RESOLUTION NO. 2008-545

Adopted by the Sacramento City Council

July 29, 2008

ADOPTING FINDINGS OF FACT AND APPROVING THE 65TH STREET CENTER (P07-063)

BACKGROUND

A. On June 12th, 2008, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the 65th Street Center.

B. On July 29, 2008, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010 (C)(2)(a), (b), and (c) (publication, posting, and mail 500'), and received and considered evidence concerning the 65th Street Center project.

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

Section 1. Based on the verbal and documentary evidence received at the hearing on the 65th Street Center, the City Council approves the Project entitlements based on the findings of fact and subject to the conditions of approval as set forth below.

Section 2. The City Council approves the Project entitlements based on the following findings of fact:

A. Environmental Determination: The Supplemental EIR and Mitigation Monitoring Program for the Project have been certified and adopted, respectively, by Resolution No. 2008-543.

B. Tentative Map: The Tentative Map to merge three parcels with approximately 10.6 acres then subdivide same into four (4) parcels in the General Commercial Transit Overlay (C-2-TO) zone is approved based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (e), inclusive, exist with respect to the proposed subdivision as follows:

a. The proposed subdivision, together with the provisions for its

design and improvement, is consistent with the City's General Plan, all applicable community and specific plans, and Title 16 of the City Code, which is a specific plan of the City;

b. The site is physically suitable for the type of development proposed and suited for the proposed density;

c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;

d. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;

e. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use, of, property within the proposed subdivision.

2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, the South 65th Street Area Plan, and Title 16 Subdivisions of the City Code, which is a specific plan of the City (Gov. Code §66473.5);

3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision (Gov. code §66474.6);

4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Gov. Code §66473.1);

5. The City Council has considered the effect of the approval of this tentative subdivision map on the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Gov. Code §66412.3).

C. Special Permit: The Special Permit to develop an approximately 240,970 square foot commercial mixed-use project (major project) within the General Commercial Transit Overlay (C-2-TO) zone is approved based on the following Findings of Fact:

1. The proposed project is based upon sound principles of land use in that is consistent with the South 65th Street Area Plan goals, principles, and land

use designation. The retail and office uses are allowed in the General Commercial (C-2) zone and the Transit Overlay zone. Additionally, the ±165,142 square foot Target has less than ten percent of its floor area dedicated to non-taxable food items and, as such, is not considered to be a superstore which is prohibited in any zone.

2. The project, as conditioned, will not be detrimental to the public health, safety, or welfare or result in the creation of a public nuisance in that the project will establish a unique architectural presence in the community, and will provide:

   (i) Landscaping that will be placed within properly sized planters to enhance the plaza and parking areas and will be maintained to provide optimum shading and surveillance opportunities;

   (ii) On-site lighting that will be placed to illuminate the project and the pedestal parking area but will be screened from impacting adjacent roadways or properties;

   (iii) Adequate parking spaces fulfilling the City's parking space requirement for a commercial mixed-use center within the Transit Overlay (TO) zone;

   (iv) On-site bicycle and pedestrian connectivity as well as cross-walks on 65th Street and 4th Avenue for safer off-site pedestrian and bicycle connections.

3. The proposed project is consistent with the commercial land use policies and development requirements of the General Plan and South 65th Street Area Plan in that the project will be promoting the strategic development of an underutilized, infill property located at a key commercial transportation corridor.

   The project also complies with the South 65th Street Area Plan by:

   (i) Creating innovative mixed-use designs that take full advantage of the proximity to the Transit Center, CSUS, and existing and future retail opportunities.

   (ii) Respecting the scale and character of the adjacent neighborhood through attention to views, building scale and orientation, and proximity to adjacent uses.

   (iii) Allowing a mix of community and neighborhood uses that will serve the residential, employee, and student population of the area.

   (iv) Constructing a more environmentally friendly building with the use of a 20-30 yr. white membrane for the roof that will reduce heat gain by reflecting sunlight. Additionally, the applicant, in concert

with the Sacramento Municipal Utility District (SMUD), will be installing a significant photovoltaic system on the roof and generating clean energy.

D. Special Permit. The Special Permit to exceed the fifty-five foot (55') building height limit within the General Commercial Transit Overlay (C-2-TO) zone is approved based on the following Findings of Fact:

1. The project, as conditioned, is based upon sound principles of land use in that the proposed Center is consistent with the South 65th Street Area Plan goals, principles, and land use designation. The extra height is allowed in the Transit Overlay (TO) zone up to 75 feet building that include structured parking with the approval of a special permit.

2. The project, as conditioned, will not be detrimental to the public health, safety, or welfare or result in the creation of a public nuisance in that the 2-story Target building and tower will establish a unique architectural presence in the community, and only a small portion of the building area will exceed the 55 foot height limit, the remainder of the building is well under the height limit at 40 feet.

3. The proposed project is consistent with the commercial land use policies and development requirements of the General Plan in that the project will be promoting the strategic development of a vacant, underutilized, infill property located at a key commercial transportation corridor. The project also complies with the South 65th Street Area Plan by:

   (i) Creating innovative mixed-use designs that take full advantage of the proximity to the Transit Center, CSUS, and existing and future retail opportunities.

   (ii) Respecting the scale and character of the adjacent neighborhood through attention to views, building scale and orientation, and proximity to adjacent uses.

