



CITY OF SACRAMENTO

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432

CITY PLANNING DEPARTMENT

927-10th Street
Suite 300

SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

September 4, 1981

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: South Natomas Business Park Proposals (P-9114 & P-9145)

SUMMARY

The Planning Department received two applications for business parks totalling 270 acres with 3.7 million square feet of office and commercial space in the South Natomas Community Plan area. Each business park proposal is a major deviation from the adopted residential land uses of that 1978 community plan. The proposals consist of Natomas Eastside (P-9114) and Gateway Centre (P-9145), whose applications were found complete on September 12, 1980 and September 19, 1980, respectively. State law provides that if no actions occur on the projects within one year, the projects are automatically approved.

The Environmental Coordinator required the preparation of an Environmental Impact Report. The document has taken longer than anticipated to prepare because of the magnitude of, and the complex aspects of, the projects. The one-year time limit is near, and the draft EIR is being distributed for public review. Because there is no Final EIR, there is a lack of adequate information to approve or disapprove the projects. To avoid the automatic approval of the projects, or the denial of the projects for lack of information, the applicants have offered to waive the time limit if the applications will be processed prior to February 3, 1982.

The Planning Commission report and the applicants' letters to waive the one-year time limit are attached for the Council's information.

VOTE OF COMMISSION


On September 3, 1981, the Planning Commission voted eight ayes, one absent, to recommend that the City Council accept the applicants' offer to waive the one-year time frame subject to the proposed time schedule not to exceed February 3, 1982.

APPROVED
BY THE CITY COUNCIL
SEP - 8 1981
OFFICE OF THE
CITY CLERK

RECOMMENDATION

The staff and Planning Commission recommend that the City Council accept the applicants' offer to waive the one-year time frame subject to the proposed time schedule not to exceed February 3, 1982.

Respectfully submitted,


Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:CC:jm
Attachments
P-9114
P-9145

September 8, 1981
District No. 1

SACRAMENTO CITY PLANNING COMMISSION

MEETING DATE 9-3-81
 ITEM NO. 1 FILE NO. P-9114
P-9145

- GENERAL PLAN AMENDMENT TENTATIVE MAP #31
 COMMUNITY PLAN AMENDMENT SUBDIVISION MODIFICATION
 REZONING EIR DETERMINATION
 SPECIAL PERMIT OTHER Extension of EIR
 VARIANCE Schedule postponed Eastside, and Arrowway Center.

Recommendation:

- Favorable
 Unfavorable Petition Correspondence

LOCATION: S. Natomas West of I-5 north of Garden Highway

<u>PROPOSERS</u>		
<u>NAME</u>	<u>ADDRESS</u>	

<u>OPPOSERS</u>		
<u>NAME</u>	<u>ADDRESS</u>	

MOTION NO. _____

	YES	NO	MOTION	2ND
Augusta	✓			✓
Fong		<u>absent</u>		
Goodin				
Holloway	✓			
Hunter	✓			
Larson	✓		✓	
Muraki	✓			
Silva	✓			
Simpson	✓			

MOTION:

- TO APPROVE
 TO DENY
 TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
 INTENT TO APPROVE SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE _____
 TO RECOMMEND APPROVAL of Staff recommendation & FORWARD TO CITY COUNCIL
 TO RATIFY NEGATIVE DECLARATION
 TO CONTINUE TO _____ MEETING
 OTHER _____

#31

City Planning Commission
Sacramento, California

Members in Session:

SUBJECT: South Natomas Business Park Proposals

SUMMARY

The Planning Department received two applications for business parks totalling 270 acres with 3.7 million square feet of office and commercial space in the South Natomas Community Plan area. Each business park proposal is a major deviation from the adopted residential land uses of that 1978 community plan. The proposals consist of Natomas East Side (P-9114) and Gateway Centre (P-9145), whose applications were found complete on September 12, 1980 and September 19, 1980, respectively. State law provides that if no actions occur on the projects within one year the projects are automatically approved.

