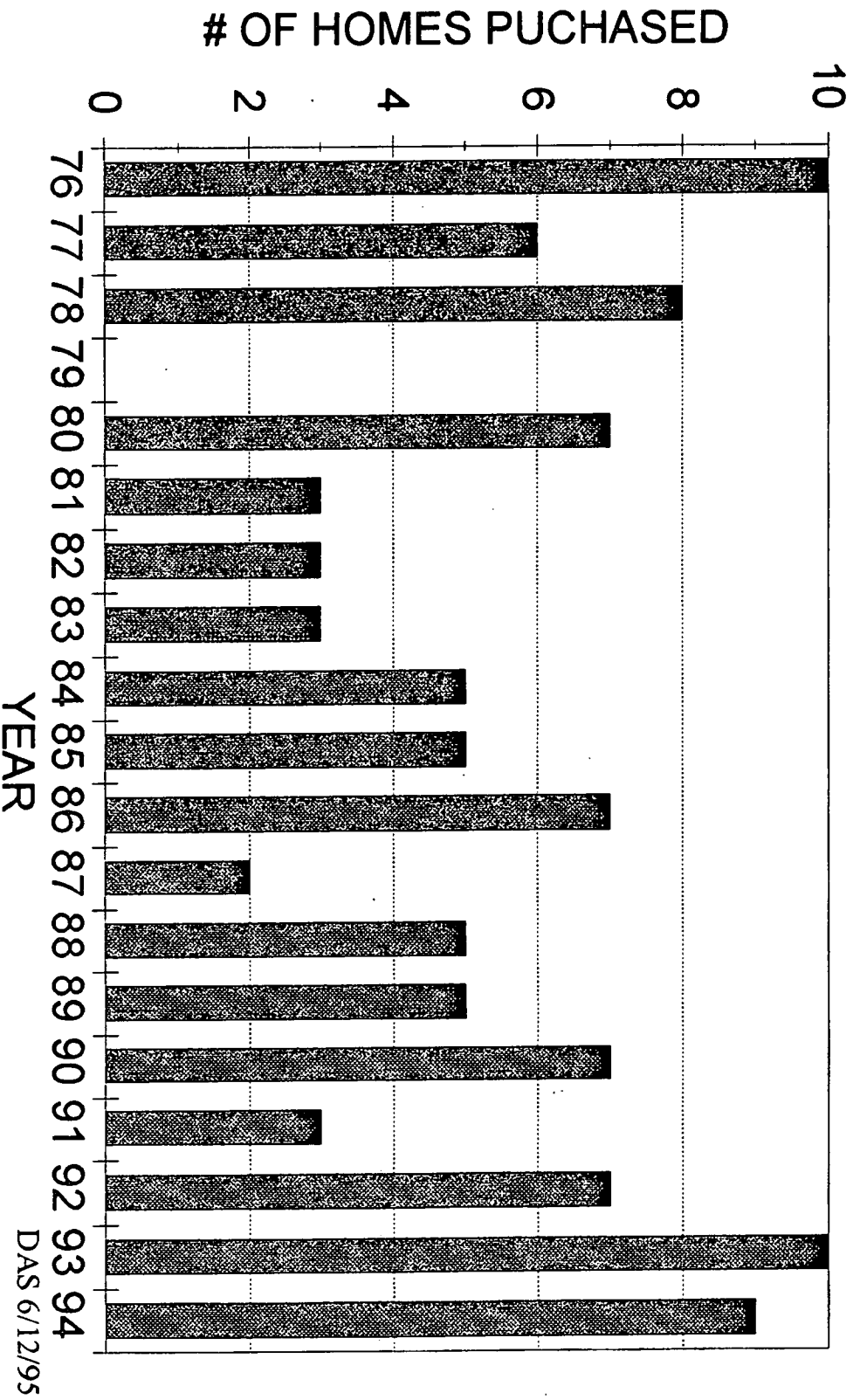


DAS 6/12/95

# SACRAMENTO RIVER PARKWAY

DATE OF PURCHASE OF HOMES ALONG RIVER

152 LOTS IN THE GREENHAVEN AND LITTLE POCKET AREA  
(ARABELLA WAY TO CAPTAINS TABLE)





# ***SACRAMENTO HORSEMEN'S ASSOCIATION***

***3200 Longview Drive  
North Highlands, CA 95660***

January 13, 1997

Mayor Joe Serna, Jr.  
Members of the City Council  
City Hall  
915 I Street  
Sacramento, CA 95814-2671

Re: Sacramento River Parkway

Dear Mayor Serna and Council Members:

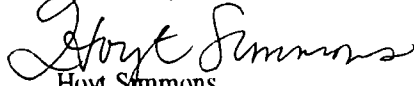
On behalf of the more than 450 members of the Sacramento Horsemen's Association, a city tenant for almost 50 years, we wish to reiterate our support for the development of the Sacramento River Parkway. We believe that there should be continuous public access to the Sacramento River levee as a matter of safety and good public policy. Our organization supports the creation of a multi-use trail that would run all the way from Natomas to Freeport. It is our hope that one day in the future, we can ride our horses, bike or jog from one end of the county to the other whether on our way to work or for the sheer pleasure of enjoying a truly beautiful community.

We realize that given the City's financial constraints the proposed parkway may be developed in phases consistent with the available funding opportunities. But given the federal funds already granted for construction of the southern portion of the trail and monies allocated to improve the docks area, the City should make the long term commitment to the creation of the parkway. This should include the gradual purchase of the levee portion of the private properties adjoining the river at the time that those properties are sold into new ownership.

The American River Parkway is a wonderful asset to our community. When our members describe the trails system we have here to people from other areas, they are very surprised that these recreational opportunities are available in Sacramento. When we describe seeing deer, quail and coyote within a few minutes drive of the State Capital building, they get an entirely different vision of Sacramento. The addition of the Sacramento River Parkway to the existing resources would be a tremendous enhancement for our City. We firmly believe that access to our rivers should be available to all of our citizens.

We urge you to support public use of the Sacramento River levee as a parkway and multi-use recreational trail.

Yours truly,

  
Hoyt Simmons  
President

HS:KK

# of Rail-Trails

*A Study of Users and Nearby  
Property Owners from Three Trails*



Conducted by:

U.S. Department of the Interior  
National Park Service  
Rivers & Trails Conservation Program  
1992

In cooperation with:

The Pennsylvania  
State University

## EXECUTIVE SUMMARY

### Background and Methods

This *Impacts of Rail-Trails* study was the first extensive study to examine the benefits and impacts of rail-trails and the first, to our knowledge, to systematically examine both the trail users and nearby property owners of the same trails. It was a cooperative effort of the National Park Service and Penn State University carried out in 1990 and 1991. Its purpose was to furnish information to assist in the planning, development, and management of rail-trails, public recreation trails constructed on the beds of unused railroads rights-of-way. The study's objectives were to: 1) Explore the benefits of rail-trails to their surrounding communities and measure the total direct economic impact of trail use; 2) Examine what effects rail-trails have on adjacent and nearby property values; 3) Determine the types and extent of trail-related problems, if any, experienced by trail neighbors; and 4) Develop a profile of rail-trail users. This report summarizes the study's methods and findings.