E. Variance: The Variance to reduce the required 26' vehicle maneuvering area is approved based on the following Findings of Fact:

1. Granting the Variance does not constitute a special privilege extended to one individual property owner in that the parking stalls are nine feet wide (one foot wider than the City standard) to compensate for the loss of maneuvering width so ample space will be provided to safely maneuver vehicles in the parking lot. The two-level store was developed at the request of City staff and granting the variance would be appropriate for any property owner facing a similar circumstance.

2. Granting the variance does not constitute a use variance in that the proposed use is permitted subject to the granting of a special permit.

3. Granting the variance will not be detrimental to the public welfare, nor to

property in the vicinity of the project in that the design of the parking structure minimizes conflicts between vehicle doors and concrete columns as well as provides adequate parking. The wider parking spaces should minimize the door-column conflicts and sufficient parking will be provided so as to minimize any overflow parking into the surrounding neighborhood.

4. The variance is consistent with the general purpose and intent of the City Zoning Code (Title 17 of the City Code) including the open space zoning regulations and General Plan in that the safety and proper functioning of the parking area and the Center is not impaired. The proposal does not violate any applicable General Plan policies.

F. Plan Review: The Plan Review of a 240,970 square foot commercial mixed-use project on approximately 10.6 acres in the General Commercial Transit Overlay (C-2-TO) zone is approved based on the following Findings of Fact:

1. The proposed development, including but not limited to the density of a proposed residential development, is consistent with the general plan and any applicable community or specific plan in that the proposed commercial mixed-use project is a commercial use consistent with the Mixed Use land use designation and applicable policies related to commercial mixed use development within the South 65th Street Plan Area.

2. Facilities, including utilities, access roads, sanitation and drainage are adequate and consistent with city standards, and the proposed improvements are properly related to existing and proposed streets and highways in that staff have reviewed the proposal and found it to comply with all applicable city policies related to facilities and infrastructure, and have included conditions to ensure adequate drainage capacity and street frontage improvements. The project includes modifying the eastbound on-ramp to Interstate 50 making it more pedestrian friendly by increasing the angle of curvature thus slowing on-ramp bound vehicles, and will add an auxiliary lane for the eastbound on-ramp to improve traffic flow.

3. The property involved is of adequate size and shape to accommodate the proposed use and required yard, building coverage, setback, parking area and other requirements of this title in that the design of the project complies with applicable setback, lot coverage, density, and parking regulations and the additional height is subject to approval by special permit. Conditions have been added to ensure compliance with landscaping requirements.

4. The proposal complies with safety standards and will not pose a threat to the public health nor be injurious to the surrounding area in that clearly defined pedestrian pathways have been provided, sufficient parking is proposed, frontage improvements making the site more pedestrian accessible are proposed and traffic impacts anticipated have been

mitigated to a less than significant level.

5. The project is consistent with the South 65th Street Area Plan as well as the Design Guidelines in that the project provides active retail and commercial ground level uses along both 65th Street and 4th Avenue. Additionally, the Center's design respects the scale and character of the adjacent residential neighborhood by transitioning from the two-level, large scale Target building to single-story retail/commercial buildings along both street frontages.

6. The Center is consistent with the Transit Overlay zone development standards in that the setbacks, FAR, parking ratio, and open space all comply with the development standards as outlined in Chapter 17.178.

G. Special Permit: The Special Permit for shopping center signage within 660' of a freeway is approved based on the following Findings of Fact:

1. The proposed signage program is consistent with the South 65th Street Area Plan goals and principles in that the signage is proportional in size, style, and quantity to the building mass and articulation.

2. The signage program will not be detrimental to the public health, safety, or welfare or result in the creation of a public nuisance in that the 2-story Target building and signage will establish a unique architectural identity in the community. The quantity and quality of the proposed signage is appropriate for the Center in that it is proportional to the expanses of street frontage comprising the Center. The signage will not be visible from the freeway to distract drivers.

3. The proposed project is consistent with the commercial land use policies and development requirements of the General Plan. It also complies with the South 65th Street Area Plan by:

   (i) Creating proportionally scaled signage that takes full advantage of the proximity to the Transit Center, CSUS, and existing and future retail opportunities.

   (ii) Respecting the scale and character of the adjacent neighborhood through attention to views, signage scale and orientation, and proximity to adjacent uses.

H. Variance: The Variance to exceed the allowed attached sign area in the General Commercial Transit Overlay (C-2-TO) zone within 660' of a freeway is approved based on the following findings of fact:

1. The variance would be appropriate for any property owner facing similar circumstances in that:

   (i) The Target building elevations along Interstate 50, 65th Street, and 4th Avenue are setback and typically lower than the adjacent

freeway (the parapet is approximately seven feet above the roadway bed) making signage visibility a challenge.

(ii) The project would be allowed one square foot of signage area for each front foot of first floor building occupancy, not to exceed 200 square feet of signage per occupancy. In this instance, the first floor occupancy is primarily a parking lot. Given the two-level store was brought forward at staff's urging, the applicant should not be penalized for developing a more urban and efficient building design by minimizing the sign area allowed.

(iii) The signage program strives to balance advertising needs for such a large building and the aesthetic of the roadway view shed.

2. No use variance is requested; the proposed use is permitted subject to approval of a special permit and City development standards.