The Environmental Coordinator required the preparation of an Environmental Impact Report. The document has taken longer than anticipated to prepare because of the magnitude of and the complex aspects of the projects. The one-year time limit is near and the draft EIR is being distributed for public review. Because there is no Final EIR, there is a lack of adequate information to approve or disapprove the projects. To avoid the automatic approval of the projects or the denial of the projects for the lack of information, the applicants have offered to waive the time limit if the applications will be processed prior to February 3, 1982.

BACKGROUND INFORMATION

In 1977, the State Legislature adopted the Review and Approval of Development Projects (Chapter 4.5 commencing with Section 65920 of Division 1 of Title 7 of the Government Code). Section 65950 requires the City to approve or disapprove a project within one year from the date on which the City accepted the application as complete. Pursuant to Section 65956, failure to approve or disapprove a project within the one-year time limit results in automatic approval of the project.

The State's Permit Guidelines, Section 1099, states that in the extraordinary event that information needed cannot be developed by the public agency within the time limit, the public agency may deny a project to allow time to obtain the needed information.

Staff believes that a number of extraordinary events have occurred resulting in the information not being able to be generated during the one year. First, each project represents a major deviation from the adopted 1980 Natomas Oaks PUD, the 1978 South Natomas Community Plan, and the 1974 General Plan. Each project is of substantial magnitude and has the potential to have a wide range of impacts.

Due to the complexity of each project, and due to the effort of assessing both individual and cumulative impacts, additional time was needed to prepare the draft EIR. Secondly, this EIR was the first to be processed under the one-year time requirement and under a three-party contract as required by a 1978 City Council policy directive. Consequently, staff had to develop new administrative procedures regarding consultant selections, contracts, and monitoring staff time to recover full cost. Thirdly, the Environmental Section, which consists of two planners, has had a substantial increase in work during the same time that these applications were being processed.

For the last half of 1980 the Section had a number of EIR/EIS to review for such projects as Lower American River, SMUD Phase III-A, PERS, Gibson Ranch, Laguna Woods, Foulks Ranch, Arterial 148, and Solid Waste. Each of these required additional staff time to review because of the projects' potential impact to the City. In the first half of 1981, the Section has had a 200 percent increase in EIRs being prepared, and a 20 percent increase in processing of applications, and almost a 50 percent reduction in staff. In addition, there are another nine EIRs that would be required once existing applications filed with the department are completed. The Environmental Section has averaged two EIRs per year and 320 environmental determinations per year for the last five years.

The Planning Department has funding for 26 professional planners and nine support positions. However, during the first half of 1981, three planners, two clerical and one drafting position remained vacant as the result of a hiring freeze. During a short period, the department had only 57 percent of our clerical personnel. In addition the Planning Department started the General Plan Update and was assigned a Growth Concept Study which is a major study independent of the General Plan Update.

The Planning Department, utilizing a team of consultants, has made every effort to prepare the EIR within the one-year time frame. Although there has been extraordinary series of events, the draft EIR is being finalized for distribution for public review.

The information contained in this draft EIR is essential for the decision-makers and the public to understand the potential impacts that would result from the business park proposals. Although the draft EIR has not been distributed, the information indicates that the projects individually, as well as cumulatively, have significant impacts. Consequently, there is: 1) a lack of information available at this time for the decision-makers to review and to properly act on the projects, and 2) no substantial evidence to support approval of the projects.

On August 21, 1981 staff advised representatives of the project proponents of the slippage in application processing. The representatives volunteered to waive the one-year time limit if a time schedule could be developed to promote firm processing for the remainder of the procedures. Consequently, the representatives have indicated that they are willing to provide a time extension until February 3, 1982. Staff's proposed processing time schedule is provided and includes approximately one month for externalities' delays.

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Draft EIR Review Period - Distribution Date: August 31, CPC Hearing: Oct. 1	30 Days: Sept. 1 - October 1
Consultant Prepares Preliminary Final EIR	2 Weeks: Oct. 1 - Oct. 16
City Review of Preliminary Final EIR	2 Weeks: Oct. 16 - Oct. 30
City Publishes and Distributes Final EIR	1 Week: Oct. 30 - Nov. 6
Final EIR Review Period:	2 Weeks: Nov. 6 - Nov. 20
Receive Comments & Prepare Staff Reports	2 Weeks: Nov. 20 - Dec. 3
Planning Commission Hearing on Final EIR and Project (Recommendation)	Dec. 10
Council Hearing on Final EIR & Project Final Action	Jan. 5

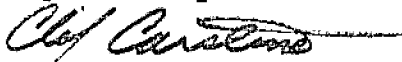
} 3 Weeks

If the time limit waiver subject to the above schedule is not acceptable, staff would recommend that these projects be denied in order to prevent automatic approval of the projects pursuant to Section 56956. Because there is no information to support approval, denial for this reason is without prejudice to the applicants' right to reapply for the same entitlements.