A sample of three diverse rail-trails from across the U.S. was studied: The Heritage Trail, a 26-mile trail surfaced in crushed limestone which traverses rural farmland in eastern Iowa; the St. Marks Trail, a 16-mile paved trail beginning in the outskirts of Tallahassee, Florida and passing through small communities and forests nearly to the Gulf of Mexico; and the Lafayette/Moraga Trail, a 7.6-mile paved trail 25 miles east of San Francisco, California which travels almost exclusively through developed suburban areas. At the time of the study, the Heritage Trail was eight years old, the St. Marks two, and the Lafayette/Moraga was fourteen years old.

Users were systematically surveyed and counted on each trail from March, 1990 through February, 1991 and were then sent follow-up

mail surveys. A sample of residential landowners owning property immediately adjacent to the trails and a sample of those owning property within one-quarter mile of the trails (one-half mile in Iowa) were also surveyed by mail, and real estate professionals in communities along the trails were interviewed by phone. Usable mail surveys were obtained from 1,705 trail users and 663 property owners, and interviews with 71 realtors and appraisers were conducted. Major findings from the analysis of these responses and counts are summarized at the conclusion of this executive summary.

### Study Findings

#### *Trail Users and Use*

1) Demographically, the samples of rail-trail users were much like the populations of the communities through which the trails passed.

2) The study trails were quite heavily used, with most users living nearby and visiting frequently. This pattern was most pronounced on the suburban Lafayette/Moraga Trail.

3) The study did not find a "typical" mix of activities that might be expected on rail-trails. Although bicycling and walking were the most common activities on all the study trails, they occurred in very different proportions on each.

4) Having no motorized vehicles allowed was the most desirable trail characteristic expressed by the users of each trail. Other important characteristics were: natural surroundings, quiet settings, safe road crossings, smooth trail surfaces, and good maintenance.

5) Users reported no serious complaints with any of the trails. Insufficient drinking water and restroom facilities were the biggest concerns overall, with rough trail surfaces and reckless behavior of other users reported as problems on the Lafayette/Moraga Trail.

#### *Economic Benefits of Rail-Trails*

1) Use of the sample trails generated significant levels of economic activity. These economic benefits were from two major sources: total trip-related expenditures and additional expenditures made by users on durable goods related to their trail activities.

2) Users spent an average of \$9.21, \$11.02, and \$3.97 per person per day as a result of their trail visits to the Heritage, St. Marks, and Lafayette/Moraga Trails, respectively. This resulted in a total annual economic impact of over \$1.2 million in each case. Expenditures on durable goods generated an additional \$130 to \$250 per user annually depending on the trail.

3) The amount of "new money" brought into the local trail county(s) by trail visitors from outside the county(s) was \$630,000, \$400,000 and \$294,000 annually for the Heritage, St. Marks, and Lafayette/Moraga Trails, respectively.

4) Restaurant and auto-related expenditures were the largest categories of trip-related expenses and visitors that spent at least one night in the local area were the biggest spenders. Equipment (such as bicycles) was the largest category of durable expenditure.

#### *Landowner and Property Characteristics*

1) Property size and distance from homes to trail varied from trail to trail as expected with the largest properties and distances between homes and the trail occurring along the rural Heritage

Trail and the smallest properties and those closest to the trail occurring along the suburban Lafayette/Moraga. Relatedly, it was far more likely for a landowner's property to be severed by the Heritage Trail than by the other two.

2) The vast majority of landowners were trail users and visited the trails frequently.

#### *Problems Experienced by Landowners*

1) Overall, trail neighbors had experienced relatively few problems as a result of the trails during the past twelve months, but the types and frequencies of these problems varied from trail to trail.

2) The problems reported by the most landowners were: unleashed and roaming pets, illegal motor vehicle use, and litter on or near their property. The problems that were most likely to have increased for adjacent owners since the opening of the trail were: noise from the trail, loss of privacy, and illegal motor vehicle use.

3) The majority of owners reported that there had been no increase in problems since the trails had been established, that living near the trails was better than they had expected it to be, and that living near the trails was better than living near the unused railroad lines before the trails were constructed. Although owners along the Heritage Trail were the least positive and those along the Lafayette/Moraga the most positive, the majority sampled along each trail was satisfied with having the trail as a neighbor.

#### *Rail-Trails' Effects on Property Values*

1) Landowners along all three trails reported that their proximity to the trails had not adversely affected the desirability or values of their properties, and along the suburban Lafayette/Moraga Trail, the majority of owners felt the

presence of the trail would make their properties sell more easily and at increased values.

2) Of those who purchased property along the trails after the trails had been constructed, the majority reported that the trails either had no effect on the property's appeal or added to its appeal.

3) The vast majority of real estate professionals interviewed felt the trails had no negative effect on property sales and no effect on property values adjacent to or near the trails. However, those who felt the trails increased property values outnumbered those reporting decreased values. This positive effect was most pronounced on the Lafayette/Moraga Trail and for nearby, as opposed to adjacent, property.

#### *Other Benefits of Rail-Trails*

1) Trail users and landowners alike reported that the trails benefited their communities in many ways. Health and fitness and recreation opportunities were considered to be the most important benefits of the trails by the landowners. The trail users felt the trails were most important in providing health and fitness, aesthetic beauty, and undeveloped open space.

#### *Study Conclusions and Implications*

1) Rail-trails can provide a wide range of benefits to users, local landowners, and trail communities. They are not single use, single benefit resources. Residents and visitors enjoy the benefits of trail use, aesthetic beauty, protected open space, and in some instances higher property resale values, while local communities enjoy bolstered economies and increased community pride among other benefits. These benefits should be presented as a package when discussing the merits of rail-trails with the diverse constituencies affected by proposed trails.

2) Levels of economic impact varied considerably across the three study trails. This was due principally to the fact that the Lafayette/Moraga Trail was used almost exclusively for short trips by nearby residents while the other two trails attracted more visitors from beyond the local neighborhoods. If economic benefits are an important community objective, marketing efforts should be developed aimed at attracting out-of-town visitors and getting many of them to make overnight stays.

3) The study rail-trails were found to have a dedicated core of users who visited frequently and were committed to "their" trails. This finding represents an opportunity for managers of existing trails and planners of new trails to tap into a potentially rich source of trail supporters and volunteers for assistance on a number of appropriate planning and management activities.

4) Although negative aspects of living adjacent to rail-trails were reported by some landowners, the rates of occurrence and seriousness of problems were relatively low and advantages of living near the trails were reported as well. This finding should be encouraging to trail planners and advocates. While all existing and potential problems need to be identified and addressed quickly, trail planners and advocates should not be timid about presenting the positive impacts of rail-trails to landowners along the proposed trails and putting them in contact with their peers along existing trails.