3. Approval of the variance will not be injurious to public welfare nor to property in the vicinity in that:

(i) By providing adequate signage the success of the Center is promoted and a blighted infill property will be reused and revitalized.

(ii) The signage placement and sizes respects the scale and character of the adjacent neighborhood through attention to views, building scale and orientation, and proximity to adjacent uses as outlined in the South 65th Street Area Plan.

4. The proposed development is otherwise consistent with the zoning regulations in that the safety and aesthetic of the area is not impaired. The proposal does not violate any applicable general plan policies or South 65th Street Area Plan policies.

I. Variance: The Variance to exceed the 20' sign placement height limit is approved based on the following Findings of Fact:

1. Granting the variance does not constitute a special privilege extended to one individual property owner in that the Target building elevations along Interstate 50 are equal to or lower in height than the adjacent freeway making the visibility of signs attached at 20' a challenge.

2. No use variance is requested; the proposed use is permitted subject to approval of a special permit and City development standards.

3. Approval of the variance will not be injurious to public welfare nor to property in the vicinity in that:

(i) The signage program strives to balance advertising needs for such a large building and the aesthetic of the roadway view shed.

(ii) Additionally, the signage placement and sizes respects the scale and character of the adjacent neighborhood through attention to

views, building scale and orientation, and proximity to adjacent uses as outlined in the South 65th Street Area Plan.

4. The proposed development is otherwise consistent with the zoning regulations in that the safety and aesthetic of the area is not impaired. The proposal does not violate any applicable general plan policies or South 65th Street Area Plan policies.

Section 3. The City Council approves the Project entitlements subject to the following conditions of approval:

B. Tentative Map: The Tentative Map to merge three parcels comprising approximately 10.6 acres then subdivide same into four (4) parcels in the General Commercial Transit Overlay (C-2-TO) zone is approved subject to the following conditions of approval:

CONDITIONS: Tentative Map

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P07-063). The design of any improvement not covered by these conditions shall be to City standard.

The applicant shall satisfy each of the following conditions prior to filing the Parcel Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied at the discretion of the Development Engineering Division.

The City strongly encourages the applicant to thoroughly discuss the conditions of approval for the project with their Engineer/Land Surveyor consultants prior to City Planning Commission approval. The improvements required of a Tentative Map can be costly and are completely dependent upon the condition of the existing improvements. Careful evaluation of the potential cost of the improvements required by the City will enable the applicant to ask questions of the City prior to project approval and will result in a smoother plan check process after project approval:

GENERAL: All Projects

1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;

2. Private reciprocal ingress, egress, maneuvering and parking easements are required for future development of the area covered by this Tentative Map. The applicant shall enter into and record an Agreement For Conveyance of Easements with the City stating that a private reciprocal ingress/egress, maneuvering, and parking easement shall be conveyed to and reserved from Parcels A, B, C and D, at no cost, at the time of sale or other conveyance of either parcel.;

3. Comply with requirements included in the 65th Street Center Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P07-063);

4. Show all continuing and proposed/required easements on the Parcel Map;

5. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition;

DEF: Streets

6. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Improvements required shall be determined by the city. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk fronting the property per City standards and to the satisfaction of the Development Engineering Division;

7. Dedicate sufficient right-of-way and construct a third north-bound lane along 65th street and within the project's frontage. The construction of 65thstreet shall be consistent with the City's 6-lane arterial standard (half section). 65th street shall have separated sidewalks. The third lane shall terminate at the east-bound highway US50 on-ramp;

8. The applicant shall dedicate sufficient right-of-way (if needed) and reconstruct the 4th Avenue frontage to include separated sidewalks to the satisfaction of the Development Engineering Division;

9. The applicant shall construct a raised curb along the left turn pocket on south-bound 65th Street to prohibit any left-in and left-out movements from the existing shared driveway on 65th Street. The construction of the raised curb shall be to the satisfaction of the development Engineering Division. The south-bound left turn pocket stacking should be maximized as much as possible;

10. All driveways shall be designed and constructed to City Standards to the satisfaction of the Development Engineering Division. This shall include any existing driveways that do not meet Current ADA standards. The one main driveway along 4th Avenue (Full access driveway) could be constructed with round corners if the applicant desires;

11. As the required improvements at the intersection of 65th Street and 4th Avenue are being designed and constructed (Medians and curbs), the design of those curbs and improvements shall accommodate the turning radius of a **WB62 Design Vehicle** (Large Trucks) entering and exiting 4th Avenue from 65th Street to the satisfaction of the Development Engineering Division;

12. The applicant shall extend the existing west-bound right turn and left turn lane pockets along 4th Avenue to be a minimum of 300-feet long. The extension of the pockets shall include a raised curb to prevent left-in and left-out movements from the western most driveway along 4th Avenue and new striping to the satisfaction of the Development Engineering Division;

13. The applicant shall construct a pedestrian crosswalk along 4th Avenue to the satisfaction of the Development Engineering Division. The cross walk construction shall include ADA compliant ramps;

14. The applicant shall reconstruct the entrance to the existing East-Bound US-50 on-ramp to be consistent with the 65th Street pedestrian and bicycle accessibility study and to the satisfaction of the Development Services Department and the Transportation Department. The reconstruction of the ramp shall also require Caltrans approval;

15. The applicant shall construct a new crosswalk at the 65th street and U.S. Highway 50 eastbound off ramp intersection (as shown in 65th Street pedestrian and bicycle accessibility study) that connects the Kroy pathway with the east side of 65th Street to the satisfaction of the Development Engineering Division and the Transportation Department. The construction of the new crosswalk shall include any needed ADA ramps on both sides of 65th Street, the construction of a raised median, and modifications to the existing signal to include pedestrian actuated signal equipment;

16. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering Division;

17. All right-of-way and street improvement transitions that result from changing the right-of-way of any street shall be located, designed and constructed to the satisfaction of the Development Engineering Division. The center lines of such streets shall be aligned.