RECOMMENDATION

The staff suggests that the Planning Commission recommend that the City Council accept the applicants' offer to waive the one-year time frame subject to the proposed time schedule not to exceed February 3, 1982.

Respectfully submitted,



Clif Carstens
Senior Planner

CC:bw

McDONOUGH, HOLLAND & ALLEN

A PROFESSIONAL CORPORATION
ATTORNEYS

555 CAPITOL MALL, SUITE 950
SACRAMENTO, CALIFORNIA 95814
(916) 444-3900

#31
NEWPORT BEACH OFFICE
4041 MACARTHUR BOULEVARD, SUITE 190
NEWPORT BEACH, CALIFORNIA 92660
(714) 833-2304

IN REPLY REFER TO:

September 1, 1981

MARTIN McDONOUGH
ALFRED E. HOLLAND
BRUCE F. ALLEN
V. BARLOW GOFF
JOSEPH E. COOMES, JR.
WILLIAM G. HOLLIMAN, JR.
DAVID J. SPOTTISWOOD
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WILSON B. HART
SUSAN S. FRANCESCHI

Members of the City Council
City of Sacramento
City Hall, Room 109
915 I Street
Sacramento, CA 95814

Re: South Natomas Business Park (P-9114, P-9145)

Dear Mr. Mayor and Members of the City Council:

On behalf of 885 Investment Company (Enlow Ose, et al) we hereby request an extension of time for completion by the City of action on an environmental impact report and applications for a general plan amendment, PUD designation, and rezoning for Natomas Eastside and we hereby consent to such an extension for a period not to exceed 90 days as provided by Government Code Section 65957. Further, we hereby waive any rights that action be taken on the EIR or development project applications within said period of time for an additional period ending no later than February 3, 1982.

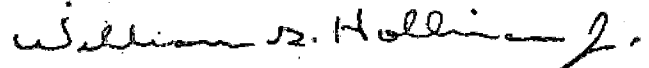
We have been continually concerned with the process which has necessitated this extension and we request that the City Council adopt the schedule set forth in the Planning Department staff report dated September 3, 1981 and that it direct the City staff and City Planning Commission to adhere to said schedule with a report back to the City Council no later than January 5, 1982, with action on the projects to be completed no later than February 3, 1982.

The draft EIR for the Natomas Eastside project was first released for review on August 31, 1981, 11 months and 19 days after commencement of the 12 month period for review and action on the project. We have expressed our concerns and our efforts and inability to expedite the process in a letter to the administrative staff, a copy of which is attached.

Members of the City Council
City of Sacramento
September 1, 1981
Page 2

We wish to call to your attention our further concern with a schedule proposed for consideration of the so-called "growth concept portion of the general plan update" which was triggered by requests of representatives of property interests in the North Natomas area. On March 10, 1981, some 9 months after our submittal of the Natomas Eastside project for preliminary review, the City Council approved a motion to accept an offer of financial assistance from the North Natomas interests and to accelerate a general plan study relating thereto. We note that a review by the City Council of the status of that study, including "review of growth policy options, CPC recommendations, and direction on the development of alternatives" is scheduled for September 8, 1981. We question the adoption by the City Council of growth policy options and alternatives as they relate to matters covered in the Environmental Impact Report for the South Natomas projects prior to consideration of the studies which have been completed in connection with those projects. We are further concerned with the impact which this "growth options study" has had on the ability of the Planning Department to act expeditiously on other projects, including Natomas Eastside.

Very truly yours,



William G. Holliman, Jr.