## Summary and Comparison of the Study Trails

	Heritage	St. Mark's	Lafayette/Moraga
<b>Description</b> <ul style="list-style-type: none"> <li>Length, miles</li> <li>Surface</li> <li>Year established</li> <li>Nearest Metropolitan Area</li> <li>Population</li> <li>Distance from trail</li> <li>Fee charged</li> <li>Operating agency</li> <li>Trail landscape</li> </ul>	26 Compacted limestone 1982 Dubuque, IA 62,000 2 miles \$5/year or \$1/visit Dubuque County Conservation Board Open farmland to rocky, wooded river valley	16 Asphalt paved 1988 Tallahassee, FL 82,000 Begins at city outskirts \$0 Florida Department of Natural Resources Small towns and undeveloped forest land	7.6 Asphalt paved 1976 "East Bay" Metropolitan Area 2 million in the metropolitan area \$0 East Bay Regional Park District Developed suburban areas
<b>Trail User Survey</b> <ul style="list-style-type: none"> <li>Survey response (%)</li> <li>Usable surveys</li> <li>Calculated yearly (visits)</li> <li>Major uses (%)               <ul style="list-style-type: none"> <li>Bicycling</li> <li>Walking</li> <li>Jogging</li> </ul> </li> <li>Male/Female (%)</li> <li>Mean age (years)</li> <li>Income, under \$40,000 (%)</li> <li>College graduates (%)</li> <li>Race, white (%)</li> <li>Reporting a disability (%)</li> <li>Trail visits in last year (median)</li> <li>Miles from home (median)</li> <li>% who lived 20 miles or more from trail</li> <li>Time spent on trail (average minutes)</li> </ul>	89 329 135,000 65 29 3 56/44 46 55 40 98 7 7 7 31 150	71 600 170,000 81 9 4 51/49 38 56 66 93 7 10 8 18 141	83 776 400,000 20 63 12 43/57 50 21 68 94 7 100 1.5 4 68
<b>Adjacent/Neighboring Landowner Survey</b> <ul style="list-style-type: none"> <li>Survey response (%)</li> <li>Usable surveys</li> <li>Male/female (%)</li> <li>Mean age (years)</li> <li>Average distance from home to trail (feet)</li> <li>Land owned (average acres)</li> <li>% with properties covered by trail</li> <li>Trail used by household member in last year (%)</li> <li>Days used by household in last year (average)</li> </ul>	75 107 54/46 50 2434 101 20 88 47	58 226 41/59 53 1822 6 2 76 67	71 330 56/44 54 890 0.5 0 99 141
<b>Trail Benefits</b> <ul style="list-style-type: none"> <li>Highest benefits perceived by trail users</li> <li>Highest benefits perceived by landowners</li> </ul>	<ul style="list-style-type: none"> <li>Health and fitness</li> <li>Aesthetic beauty</li> <li>Preserving open space</li> <li>Community pride</li> <li>Health and fitness</li> <li>Recreational opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Health and fitness</li> <li>Aesthetic beauty</li> <li>Preserving open space</li> <li>Recreation opportunities</li> <li>Health and fitness</li> <li>Recreation opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Health and fitness</li> <li>Aesthetic beauty</li> <li>Preserving open space</li> <li>Community pride</li> <li>Health and fitness</li> <li>Recreation opportunities</li> </ul>

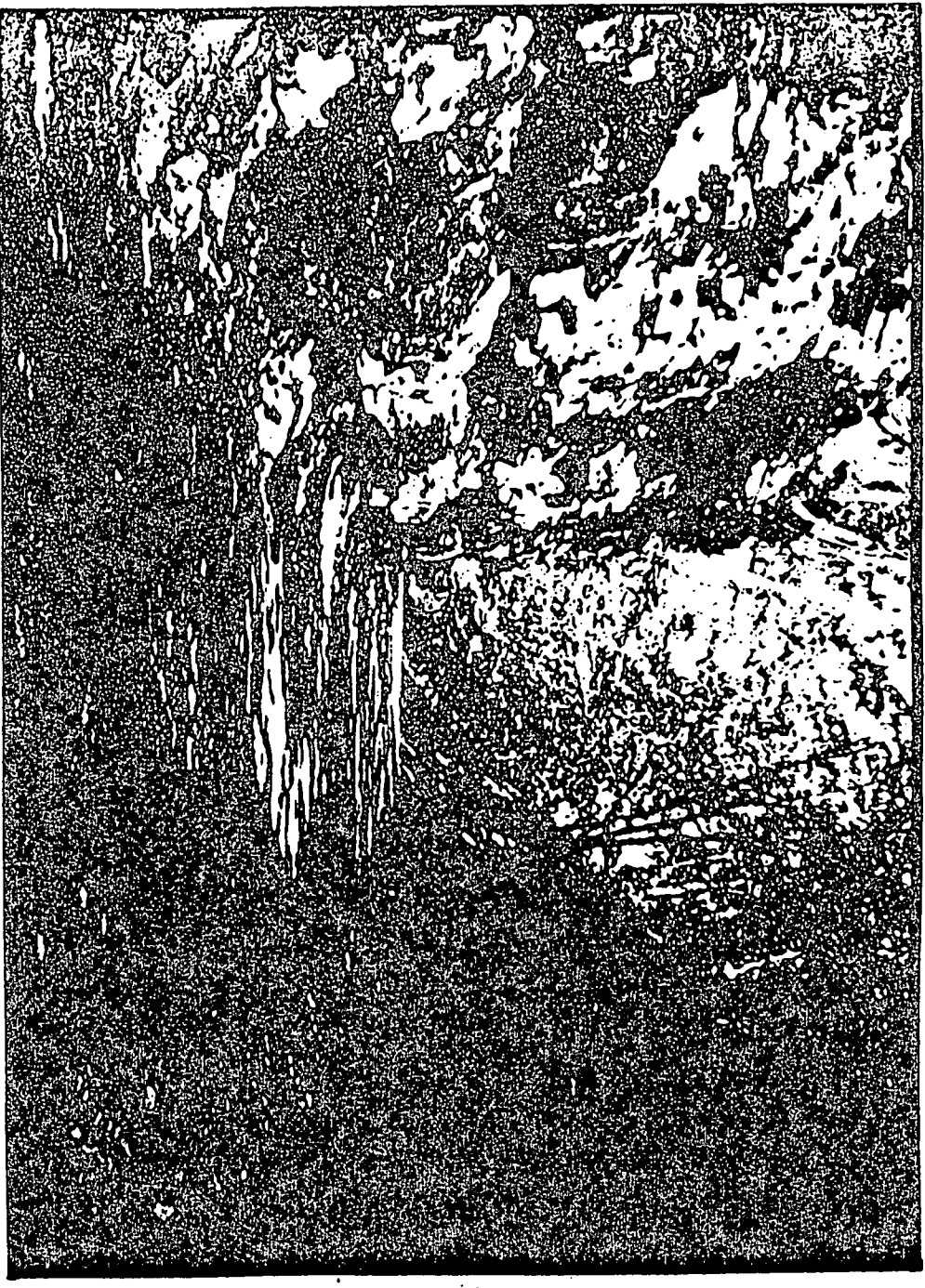
# Summary and Comparison of the Study Trails (Continued)