18. Construct and/or reconstruct A.D.A. compliant ramps at the intersection of 65thstreet and 4thAvenue per City standards and to the satisfaction of the Development Engineering Division;

19. The applicant shall make provisions for bus stops, shelters, transit centers, etc. to the satisfaction of Regional Transit;

FIRE

20. All turning radii for fire access shall be designed as 35' inside and 55' outside. All driveway medians seem to be interfering with turning radius being met, therefore, the design of the medians at the driveways shall be designed to accommodate a fire truck turning radius to the satisfaction of the Development Engineering Division and the Fire Department;

21. Roads used for Fire Department access shall have an unobstructed width of not less than 20' and unobstructed vertical clearance of 13'6" or more;

22. Fire Apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus. CFC 503.2.3;

23. Provide the required fire hydrants in accordance with CFC 508 and Appendix C, Section C105;

24. Fire service mains shall not cross property lines unless a reciprocal easement agreement is provided;

25. A reciprocal ingress egress agreement shall be provided for review by City Attorney for all shared driveways being used for Fire Department access;

PUBLIC/PRIVATE UTILITIES

26. Dedicate a 12.5-foot Public Utility easement for underground and overhead facilities and appurtenances adjacent to all public street right of ways; (SMUD)

CITY UTILITIES

27. Per City Code 13.04.070 and the Departments current Tap Policy, commercial lots may have more than 1 domestic tap. Any new domestic water services shall be metered. Excess domestic water services must be abandoned to the satisfaction of the Department of Utilities (DOU). There is an existing on-site private water system that may need to be removed, relocated and/or redesigned per City of Sacramento Water Book 2007, pages HH20, HH21, II20 & II21;

28. All lots shall be graded so that drainage does not cross property lines or the applicant shall enter into and record and Agreement of Conveyance of Easements with the City, in a form acceptable to the City Attorney, stating that each lot/parcel shall convey to the remaining lots/parcel, as needed private

easements for storm drainage, sanitary sewer and water, at no cost at the time of sale or other conveyance of any lot/parcel. A note stating the following shall be placed on the Final Map: "THE LOTS/PARCELS CREATED BY THIS MAP SHALL BE DEVELOPED IN ACCORDANCE WITH RECORD AGREEMENT FOR CONVEYANCE OF EASEMENTS # (BOOK_____, PAGE _____)";

29. If lots are graded, then a grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. At a minimum, one-foot off-site contours within 100' of the project boundary are required (per Plate 2, page 3-7 of the City Design and Procedures Manual). No grading shall occur until the grading plan has been reviewed and approved by the DOU;

30. If lots are graded, then the applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance will require the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction;

31. If lots are graded and if the project is greater than 1 acre (10.6± acres), then the project is required to comply with the "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained from www.swrcb.ca.gov/stormstr/construction.html. The SWPPP will be reviewed by the Department of Utilities prior to issuing a grading permit. The following items shall be included in the SWPPP: (1) vicinity map, (2) site map, (3) list of potential pollutant sources, (4) type and location of erosion and sediment BMP's, (5) name and phone number of person responsible for SWPPP and (6) certification by property owner or authorized representative;

SPECIAL DISTRICTS: Assessment Districts

32. The applicant shall participate in the South 65th Street Area Plan (when created) and pay all appropriate fees to the satisfaction of the Development Services Department and the Planning Department. The city will review Target's design-and-construct costs for the public-benefit improvements to determine which costs are eligible for credit against future fees imposed by an infrastructure-financing district or for reimbursements from such fees; and the City and Target will enter into an agreement covering such credits and reimbursements, if any, in a form acceptable to the City Attorney's Office;

PPDD: Parks

33. As per City Code, the applicant will be responsible to meet his/her obligations regarding Title 18, 18.44 Park Development Impact Fee, due at the time of issuance of a building permit. The total Park Development Impact Fees due for this project are estimated at $81,930. This is based on construction of a Target store and addition retail measuring a total of 240,970 square feet at the rate of $0.34 per square foot. This does not include the existing office space that will be renovated, because this is an existing use. No credit is provided for the removal of the 114,000 square foot building, making way for the new Target store, because no Park Development Impact Fees were paid on the original structure. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit;

MISCELLANEOUS

34. Title to any property required to be dedicated to the City in fee shall be conveyed free and clear of all rights, restrictions, easements, impediments, encumbrances, liens, taxes, assessments or other security interests of any kind (hereafter collectively referred to as "Encumbrances"), except as provided herein. The applicant shall take all actions necessary to remove any and all Encumbrances prior to approval of the Final Map and acceptance of the dedication by City, except that the applicant shall not be required to remove Encumbrances of record, including but not limited to easements or rights-of-way for public roads or public utilities, which, in the sole and exclusive judgment of the City, cannot be removed and/or would not interfere with the City's future use of the property. The applicant shall provide title insurance with the City as the named beneficiary assuring the conveyance of such title to City;