WGH:js

cc: Marty Van Duyn
James P. Jackson, Esq.
Walter S. Slipe
Enlow Ose

FORREST A. PLANT
JOHN V. DIEPENBROCK
JOHN J. HANNEGAN
R. JAMES DIEPENBROCK
ROBERT R. WULFF
CYPRIUS A. JOHNSON
JOHN S. GILMORE
THOMAS A. CRAVEN
PETER M. DOYLE
DAVID A. RIEGELS
DENNIS H. CAMPOS
JAMES T. FREEMAN
JACK V. LOVELL
DENNIS R. MURPHY
JOHN E. FISCHER
WILLIAM W. SUMNER
CHARITY KENTON
CHRISTOPHER C. TAYLOR
GREGORY J. HUOMES
KAREN Q. AHERN
BRIAN T. REGAN
PAMELA A. UNDERWOOD
DONALD P. ASPERGER

LAW OFFICES

DIEPENBROCK, WULFF, PLANT & HANNEGAN

455 CAPITOL MALL

SACRAMENTO, CALIFORNIA 95814

(916) 444-3910

September 3, 1981

#31
OUR FILE NO. 14351/3A

SUBJECT: Lee Sammis Co., Gateway Centre (P-9145)

TO MEMBERS OF THE CITY COUNCIL
City of Sacramento
City Hall, Room 109
915 Eye Street
Sacramento, California 95814

Dear Mr. Mayor and Members of the City Council:

On behalf of Lee Sammis Co., we hereby join with the attorneys for 885 Investment Company. (Enlow Ose, et al.) in consenting to the adoption of the processing schedule for Gateway Centre (P-9145) and Natomas Eastside (P-9114) as set forth in the Staff Recommendation dated September 3, 1981, including a report back to the City Council no later than January 5, 1982 and final action on the projects no later than February 3, 1982. This consent should not, however, be treated as our client's agreement with the staff's delineation of the reasons for slippage in the earlier schedule nor the staff's assertion that there is no substantial evidence to support approval of the projects.

In any event, this letter will further constitute our client's waiver of any rights to require action prior to February 3, 1982.

Very truly yours,

JOHN V. DIEPENBROCK

cc: Marty Van Duyn
James P. Jackson
Walter S. Slipe
Mark Nelson
Greg Rodgers
William G. Holliman, Jr.

#31

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IN REPLY REFER TO:

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September 1, 1981

Members of the City Council
City of Sacramento
City Hall, Room 109
915 I Street
Sacramento, CA 95814

Re: South Natomas Business Park (P-9114, P-9145)

Dear Mr. Mayor and Members of the City Council:

On behalf of 885 Investment Company (Enlow Ose, et al) we hereby request an extension of time for completion by the City of action on an environmental impact report and applications for a general plan amendment, PUD designation, and rezoning for Natomas Eastside and we hereby consent to such an extension for a period not to exceed 90 days as provided by Government Code Section 65957. Further, we hereby waive any rights that action be taken on the EIR or development project applications within said period of time for an additional period ending no later than February 3, 1982.

We have been continually concerned with the process which has necessitated this extension and we request that the City Council adopt the schedule set forth in the Planning Department staff report dated September 3, 1981 and that it direct the City staff and City Planning Commission to adhere to said schedule with a report back to the City Council no later than January 5, 1982, with action on the projects to be completed no later than February 3, 1982.

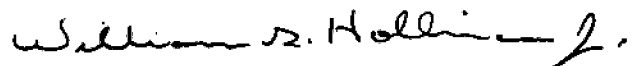
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Members of the City Council
City of Sacramento
September 1, 1981
Page 2

#31

We wish to call to your attention our further concern with a schedule proposed for consideration of the so-called "growth concept portion of the general plan update" which was triggered by requests of representatives of property interests in the North Natomas area. On March 10, 1981, some 9 months after our submittal of the Natomas Eastside project for preliminary review, the City Council approved a motion to accept an offer of financial assistance from the North Natomas interests and to accelerate a general plan study relating thereto. We note that a review by the City Council of the status of that study, including "review of growth policy options, CPC recommendations, and direction on the development of alternatives" is scheduled for September 8, 1981. We question the adoption by the City Council of growth policy options and alternatives as they relate to matters covered in the Environmental Impact Report for the South Natomas projects prior to consideration of the studies which have been completed in connection with those projects. We are further concerned with the impact which this "growth options study" has had on the ability of the Planning Department to act expeditiously on other projects, including Natomas Eastside.