	Heritage	St. Mark's	Lafayette/Moraga
<b>Trail User Perceptions</b> <ul style="list-style-type: none"> <li>• Most important trail characteristics</li> <li>• Trail characteristics perceived as problems</li> </ul>	<ul style="list-style-type: none"> <li>• No motorized vehicles</li> <li>• Good maintenance</li> <li>• Natural surroundings</li> <li>• Lack of drinking water</li> <li>• Lack of restrooms</li> <li>• Rough trail surface</li> </ul>	<ul style="list-style-type: none"> <li>• No motorized vehicles</li> <li>• Good maintenance</li> <li>• Natural surroundings</li> <li>• Lack of drinking water</li> <li>• Lack of restrooms</li> <li>• Lack of services</li> </ul>	<ul style="list-style-type: none"> <li>• No motorized vehicles</li> <li>• Natural surroundings</li> <li>• Quiet settings</li> <li>• Lack of drinking water</li> <li>• Rough trail surface</li> <li>• Reckless behavior of users</li> <li>• Lack of restrooms</li> </ul>
<b>Landowner Perceptions</b> <ul style="list-style-type: none"> <li>• Landowner's personal support for trail when proposed <ul style="list-style-type: none"> <li>• Very supportive (%)</li> <li>• Very opposed (%)</li> </ul> </li> <li>• Attitude about living near trail now compared to initial reaction <ul style="list-style-type: none"> <li>• Much better (%)</li> <li>• Much worse (%)</li> </ul> </li> <li>• Current satisfaction with trail <ul style="list-style-type: none"> <li>• Very satisfied (%)</li> <li>• Very dissatisfied (%)</li> </ul> </li> <li>• Most commonly reported problems (% of all owners reporting)</li> <li>• Most frequently occurring problems (average times in last year for all owners)</li> <li>• Problems that have decreased or not changed since before trail opened (% of adjacent owners reporting improvement or no change)</li> <li>• Problems most likely to have increased since before trail opened (% of adjacent owners reporting more of a problem now)</li> </ul>	17 39  27 2  27 15  <ul style="list-style-type: none"> <li>• Illegal motor vehicle use (39)</li> <li>• Cars parked on/near property (24)</li> <li>• Litter (21)</li> <li>• Illegal motor vehicle use (2.1)</li> <li>• Litter (2.1)</li> <li>• Cars parked on/near property (2.0)</li> <li>• Dog manure (100)</li> <li>• Burglary (94)</li> <li>• Animals harassed (94)</li> <li>• Users ask to use phone, bathroom, etc. (94)</li> <li>• Drainage problems (94)</li> <li>• Loss of privacy (38)</li> <li>• Illegal motor vehicle use (32)</li> <li>• Cars parked on/near property (25)</li> <li>• Noise from trail (24)</li> </ul>	47 7  33 5  47 11  <ul style="list-style-type: none"> <li>• Illegal motor vehicle use (39)</li> <li>• Litter (21)</li> <li>• Loitering on/near property (20)</li> <li>• Cars parked on/near property (5.1)</li> <li>• Loss of privacy (3.9)</li> <li>• Illegal motor vehicle use (3.0)</li> <li>• Vandalism (95)</li> <li>• Burglary (95)</li> <li>• Rude users (94)</li> <li>• Users ask to use phone, bathroom, etc. (93)</li> <li>• Illegal motor vehicle use (35)</li> <li>• Loss of privacy (23)</li> <li>• Noise from trail (21)</li> <li>• Litter (19)</li> </ul>	37 7  28 1  54 6  <ul style="list-style-type: none"> <li>• Unleashed/roaming pets (43)</li> <li>• Noise from trail (27)</li> <li>• Litter (27)</li> <li>• Dog manure on/near property (8.8)</li> <li>• Cars parked on/near property (6.5)</li> <li>• Noise from trail (6.0)</li> <li>• Animals harassed (96)</li> <li>• Burglary (96)</li> <li>• Users ask to use phone, bathroom, etc. (96)</li> <li>• Trespassing (95)</li> <li>• Illegal motor vehicle use (95)</li> <li>• Noise from trail (36)</li> <li>• Loitering on/near property (30)</li> <li>• Loss of privacy (25)</li> <li>• Cars parked on/near property (17)</li> </ul>
<b>Economic Impact</b> <ul style="list-style-type: none"> <li>• Average trip expenditure (\$ per person per day)</li> <li>• Total trips/year</li> <li>• Total annual expenditures by users</li> </ul>	\$9.21 135,000 \$1,243,350	\$11.02 170,000 \$1,873,400	\$3.97 400,000 \$1,588,000

# Summary and Comparison of the Study Trails (Continued)

	Heritage	St. Mark's	Lafayette/Moraga
<b>Additional Trip Expenditure Information</b>			
• Accommodations used by overnight visitors			
• Hotel/Motel (%)	53	28	0
• Friends/Relatives (%)	24	39	100
• Campground (%)	15	14	0
• Major direct expenditures made by all visitors (average \$/person/day)			
• Restaurants	\$2.99	\$3.94	\$0.78
• Gas and oil	2.08	3.72	1.33
• Lodging	1.46	0.44	0.28
• % of direct expenditures made in county(s) trail is located in	66	42	41
• Major direct expenditures made in county by visitors to county (\$/person/day)			
• Restaurants	\$5.21	\$4.70	\$1.34
• Gas and oil	2.14	2.42	0.82
• Lodging	2.56	1.98	0.00
• Retail purchases	1.36	2.27	3.37
• Average total expenditures made in trail county(s) by visitors to county (\$/person/day)	\$13.22	\$15.18	\$6.86
<b>Expenditures on Durable Goods</b>			
• Average amount spent in last year within the county that was influenced by trail existence (\$)			
• Equipment—bikes, etc.	\$ 68.67	\$127.05	\$41.25
• Accessories	21.88	34.87	19.75
• Clothing	21.25	28.25	48.80
• Other	7.67	5.35	3.69
• Total spent in county	\$119.47	\$195.52	\$113.49
• Total amount spent in last year that was influenced by trail existence (average per person)	\$173.99	\$250.64	\$132.69
<b>Effect on Real Estate</b>			
• Adjacent owner's opinion about effect of trail on resale value			
• No effect (%)	73	74	44
• Increased value (%)	14	16	53
• Real estate professionals surveyed	20	25	26
• Realtors' and appraisers' conclusion about effect of the trail on adjacent residential property			
• No effect (%)	82	80	52
• Increased value (%)	12	20	24





# **Converted Railroad Trails: The Impact on Adjacent Property**

**Lenny Mazour**

CONVERTED RAILROAD TRAILS:  
THE IMPACT ON ADJACENT PROPERTY

by

LEONARD P. MAZOUR

B.S. in ED., 1981, PERU STATE COLLEGE

M.S. in ED., 1985, KEARNEY STATE COLLEGE

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A MASTER'S THESIS

submitted in partial fulfillment of the  
requirements for the degree

Master of Landscape Architecture

Department of Landscape Architecture

Kansas State University  
Manhattan, Kansas

1988

Approved by:

Kenneth R. Brooks

Major Professor

## CHAPTER V

### CONCLUSIONS & RECOMMENDATIONS

#### CONCLUSIONS

The following conclusion about the Root River and Luce Line Trails, are based on the results of the landowner survey and the information gathered in the inquiry of professionals.

1. About three-fourths of all landowners view the Root River and Luce Line Trails as a desirable feature (73%). This rating is much higher than the opinions of continuing owners before trail development (63% to 44%) and new owners when purchasing adjacent property (87% to 71%).
2. The increase in the desirability rating on the Root River is due to a change in the attitude of farmland residents who owned property prior to trail development. The increase on the Luce Line is because of 1) a change in the attitude of continuing residents, and 2) a growing percentage of owners that are new residents who overwhelmingly rate the trail desirable.
3. A majority of all owner (85%) do not experience major problems with the trails. However, loss of privacy, trespass, litter, and property access are of some concern for 25% to 33% of the owners.
4. The concerns of continuing owners before trail development, were much greater than the current problems experienced by these same owners.
5. New owners rate the trails higher in desirability and experience fewer problems than do continuing owners. As older residents are replaced, the desirability rating may increase and the perceived problems decrease.