35. Prior to obtaining a Certificate of Occupancy, the applicant shall form a Business Association (BOA). CC&R's shall be approved by the City and recorded assuring maintenance of private roadway(s). The Business Association shall maintain all private streets, lights, Private Utilities, common landscaping and common areas;

ADVISORY NOTES:

The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

36. The applicant shall record the Parcel Map, which creates the lot pattern shown on the proposed site plan prior to obtaining any Building Permits;

37. Many projects within the City of Sacramento require booster pumps for fire suppression and domestic water system. Prior to design of the subject project,

the DOU suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the fire suppression and domestic water systems;

38. The proposed project is located in the Flood zone designated as an **X** zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the X zone, there are no requirements to elevate or flood proof;

39. This project is served by the Combined Sewer System (CSS). Therefore, the developer/property owner will be required to pay the Combined Sewer System Development Fee prior to the issuance of any building permit. The impact to the CSS due to the mixed-use development is estimated to be 40 ESD for the proposed buildings. Credit will be given for the existing facilities (31 ESD) as an office use of 0.2 ESD/1000 SF. The Combined Sewer System fee at time of building permit is estimated to be $945.00 plus any increases to the fee due to inflation. This fee may change based on the final plan layout.

C. Special Permit: The Special Permit to develop a commercial mixed-use project with approximately 240,970 square feet of building area within the General Commercial Transit Overlay (C-2-TO) zone is approved subject to the following conditions of approval:

C1. Current Planning

a. Obtain all necessary building permits prior to construction.

b. Comply with all mitigation measures as outlined in the attached Mitigation Monitoring Plan (MMP). Compliance with each mitigation measure shall be verified prior to the issuance of building permits, as appropriate, and as outlined in the MMP.

c. Development of this site shall conform with the attached plans (Exhibits C-1-C20). Any modification to the project shall be subject to review and approval by planning staff prior to the issuance of building permits. Any significant modification to the project shall require subsequent entitlements.

d. The 65th Street Center hours of operation shall be no earlier than six a.m. and no later than ten p.m. except restaurant use(s) which may extend to 11 p.m. Deliveries may occur no later than 9:30 p.m. seven days a week and no earlier than 6 a.m. Monday through Friday and no earlier than 7 a.m. on Saturday and Sunday.

e. The retail stores' architectural design (65th Street-Retail D) and 4th Avenue (Retail A, B, and C) shall be submitted to Design Review staff for review and approval prior to the issuance of any building permits for each building as development occurs.

f. The office building refurbishment design shall be submitted to Design Review staff for review and approval prior to the issuance of building permits for interior or exterior building permits.

g. The applicant, or any other occupant, owner or operator of this building shall be prohibited from hanging any banners from or on the exterior of the building or any other structure or plant material.

h. The applicant or owner/operator of this business shall operate and maintain closed circuit television camera(s) to provide surveillance in all parking areas and along the east and north sides of the Target building.

i. The developer shall implement all trip reduction measures as outlined in the Traffic Management Plan (TMP) (see Attachment 8 for the Draft TMP).

j. The developer shall implement physical measures to retain all shopping carts within the 65th Street Center boundary.

k. Project phasing shall include development of a contingency plan (to be reviewed and approved by the planning director and the City of Sacramento Parks and Recreation Department-Landscape Division prior to the issuance of building permits for the Target) for the landscaping of the 4th Avenue Retail site (Retail-Phase III as shown in Exhibit C-8) with drought tolerant landscaping and irrigation. The plan shall be implemented should the development process for the 4th Avenue Retail site not be initiated prior to the issuance of any Certificate of Occupancy (temporary or final) for the Target building. Issuance of the Final Certificate of Occupancy for the Target shall be withheld until said irrigation and landscaping is installed to the satisfaction of the City of Sacramento Parks and Recreation-Landscape Division.

l. The applicant/owner shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties, and streets within a one-block radius of the 65th Street Center.

m. Continuous 6" high, 6" wide concrete curbing shall be provided around all planter areas within or adjacent to parking areas and driveways, as appropriate.

n. All pedestrian pathways shall be specially colored and stamp patterned asphalt when crossing any vehicle pathway(s).

o. The north-south pedestrian pathway bisecting the first level parking lot shall be specially colored and stamped asphalt, shall be adequately lit for safe pedestrian passage day or night, and shall have directional signage flagging the pathway and its location, along the entirety of the pathway.

p. Shopping cart barns shall be located as shown on the Street Level Site Plan.

q. Comply with the approved 65th Street Center Signage Master Plan -Exhibit E-1.

r. All mechanical equipment shall be screened. All rooftop mechanical and communications equipment shall be completely screened from view from public streets and the adjacent homes by the building parapet, and/or architectural projections that are integral to the building design.

s. The tower design shall be reviewed and approved by the planning director prior to the issuance of any building permits for the Target building.

t. The construction of the Target building and retail building along the 65th Street frontage and the rehabilitation of the onsite two-story office building shall occur at the same time, Phase II of the project (see Exhibit C-8-Project Phasing Plan).