Very truly yours,



William G. Holliman, Jr.

WGH:js

cc: Marty Van Duyn
James P. Jackson, Esq.
Walter S. Slipe
Enlow Ose

#31

McDONOUGH, HOLLAND & ALLEN

A PROFESSIONAL CORPORATION

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IN REPLY REFER TO:

September 1, 1981

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James. P. Jackson, Esq.
City Attorney
812 - 10th Street, Suite 201
Sacramento, CA 95814

Attention: Christina Prim

Dear Ms. Prim:

This will acknowledge receipt of your letter of August 27, 1981 and the draft form attached thereto relating to an extension of time for completion of the Environmental Impact Report for the South Natomas Business Park proposals.

On behalf of 885 Investment Company (Enlow Ose, et al) I have enclosed a letter to the City Council consenting to an extension of time for completion of the EIR as provided by Government Code Section 65957 and further waiving any objection to any necessary continuation of action on the EIR and project application to a date no later than February 2, 1982.

We are extremely concerned about the procedures and actions of the City which have necessitated the requested extension. As you know, Chapter 4.5 of Division 1, Title 7 of the Government Code (commencing with Section 65920) provides that the provisions of that chapter apply to all public agencies including charter cities and to the extent that the provisions of the chapter conflict with any other provision of law the provisions of that chapter prevail. Section 65950 requires a lead agency for a development project to approve or disapprove such project within one year from the date on which the application has been received and accepted as complete by the public agency. Furthermore, Section 65953 provides that all time limits specified are maximum time limits and states that a public

#31

James. P. Jackson, Esq.
September 1, 1981
Page 2

agency should, if possible, approve or disapprove projects in shorter periods of time. Finally, Section 65957 provides that the time limits may be extended once for a period not to exceed 90 days upon consent of the public agency and the applicant.

The application for Natomas Eastside was determined by the City to be complete on September 12, 1980. That determination was made after several months of review of the application by the City. Action on the EIR and development project, therefore, are required by September 12, 1981. The draft EIR was only released for review on August 31, 1981, approximately 11 months and 19 days into the one year period. It is absolutely clear, therefore, that the inability to complete action on the EIR and the project do not relate at all to the contents of the draft EIR or the issues raised thereby but rather to City procedures for consultant selection, staff supervision of the process, and management and enforcement of the contract with the consultant.

On June 4, 1980 we submitted for preliminary review development plans for the Natomas Eastside project. At that time we discussed with the planning staff steps for expediting selection of a consultant for preparation of an Environmental Impact Report and volunteered to advance costs for that purpose. On July 11, 1980 we submitted the formal application and at that time expressed concern about the failure to initiate procedures for selection of an environmental consultant and commencement of the environmental assessment. (A copy of my letter of July 11, 1980 to Marty Van Duyn is attached.) On September 5, 1980 we again inquired what progress had been made towards selection of a consultant for preparation of the EIR. (A copy of my letter of September 5, 1980 to Clif Carstens is attached.) On May 29, 1981 we were informed that a draft EIR would not be submitted to the City until June 17, 1981. At that time I expressed extreme concern with the inordinate time required and the failure to adhere to schedules for the processing and completion of the environmental assessment and pointed out that receipt of the first draft from the consultant was already 9 months into the one year period.

These matters are called to your attention because I believe that they seriously and directly relate to compliance with the provisions of the statutes for review and approval of development projects as well as to potential actions by the City hereafter. It is for these reasons that we request that the City Council commit itself to

#31

James. P. Jackson, Esq.
September 1, 1981
Page 3

adherence to the schedule set forth in the September 3, 1981 Planning Department report to the Planning Commission (P-9114, P-9145) and that it direct the Commission and Planning Department to adhere to that schedule.

Very truly yours,



William G. Holliman, Jr.