6. Suburban residential and small town commercial owners rate the trail higher in desirability and have fewer problems than do farmland owners. The suburban Luce Line has a higher desirability rating than the rural Root River (81% to 52%). Trails with large numbers of adjacent rural landowners may experience lower desirability ratings, at least until they are established for a few years.
7. The vast majority of owners (80%) believe the trails do not increase the rate of violent crime. Law enforcement agents, conservation officers, and trail managers report few incidents of crime or other major problems on the trails.
8. Most owners state that summer and winter trail users cause few problems. However 40% of the Luce Line respondents want the DNR to patrol the trail more often.
9. A majority of the owners (74%) think the DNR does a good job maintaining the trail. However, the Luce Line has a small problem with adjacent property detracting from the visual quality of the trail.
10. A vast majority of owners (87%) believe the trails contribute to an increase or have no affect on the value of their property. Most farmland residents (56%) think the trails have no affect on their value, while two-thirds of the suburban residential owners (61%) state an increase as a result of the trails. New owners feel the trails have a more positive affect on adjacent property values than do continuing owners.
11. According to appraisers and real estate agents, trails are a positive selling point for suburban residential property, ~~hobby~~ farms, farmland proposed for development, and some types of small town commercial property. Trails have no affect or a slight negative impact on agricultural farmland and small town residential property.
12. A majority of Root River respondents (57%) feel the trail benefits the local economy. This reflects the optimism in the Lanesboro community for the trail to improve economic growth by promoting tourism.
13. A majority of landowners (88%) use the trail for bicycling, hiking and jogging, and cross-country skiing. However, most do not want to add more activities such as motorized trail bikes, night-time use, or camping. Adjacent landowner would prefer to restrict hunting and snowmobiling.
14. About one-third of the landowners have been approached by trail users asking for help. The most frequent requests were for directions, phone, and water.

15. Professionals offered several suggestion or comments about the two trails:

1. Limit the number of activities on the Luce Line Trail.
2. Provide additional parking and location signs.
3. Assess the problem with bicycle accidents on the Root River Trail.
- 4. Involve local law enforcement agencies in the early planning stages of trails.
5. Add a section of trail along the South Branch of the Root River to Preston.

### **RECOMMENDATIONS**

The recommendations in this study include both site specific suggestions for the trails and general observations.

#### Trail Recommendations

The increased desirability rating by adjacent landowners indicates that overall trail management has been successful since conversion. However, a few suggestions are appropriate in order to improve on the trail experience for adjacent landowners and trail users.

1. The number of activities should be restricted on the Luce Line. The trail experiences heavy use and sometimes user conflicts occur with walkers, cross-country skiers, and snowmobiles in winter. Landowners do not want to add other activities and would prefer to limit snowmobiling and hunting.
2. The DNR should assess the need for off-street parking for Luce Line Trail users at Co Rd 19 or Co Rd 110. Individuals are now parking on the side of the road and causing minor damage to the shoulders.
3. On the Luce Line, 40% of all landowners and 62% of farmland owners want the DNR to patrol more often. Conservation officers regularly monitor the trail, but due to the increased number of users in recent years, additional time may be needed to patrol the sections with heavy use.
4. The most frequent trail user requests to landowners, is for directions, phone, and water. A couple of low keyed location maps that indicate available facilities on or near the trail, would be helpful for visiting trail users.

5. The Isinours Unit parking lot near the Root River Trail is generally used by only the local residents. Signs that indicate the location of the parking lot for visitors, may help to relieve some of the congestion in Lanesboro. This may be more of a problem in the future, after the trail is completed.
6. There are several blind road intersections on the Root River Trail. Road signs that indicate a trail crossing, may prevent accidents, when the trail experiences heavier use.
7. Several bicycle accidents have occurred on the steep grades in the Lost Lake State Game Refuge near Lanesboro. Design modification need to be made to prevent further problems. In the future, land exchanges with adjacent landowners should be evaluated for trail design and user safety.
8. The DNR should study the option for an additional section of trail along the Root River to Preston.

#### General Observations

Planners of proposed rail-trails should address the concerns of local officials and residents before the start of organized opposition. Conclusions reached in this study can be helpful in reassuring adjacent landowners that their fears are exaggerated. Problems anticipated by owners along the Root River and Luce Line in the past are similar to concerns expressed on other proposed rail-trail projects across the country. The findings of this study can be used as evidence that these fears are largely unfounded. Results that planners may find helpful include:

1. Landowners who had many concerns before trail development, now experience few problems or incidents of crime.
2. The desirability rating for the trails has increased since development. New and continuing owners as well as residential, commercial, and farmland owners, rate the trails higher in desirability.
3. After experiencing the impact of the trails for a few years, a vast majority of owners believe the trails increase or have no affect on the value of their property.

Although these findings can be useful in the conversion process, planners should be aware of how the political, social, and economic factors at proposed trails may differ from the study sites in Minnesota. Other parts of the country may have a more or less favorable environment for trail development.

Planners should sell the advantage of the proposed trails to the local officials and the general public in order to generate support.

Depending on the situation, trails can offer several opportunities:

1. Increase the recreational opportunities in the area.
2. In some communities, contribute to the economic growth by promoting tourism.
3. Increase the residential property values in areas that are experiencing growth.
4. Improve the image and desirability of local communities.
5. Preserve plant and animal habitats and the historical and cultural heritage of the area.

However, in order to realize these benefits, officials and residents of the area must be included early in the planning stages. Involving local people can not only help in converting additional trails, it can also generate a better quality project.

#### **AREA FOR FUTURE RESEARCH**

Limited research has been conducted on the rail-trail impact on nearby property. Further study in this and related areas, will help to resolve the conflicts over land use between recreation enthusiasts and nearby residents, especially the rural landowners. The goal is to plan for the optimum use of land that is in harmony with it's surroundings and which meets the needs of people.

January 13, 1997

Mayor Joe Serna and Council Members  
City Hall  
915 I Street  
Sacramento, CA 95814

Dear Mayor Serna, Jr. and Council Members:

I am a resident of the Pocket area and I support the implementation of the Sacramento River Parkway plan. I am also a member-at-large of the Citizens Advisory Committee for Parks and Recreation who has actively supported trail development in other areas of the city.

When my husband and I moved to Sacramento in 1984 we searched for a neighborhood with little commercial development, adequate lots, low crime, easy access to downtown, and affordable housing. We found those elements in the Pocket area. We now own two homes in the area.

Now, as a parent, I actively search for access to neighborhood parks and trails. My 9 year old daughter and I often roller blade and walk the canal system and the Seymour Parkway. As a family we often go the Sacramento River at Garcia Bend Park.

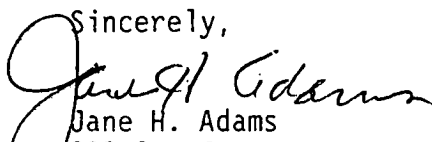
In 1995 Interstate 5 was negatively impacted by the extension of Laguna and Elk Grove boulevards. Prior to that, the commute into downtown was easy. Now, I-5 is jammed with commuters at 7:00 am. I believe the quality of life in the Pocket area was negatively impacted when access to I-5 was expanded.

Development of the Sacramento River Parkway can lessen commuter traffic into downtown. Admittedly we can bicycle into town now but have you ever been on Freeport or Riverside during the morning or evening commute? Providing residents with a pleasant and safe route to work via the parkway will restore some of the quality lost due to the increased access to I-5.