C2. Landscaping:

a. Landscaping shall be provided, as allowed, to screen ground-mounted mechanical equipment, backflow preventors, transformers, and other similar appurtenances to the satisfaction of the Planning Director.

b. Prior to issuance of building permits, submit to Planning-Site Design group for review and approval landscape plans exhibiting the following criteria: Thirty percent of the trees shall be a minimum 24" box size; the remaining trees shall be a minimum 15 gal. container size. A mix of shrubbery and groundcover shall be planted and maintained throughout the plaza area. Drought tolerant groundcover shall be planted to cover all planter soil areas within 2 years of installation. All landscape areas shall have automatic irrigation installed and operational.

c. Adequate spacing will be provided between the trees to allow the trees to obtain full maturity growth potential. If groundcover is contraindicated beneath the trees a covering 6" deep with mulch shall be applied and

maintained in perpetuity beneath and around the trees to an average diameter of six feet around the base of each tree.

d. Details of the outdoor furniture and accessories shall be provided the planning director for review and approval prior to the issuance of building permits. For example, the arbors, decorative stone seating wall(s) and fountains, trash containers and metal benches, to name some but not all outdoor furniture and accessories.

e. The owner/operator/owner's association shall maintain the grounds and landscaped areas in a clean, weed free and groomed manner. Landscaping shall be replaced with live, healthy plants, trees and turf as needed if original landscaping dies;

C3. Trash Enclosures:

a. Trash enclosures shall be constructed of concrete block or similar masonry material and finished with a material that is compatible in color and texture to the building facades;

b. The trash enclosure and recycling enclosure (if separate) facility shall be designed to allow walk-in access without having to open the main enclosure gates.

c. The trash enclosure shall be screened with landscaping, including a combination of shrubs and/or climbing evergreen vines and shall be automatically irrigated.

C4. Exterior Lighting:

a. Lighting fixtures shall be of a high quality decorative design, having a color and style, which is compatible with the building architecture, as determined by the Planning Director.

b. Lighting shall be designed so as not to produce hazardous and annoying glare to motorists and building occupants, adjacent residents, or the general public.

c. Each building address number shall be illuminated;

d. The height of pole mounted light fixtures shall be no more than ±14 feet in height.

e. Adequate overall exterior site lighting shall be installed and shall be coordinated with the landscaping plan so there is minimal interference between the light standards and required illumination and the trees and

required shading. Project lighting shall be provided as follows: 1.5 foot-candles of minimum maintained illumination per square foot of parking space during business hours and .25 foot-candles of minimum maintained illumination per square foot of surface on any walkway, alcove, passageway, etcetera, from one-half hour before dusk to one-half hour after dawn. All light fixtures are to be vandal-resistant. On-site lighting shall be shielded from adjacent parcels and the street so the on-site illumination will not shine on to, or impact the adjacent residential properties or the street.

C5. Signage:

a. The project signage shall comply with the 65th Street Center Signage Master Plan.

b. All signage shall comply with the City of Sacramento's Sign Ordinance unless otherwise indicated in the 65th Street Center Signage Master Plan.

c. A maximum of eleven(11) attached signs are approved for the major tenant with a total sign area of ±1,200 sq. ft. as shown on the attached exhibits, including the parking signs with logo attached, and two detached signs are approved with a total sign area of ±250 sq. ft. Directional parking signs K-1 and K-2 are permitted the Target logo. All other directional signs must meet the City Sign Code requirements for size and content for Exempt signs.

d. Comply with the attached 65th Street Center Signage Master Plan.

C6. Development Engineering

a. Construct standard improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Improvements required shall be determined by the city. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk fronting the property per City standards and to the satisfaction of the Development Engineering Division;

b. Dedicate sufficient right-of-way and construct a third north-bound lane along 65th street and within the project's frontage. The construction of 65thstreet shall be consistent with the City's 6-lane arterial standard (half section). 65th street shall have separated sidewalks. The third lane shall terminate at the east-bound highway US50 on-ramp;

c. The applicant shall dedicate sufficient right-of-way (if needed) and reconstruct the 4th Avenue frontage to include separated sidewalks to the satisfaction of the Development Engineering Division;

d. The applicant shall construct a raised curb along the left turn pocket on south-bound 65th Street to prohibit any left-in and left-out movements from the existing shared driveway on 65th Street. The construction of the raised curb shall be to the satisfaction of the development Engineering Division. The south-bound left turn pocket stacking should be maximized as much as possible;

e. All driveways shall be designed and constructed to City Standards to the satisfaction of the Development Engineering Division. This shall include any existing driveways that do not meet Current ADA standards. The one main driveway along 4th Avenue (Full access driveway) could be constructed with round corners if the applicant desires;

f. As the required improvements at the intersection of 65th Street and 4th Avenue are being designed and constructed (Medians and curbs), the design of those curbs and improvements shall accommodate the turning radius of a **WB62 Design Vehicle** (Large Trucks) entering and exiting 4th Avenue from 65th Street to the satisfaction of the Development Engineering Division;

g. The applicant shall extend the existing west-bound right turn and left turn lane pockets along 4th Avenue to be a minimum of 300-feet long. The extension of the pockets shall include a raised curb to prevent left-in and left-out movements from the western most driveway along 4th Avenue and new striping to the satisfaction of the Development Engineering Division;

h. The applicant shall construct a pedestrian crosswalk along 4th Avenue to the satisfaction of the Development Engineering Division. The cross walk construction shall include ADA compliant ramps;