WGH:js

Enclosures

cc: Marty Van Duyn
Walter J. Slipe
City Council
Enlow Ose

#31

July 11, 1980

Mr. Marty Van Duyn
Planning Director
City of Sacramento
725 J Street
Sacramento, CA 95814

Dear Mr. Van Duyn:

Submitted herewith is an application for a general plan amendment, community plan amendment, planned unit development designation, schematic plan approval and rezoning of property in the South Natomas Community Plan area, lying west of I-5 and north and south of West El Camino Avenue. Please refer to my letter of June 4, 1980; on that date we submitted for preliminary review three alternative development plans together with supporting data consisting of special study reports relating to air quality, traffic, drainage, sewerage and road and bridge improvements. At this time we are submitting, as requested, an application for approval of a specific conceptual plan.

At the time we submitted alternative plans for preliminary review we discussed steps to expedite procedures for selection of an environmental consultant and commencement of the environmental assessment. Unfortunately, considerable time has elapsed and it appears that we are now faced with additional delay for that purpose. We are hopeful that you will continue efforts to speed up the review process and we will make every effort to assist you in any way possible.

We need to review and re-evaluate plans as previously discussed for alignment of the proposed northerly extension of the north/south collector street through Natomas Oaks, and the location of utility easements necessary to serve the area south of our property.

Please contact me if you require any further information at this time.

Very truly yours,

William G. Holliman, Jr.

WGH:jk

Enclosures

0200-004

#31

September 5, 1980

Mr. Clifford Carstens
Senior Planner
City of Sacramento
725 "J" Street
Sacramento, CA 95814

Dear Clif:

A period of more than 30 days has elapsed since submittal of the application for the Ose PUD on July 11. The matter of the initiation of rezoning at this time having been resolved, it appears to me that we should pay the necessary fees immediately in order to prevent any further slippage of time as projected on your schedule. The total amount of fees according to the attachment to your letter of July 29, 1980, is \$2,581.00, of which \$550.00 has been paid. This amount consists of the following fees: \$90.00, environmental determination; \$345.00, general plan/community plan amendments; \$1,560.00, PUD designation and schematic plan approval; \$36.00, Posting and noticing; \$550.00, initiation of rezoning. Please let me know immediately if this is correct and we will submit that amount promptly.

Please let me know if any progress has been made toward selection of a consultant for preparation of an environmental impact report. At the time we submitted plans for preliminary review on June 4, we discussed steps for expediting that selection process. As far as I know, no progress has been made to date and I am concerned about the continuing delay. We are prepared to pay at this time a non-refundable deposit of \$500.00 toward preparation of the RFP.

Unless I hear from you to the contrary, we will submit payment of fees as indicated and a \$500.00 deposit toward the EIR.

Very truly yours,

William G. Holliman, Jr.

WGH:jk

cc: 885 Investment Co.

#31

May 29, 1981

Mr. Clif Carstens
Senior Planner
City Planning Department
725 J Street
Sacramento, CA 95814

Dear Clif:

It is my understanding that the preliminary draft Environmental Impact Report for the South Natomas Business Park proposals will not be submitted to the City until June 17, 1981. I am extremely concerned, as I have been from the beginning, with the inordinate time required and the failure to adhere to schedules for the processing and completion of the environmental assessment. I am particularly concerned at this point because we will now be nine months into the one year period prior to receiving even a preliminary draft.

Will you please provide us with an explanation for the delay in the schedule at this point. I have made a similar request of Wagstaff and Brady.

Another matter which concerns me is the relationship between the processing of this project and consideration of the planning for the North Natomas area. The Mayor and members of the City Council clearly indicated that their approval of the proposal to undertake a study of the North Natomas area would in no way delay the processing of our project. I trust that that intent continues to be a determinant of administrative priorities.

Finally, I would appreciate receiving, immediately upon its receipt by the City, a copy of the preliminary draft prepared by Wagstaff and Brady. I would appreciate your letting me know immediately if there is any problem in your complying with this request.

Mr. Clif Carstens
May 29, 1981
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Perhaps at an early date the principals involved in the South Natomas area should meet with you to discuss these concerns.

Very truly yours,

William G. Holliman, Jr.

WGH:js

cc: Wagstaff and Brady
Enlow Ose & Associates
Lee Sammis Company
John V. Diepenbrock, Esq.