I recognize the concerns expressed by residents who fear increased crime and/or vandalism and lessened property value. The City Council must consider the positive value this parkway will bring to the **entire** City of Sacramento. It is important that the community as a **whole** be taken into account when discussing the development of trails and open space that provide **greater** access to the natural environment of Sacramento.

I urge the City Council to approve the Sacramento River Parkway as a continuous plan and with public access from South Natomas to Freeport.

Sincerely,

  
Jane H. Adams  
808 Sao Jorge Way  
Sacramento, CA 95831





11.1

DEPARTMENT OF  
NEIGHBORHOOD SERVICES

**CITY OF SACRAMENTO**  
CALIFORNIA

FROM CONTINUED  
TO 3.4.97  
10.1

February 5, 1997

City Council  
Sacramento, California

Honorable Members In Session:

FROM CONTINUED  
TO 3.4.97  
4.29.97

**SUBJECT:** M91-006 - SACRAMENTO RIVER PARKWAY PLAN

1. Certification of the Sacramento River Parkway EIR (SCH 93-10286)
2. Adoption of the Sacramento River Parkway Plan Update
3. Amendment of various planning documents to be consistent with the adoption and implementation of the Sacramento River Parkway Plan:
  - A. Sacramento City/County Bikeway Master Plan with reference to the off-street bicycle trail between Pocket Canal and Captain's Table;
  - B. Pocket Area Community Plan with reference to the off-street bicycle trail between Pocket Canal and Riverside Blvd. (the northern edge of the planning boundary);
  - C. General Plan Conservation & Open Space Element which refers to the 1975 Sacramento River Parkway Plan page 6-11 to reflect the Updated Plan;
  - D. General Plan Circulation Element which includes a Bikeways Map to reflect any decisions regarding the off-street trail between Pocket Canal and Captain's Table.

**LOCATION:** Lands Adjacent to the Sacramento River  
Freeport to I-80 Overcrossing @ Garden Highway  
COUNCIL DISTRICTS: 1, 4, 7

**RECOMMENDATION:** Staff recommends that the Council provide a *Motion of Intent* regarding the acquisition strategy policies for the Sacramento River Parkway Plan. Staff will return to the Council in approximately 4 weeks with final documents for Council approval.

**CONTACT PERSONS:** Scot Mende, Senior Planner, 264-5894

**FOR CITY COUNCIL MEETING OF:** February 11, 1997 (evening)

CONTINUED  
FROM  
TO

CONTINUED  
FROM  
TO

**SUMMARY:** On January 14, 1997, the City Council by a 5-3 vote, passed a motion of intent to approve the Sacramento River Parkway Plan Update (with staff proposed revisions) and the Environmental Impact Report. The motion also directed staff to return to the Council with additional analysis to assist the Council in formulating a strategy for acquiring private lands in the Greenhaven & Little Pocket areas.

## **BACKGROUND**

The Sacramento River Parkway Plan was first adopted in 1975. The subject of this report is the proposed adoption of the *Update* of the Sacramento River Parkway Plan, and the related documents (i.e., Bikeway Master Plan, and General & Community Plans relative to bikeways and open space).

The Council Motion of Intent was to adopt the Parkway Plan and related documents (including certification of the EIR), except that the acquisition strategy for private lands in Greenhaven and Little Pocket were left unresolved. The Council motion was to designate an on-river trail for the full 17.4 miles of the Parkway, except that for an interim period, an **Interim Off-River Bypass Trail** should be utilized to skirt the Little Pocket & Greenhaven areas as follows (north to south):

- ♣ Riverside Blvd. on-street from Captain's Table to 5890 Riverside Blvd., utilizing Riverside Blvd.;
- ♣ 5890 Riverside Blvd. to Seymour Park using the existing paved on-river segment;
- ♣ Seymour Parkway off-street bikeway to Pocket Canal
- ♣ Pocket Canal off-street bikeway [Seymour Parkway to the Pocket Canal outfall].

The key unresolved issues are the *timeframe* for the City to acquire the necessary rights-of-way or easements preparatory to construction of the on-river trail segment between Captain's Table and the Pocket Canal, and how and whether policies should restrict the use of *eminent domain*. The Council discussion on January 14th explored the following options:

- 1) No eminent domain for trail segments between Captain's Table and Arabella Way until 2020 or until 51% public ownership -- whichever comes first;
- 2) No eminent domain for trail segments between Captain's Table and Arabella Way until 2020 or until 51% public ownership -- whichever comes later.
- 3) A qualifier that the restriction against using eminent domain applies only to existing property owners who occupy their homes;
- 4) No eminent domain for trail segments between Captain's Table and Arabella Way until a fixed date (i.e., 2020) -- with no threshold for public ownership.

Discussion about the term "*51% public ownership*" explored the following options:

- a) 51% based on Lineal footage (measurement);
- b) 51% based on number of parcels (count).

Discussion also explored different *geographic groupings* for establishing Private Inholdings Areas (PIAs):

- i) The establishment of the Little Pocket PIA only, with the Greenhaven area grouped with the balance of the Pocket (a majority of which is publicly owned);
- ii) Two distinct "Private Inholdings Areas" (separated by the existing paved bicycle trail) to be named the Little Pocket PIA and the Greenhaven PIA, and
- iii) A single PIA from Captain's Table to Arabella Way.

#### Staff Analysis

The attached chart shows that the manner in which the segments are grouped, and the manner in which public majority ownership is calculated, dramatically impacts the likely outcome of the ability to use eminent domain for acquisition of lands in the Little Pocket and Greenhaven areas.

**Timeframe:** At issue is whether the Council wishes to set a timeframe for the *acquisition* of lands for a trail. Specifically, the issue is whether some threshold of public ownership must occur before eminent domain could be utilized. Absent willing sellers, the existing mix of public and private ownership would not change in the foreseeable future, and the PIA would continue indefinitely. The Council Motion of Intent specified that the trail through Little Pocket and/or Greenhaven shall not be *constructed* until a later date (although no date was specified).

An additional consideration regarding the timeline, is whether the intent of the restrictions to eminent domain is to minimize disruption to the existing owners or future owners as well. Specifically, the Parkway Plan could include a policy to not use eminent domain to acquire recreation easements on any parcel in the Parkway for any single family house on a fully subdivided property, and owner-occupied, until such time that:

- a) The property is sold or otherwise transfers ownership to a non-spouse of the property owner; or
- b) The current property owner no longer occupies the home; or
- c) The time frame for this policy expires (e.g., 2020).

For example, if Mr. & Mrs. John Doe, Sr., own title to a home that backs to the Parkway in the Greenhaven PIA, the Parkway policy would state that the City would not use eminent domain prior to 2020, unless the title transfers to a 3rd party. (Mr. John Doe, Jr., the legal heir to the Sr. Doe, would be considered a 3rd party under this policy).

On the other hand, even if eminent domain restrictions are not imposed, the Council could adopt a policy not to *construct* the trail until a date certain. With the comfort of knowing that the trail would not be constructed for a number of years, landowners might be willing to donate their lands (for tax credit), or be willing sellers. The City (or land trust) could provide continued unlimited use of the land by the current landowners, until such time that the trail is constructed.

**Segment Grouping:** The Little Pocket PIA is almost exclusively privately owned along the River. Inclusion of the Little Pocket PIA into larger groupings dilutes the percentage of public ownership in that larger grouping. Thus, if a single PIA is created that encompasses Little Pocket and Greenhaven, then the Greenhaven PIA is less likely to qualify for eminent domain (if the Council imposes a 51% threshold). The chart shows that the Greenhaven PIA by itself is nearly at 50% public ownership (using lineal miles). Combining the Greenhaven PIA with the Little Pocket PIA reduces the public ownership to 39% (using lineal miles). A different segment grouping, in which Greenhaven is lumped with the Middle Pocket and South Pocket, increases the public ownership to nearly 79% (using lineal miles).

**51% Ownership:** The decision about whether to quantify public ownership by lineal miles (measurement), or by number of parcels (count), dramatically impacts the implications of using a threshold as a requisite for using eminent domain. Subdivisions occurring after 1975 would typically dedicate a single parcel "Lot A" to the City for the purposes of public recreational use of the levee. Thus, while the subdivision might be 10 houses wide, the City would own a single parcel of 500 lineal feet. In contrast, the same subdivision occurring prior to 1975 not would have created a "Lot A", instead continuing the 10 lot lines to the River. Using the parcel count provides substantially less weight to the quantification of public ownership. In the Greenhaven PIA, 51% public ownership (based on lineal footage) would be achieved after 1 more parcel is acquired; in order to meet 51% public ownership based on a count of parcels, 25 more parcels would need to be acquired.

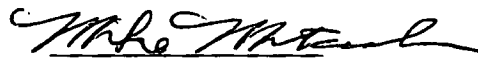
**ENVIRONMENTAL DETERMINATION:** The Council Motion of Intent was to certify the Environmental Impact Report. The actual Resolution to certify the Environmental Impact Report, and to adopt the Mitigation Monitoring Plan, Findings of Fact, and Statement of Overriding Considerations will be present in approximately 4 weeks.

**FINANCIAL CONSIDERATIONS:** The restriction against eminent domain could preclude the City from utilizing grant opportunities prior to the year 2020, where such grants may be available for the purpose of land acquisition.

**POLICY CONSIDERATIONS:** The policy considerations are: 1) Length of time to acquire easements; 2) Length of time before City considers more aggressive means of acquiring property such as eminent domain; 3) Length of time to construct a trail; and 4) Whether the restriction against using eminent domain should apply equally to land intended for *trail* as well as for *habitat preservation* (where specifically designated for nature study or riparian habitat preserve).

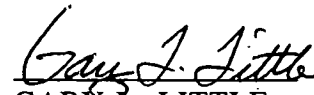
**MBE/WBE EFFORTS:** None.

Respectfully submitted,

  
FOR VICTOR E. EDMISTEN  
Parks & Recreation Manager

FOR CITY COUNCIL INFORMATION:  
WILLIAM H. EDGAR  
CITY MANAGER

APPROVED:

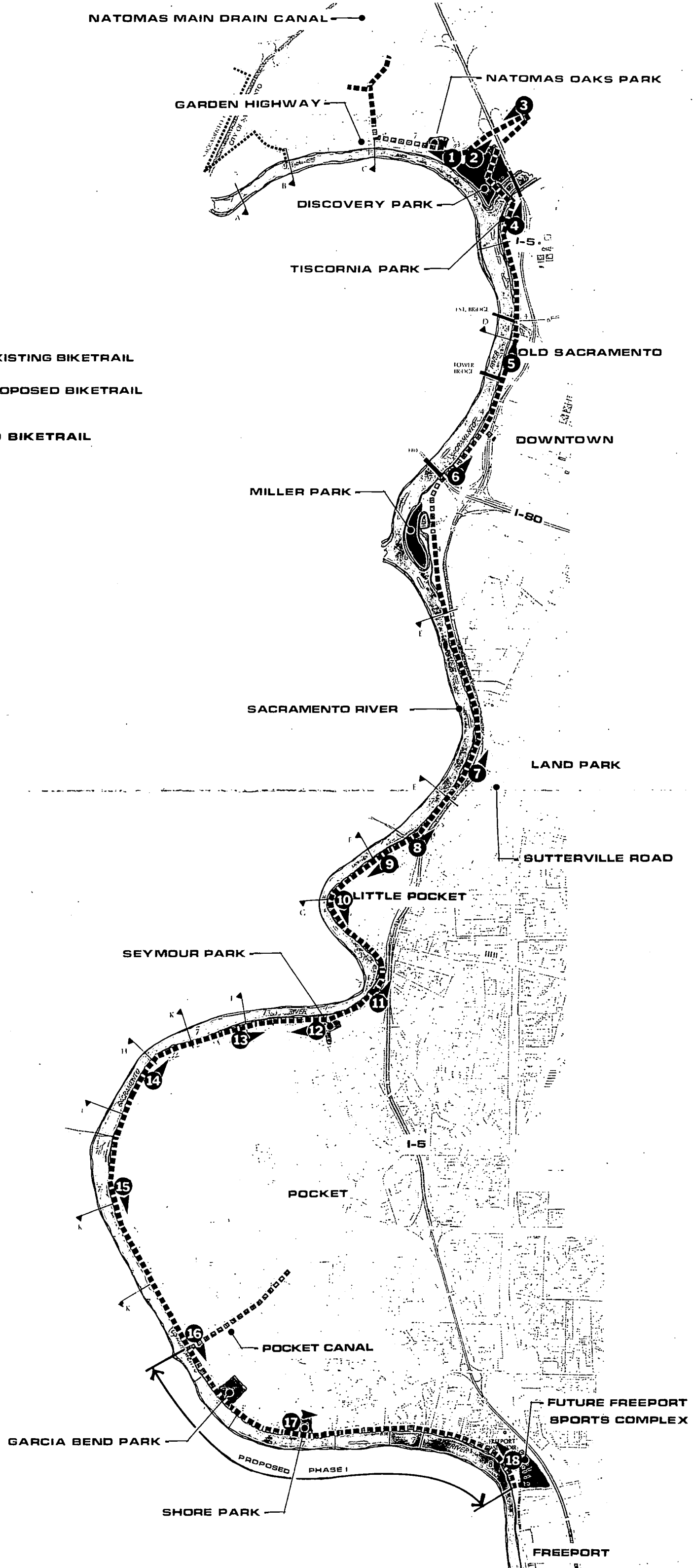
  
GARY L. LITTLE  
Director, Area 2  
Neighborhood Services Dept.

ATTACHMENT 1  
**SACRAMENTO RIVER PARKWAY**  
**LITTLE POCKET / POCKET --PROPERTY OWNERSHIP**

SEGMENT	# Parcels PRIVATE	# Parcels PUBLIC	% PUBLIC (Count)	Lineal Ft (Miles) PRIVATE	Lineal Ft (Miles) PUBLIC	% PUBLIC (Measured)
LITTLE POCKET PIA Captain's Table Marina thru 5890 Riverside Bl	46	2	4.2%	8,186 lf (1.550)	344 lf (0.065)	4.0%
LITTLE POCKET/GREENHAVEN 5890 Riverside Bl to Seymour Park	0	6	100%	0 lf (0.000)	2,899 lf (0.549)	100.0%
NORTH POCKET: GREENHAVEN PIA Seymour Park thru Arabella Way	62	14	18.4%	5,357 lf (1.015)	5,336 lf (1.010)	49.9%
MIDDLE POCKET Arabella Wy thru Pocket Canal	8	14	63.6%	1,604 lf (0.304)	5,976 lf (1.132)	78.8%
SOUTH POCKET Pocket Canal thru Meadowview STP	1*	23	95.8%	155 lf (0.029)	14,805 lf (2.804)	99.0%
<b>TOTAL LITTLE POCKET/POCKET</b>	117	59	33.5%	(2.898)	(5.561)	65.7%
<i>Subtotal Consolidated PIA: (Captain's Table to Arabella)</i>	108	22	16.9%	(2.565)	(1.624)	38.8%
<i>Subtotal Pocket: (Seymour Park to Meadowview STP)</i>	71	51	35.9%	(1.348)	(4.946)	78.6%

\* The City is currently negotiating to acquire this property.

Item 10.2





19 NA

# AFFIDAVIT OF MAILING & POSTING

ON December 18, 1996, NOTICES OF HEARING, A TRUE AND CORRECT COPY OF WHICH IS ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN, WERE MAILED AND THE LEGAL AD WAS POSTED ON THE FOLLOWING PROJECT:

**SACRAMENTO RIVER PARKWAY PLAN - Location: lands adjacent to the Sacramento River; Freeport to I-80 Overcrossing at Garden Highway (D-1,4,7) (M91-006)**

- A. Certification of the Sacramento River Parkway EIR (SCH 93-10286)
- B. Adoption of the Sacramento River Parkway Plan Update
- C. Amendment of various planning documents to be consistent with the adoption and implementation of the Sacramento River Parkway Plan
  - 1. Sacramento City/County Bikeway Master Plan with reference to the off-street bicycle trail between Pocket Canal and Captain's Table;
  - 2. Pocket Area Community Plan with reference to the off-street bicycle trail between Pocket Canal and Riverside Blvd. (The northern edge of the planning boundary);
  - 3. General Plan Conservation & Open Space Element which refers to the 1975 Sacramento River Parkway Plan page 6-11 to reflect the Update Plan;
  - 4. General Plan Circulation Element which includes a Bikeways Map to reflect any decisions regarding the off-street trail between Pocket Canal and Captain's Table

THE ABOVE DESCRIBED HEARING NOTICES WERE MAILED BY PLACING COPIES THEREOF IN THE UNITED STATES MAIL, POSTAGE PREPAID, AND ADDRESSED TO THE FOLLOWING, AS INDICATED BY A CHECK MARK WHERE APPLICABLE:

(X) OWNER OF PROPERTY: To All Interested Parties

(X) APPLICANT: To All Interested Parties

( ) APPELLANT:

(X) MAILING LIST FOR P-NUMBER: M91-006

( ) SIGNERS OF PETITION (IF APPLICABLE)

I DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE AND CORRECT. EXECUTED AT SACRAMENTO, CALIFORNIA, ON THE 18th DAY OF December 1996.

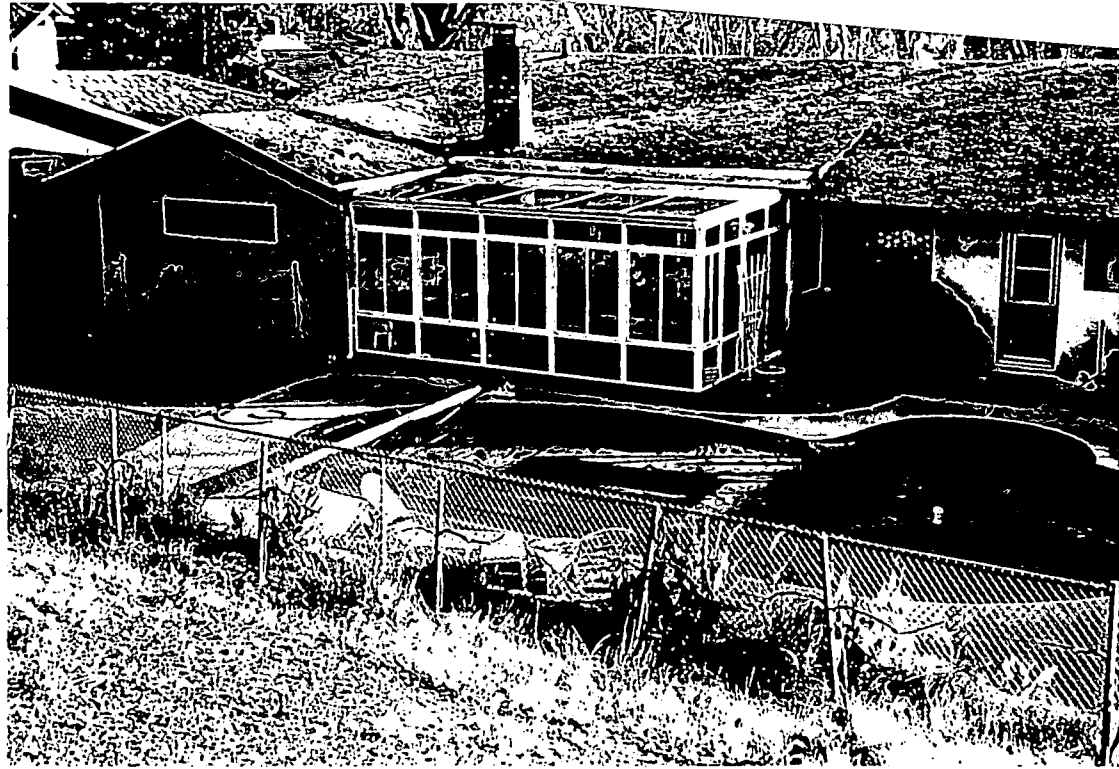
19 NA

  
SIGNATURE OF PERSON MAILING NOTICE

10.1



101



10.1





PASSED FOR  
PUBLICATION  
& CONTINUED  
TO 5.27.97

13

103

DEPARTMENT OF  
PLANNING AND DEVELOPMENT

**CITY OF SACRAMENTO**  
CALIFORNIA

1231 I STREET  
ROOM 300  
SACRAMENTO, CA  
95814-2904

DEVELOPMENT  
SERVICES  
916-264-5381  
FAX 916-264-5328

May 12, 1997

City Council  
Sacramento, California

CONTINUED  
FROM 5.27.97  
TO 8.5.97

Honorable Members in Session:

**SUBJECT:** ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REZONING 6+ ACRES OF PROPERTY, FROM M-2 SPD{T} (HEAVY INDUSTRIAL SPECIAL PLANNING DISTRICT {HAZARDOUS MATERIALS}) TO C-3 SPD{T} (CENTRAL BUSINESS DISTRICT SPECIAL PLANNING DISTRICT {HAZARDOUS MATERIALS}) FOR THE PROPERTY LOCATED AT THE TERMINUS OF 6TH STREET, NORTH OF H STREET (P96-004) (APNs: 002-0010-025,033; 006-0023-006)

**LOCATION AND DISTRICT:** Terminus of 6th and H Streets  
District 1

**RECOMMENDATION:**

It is recommended that the item be passed for publication of title and continued to May 27, 1997.

**CONTACT PERSON:** Jeanne Corcoran, Associate Planner, 264-5317

**FOR COUNCIL MEETING OF:** May 20, 1997

**SUMMARY:**

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 32.