i. The applicant shall reconstruct the entrance to the existing East-Bound US-50 on-ramp to be consistent with the 65th Street pedestrian and bicycle accessibility study and to the satisfaction of the Development Services Department and the Transportation Department. The reconstruction of the ramp shall also require Caltrans approval;

j. The applicant shall construct a new crosswalk at the 65th street and U.S. Highway 50 eastbound off ramp intersection (as shown in 65th Street pedestrian and bicycle accessibility study) that connects the Kroy pathway with the east side of 65th Street to the satisfaction of the Development Engineering Division and the Transportation Department. The

construction of the new crosswalk shall include any needed ADA ramps on both sides of 65th Street, the construction of a raised median, and modifications to the existing signal to include pedestrian actuated signal equipment;

k. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering Division;

l. All right-of-way and street improvement transitions that result from changing the right-of-way of any street shall be located, designed and constructed to the satisfaction of the Development Engineering Division. The center lines of such streets shall be aligned;

m. Construct and/or reconstruct A.D.A. compliant ramps at the intersection of 65thstreet and 4thAvenue per City standards and to the satisfaction of the Development Engineering Division;

n. The applicant shall make provisions for bus stops, shelters, transit centers, etc. to the satisfaction of Regional Transit;

o. The applicant shall participate in the South 65th Street Area Plan (when created) and pay all appropriate fees to the satisfaction of the Development Services Department and the Planning Department. The city will review Target's design-and-construct costs for the public-benefit improvements to determine which costs are eligible for credit against future fees imposed by an infrastructure-financing district or for reimbursements from such fees; and the City and Target will enter into an agreement covering such credits and reimbursements, if any, in a form acceptable to the City Attorney's Office;

p. Prior to obtaining a Certificate of Occupancy, the applicant shall form a Business Association (BOA). CC&R's shall be approved by the City and recorded assuring maintenance of private roadway(s). The Business Association shall maintain all private streets, lights, Private Utilities, common landscaping and common areas;

q. The site plan shall conform to A.D.A. requirements in all respects;

C7. Utilities

The following are conditions to be placed on the **Special Permit** to develop a ±240,970 square foot mixed-use project (major project) within the General Commercial Transit Overlay (C-2-TO) zone, that shall be approved by the Department of Utilities (DOU) prior to issuance of the building permit.

a. Per City Code 13.04.070 and the Departments current Tap Policy, commercial lots may have more than 1 domestic tap. Any new domestic water services shall be metered. Excess domestic water services must be abandoned to the satisfaction of the DOU.

b. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.

c. Prior to the submittal of improvement plans, prepare a project specific water study for review and approval by the DOU. The water distribution system shall be designed to satisfy the more critical of the two following conditions: (1) at maximum day peak hour demand, the operating or "residual" pressure at all water service connections shall be at least 30 pounds per square inch, (2) at average maximum day demand plus fire flow, the operating or "residual" pressure in the area of the fire shall not be less than 20 pounds per square inch. The water study shall determine if the existing and proposed water distribution system is adequate to supply fire flow demands for the project. A water supply test is required for this project. For water supply test contact Permit Center. Contact the DOU for the pressure boundary conditions to be used in the water study.

d. Each parcel shall have a separate street tap for metered irrigation service.

e. Per City Code, the point of service for water, sewer and storm drain service is located at the back of curb for separated sidewalks and at the back of sidewalk for attached sidewalks.

f. The onsite water, sewer and storm drain systems shall be private systems maintained by the property owner.

g. The applicant shall enter into and record and Agreement of Conveyance of Easements with the City, in a form acceptable to the City Attorney, stating that each lot/parcel shall convey to the remaining lots/parcel, as needed private easements for storm drainage, sanitary sewer and water, at no cost at the time of sale or other conveyance of any lot/parcel. A note stating the following shall be placed on the Final Map: **"THE LOTS/PARCELS CREATED BY THIS MAP SHALL BE DEVELOPED IN ACCORDANCE WITH RECORD AGREEMENT FOR CONVEYANCE OF EASEMENTS # (BOOK_____, PAGE _____)".**

h. A sanitary sewer study described in Section 9.9 of the City Design and Procedures Manual is required. This study and shed map shall be approved by the DOU. There is an existing 6" sewer main in 4th avenue. The Applicant/Developer shall either replace the existing 6"S main between MH#615 & MH #910 with a 10"S main or construct a new 8" sewer main between MH#616 & MH#630 to direct flows to existing 14"S main in Broadway. Sewer mains shall be aligned and constructed to the satisfaction of DOU.

i. This project is served by the Combined Sewer System (CSS). Therefore, the developer/property owner will be required to pay the Combined Sewer System Development Fee prior to the issuance of any building permit. The impact to the CSS due to the mixed-use development is estimated to be 40 ESD for the proposed buildings. Credit will be given for the existing facilities (31 ESD) as an office use of 0.2 ESD/1000 SF. The Combined Sewer System fee at time of building permit is estimated to be $945.00 plus any increases to the fee due to inflation. This fee may change based on the final plan layout.

j. An on-site surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. All on-site systems shall be designed to the standard for private storm drainage systems (per Section 11.12 of the Design and Procedures Manual).

k. Lot pad elevations shall be a minimum of 1.5 feet above the local controlling overland release elevation and a minimum of 1.2 feet above the highest adjoining back of sidewalk elevation. Finished lot pad elevations shall be accepted by the Department of Utilities.

l. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. At a minimum, one-foot off-site contours within 100 feet of the project boundary are required (per Plate 2, page 3-7 of the City Design and Procedures Manual). No grading shall occur until the grading plan has been reviewed and approved by the DOU.

m. This project is greater than 1 acre in size; therefore, the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained from www.swrcb.ca.gov/stormstr/construction.html. The SWPPP will be reviewed by the DOU prior to issuing a grading permit. The following

items shall be included in the SWPPP: (1) vicinity map, (2) site map, (3) list of potential pollutant sources, (4) type and location of erosion and sediment BMP's, (5) name and phone number of person responsible for SWPPP and (6) certification by property owner or authorized representative.

n. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.

o. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Since the project is not served by a regional water quality control facility, both source controls and on-site treatment control measures are required. Specific source controls are required for (1) commercial/industrial material storage, (2) commercial/industrial outdoor loading/unloading of materials, (3) commercial/industrial vehicle and equipment fueling, (4) commercial/industrial vehicle and equipment maintenance, repair and washing, (5) commercial/industrial outdoor process equipment operations and maintenance and (6) commercial/industrial waste handling. Storm drain message is required at all drain inlets. **On-site treatment control measures may affect site design and site configuration and therefore, should be considered during the early planning stages.** Improvement plans must include the source controls and on-site treatment control measures selected for the site. Refer to the "Stormwater Quality Design Manual" dated May, 2007 for appropriate source control measures. A Water Quality Maintenance Agreement between the City and owner shall be executed prior to the issuance of a Building Permit and approved by the City Attorney. Please contact Department of Utilities, Sherill Huun at (916) 808-1455 (shuun@cityofsacramento.org) to coordinate execution of this Agreement.

Advisory notes for the Special Permit:

p. **Many projects within the City of Sacramento require on-site booster pumps for fire suppression and domestic water systems.** Prior to design of the subject project, the DOU suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site fire suppression system.

q. Multiple fire services are allowed per parcel and may be required.

r. The proposed project is located in the Flood zone designated as an **X** zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the X zone, there are no requirements to elevate or flood proof.

C8. Police Department

I. Lighting & Landscaping

A. It is imperative that any landscaping plan is coordinated with the lighting plan to ensure proper illumination and visibility is maintained through the maturity of the trees and shrubs. If landscaping overwhelms the lighting and reduces visibility in and out of the business, it will create an environment for crime to occur. In order to preserve visibility, we recommend shrubs that mature around 2' tall, and bushes or trees with canopy no lower than 8'tall.

B. Dumpster enclosures shall be lockable. Hostile vegetation, such as shrubs with thorns or leaf shapes that make them very undesirable for people to walk through, is highly recommended. For example, hostile shrubbery is recommended around dumpster enclosures to help prevent undesirable access to the dumpster as well as around the parking structure.

C. Benches, trash-cans, and bicycle racks should be constructed in a manner consistent with crime prevention strategies and placed in highly visible locations. Exterior benches should be designed to discourage loitering and sleeping by utilizing partitions or circular designs that wrap around trees or poles. Wrought iron benches are desirable because they provide a fireproof design that is difficult to damage and is easily secured to the ground.

D. Exterior trash-cans should be visibly open to discourage unlawful use. As with benches, trash receptacles should be designed to be vandal resistant. Wrought iron designs are fireproof, can be easily secured to the ground and cannot be easily broken and utilized as a weapon or projectile.

E. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, the adjacent property and street.

F. Trash enclosure areas, such as those used for dumpsters, can be used

as ambush points by criminals. The preferred option for these areas is wrought iron enclosures that remain locked. Any other non-transparent enclosure is not recommended, but if selected, must also remain locked.

G. Parking areas and pedestrian pathways must have sufficient lighting. **Lighting must minimally meet IESNA standards.** Consideration should be given to doubling or tripling the foot candle output in the parking area. Lighting must also be uniform and efforts should be made to avoid glare and light trespass. Fixtures must be vandal resistant. Full cut off wall packs and shoebox fixtures are recommended for parking lots, walkways and around buildings because they help eliminate glare and light trespass. For exterior lighting, metal halide or induction lights are recommended. This lighting provides a clear white light that allows for true color rendition and the ability to better recognize potential threats. For some applications such as doorways, a compact fluorescent white bulb can be used.

H. The lighting plan must address issues such as shadows that will be created by awnings and/or canopies that are planned to shade business windows. Lighting solutions under these structures must be implemented.

I. In order to help prevent after-hours crime, interior night lights, left on after the business is closed, will help patrolling police officers see inside the business.

II. Parking Areas

A. Entrances to the parking areas and other highly visible locations on-site shall be posted with appropriate signs per 22658 (a) CVC to assist in removing vehicles at the property owner/manager's request.

B. Parking Garage shall have emergency alarms/call box located at every end (north, East, South,West) of the parking structure. The call box will be connected to store security dispatch. Proper signage must be in place to advise any user that the phone/alarm system doesn't connect to Sacramento Police Department directly, but to the onsite security and is only in use during security business hours.

C. During business hours, uniformed security guards shall patrol the parking structure to help reduce criminal activity and loitering.

D. After hour employees shall have a designated parking area close to the building in order to eliminate the need to walk through parking structure at night.

E. The parking structure should be fenced with wrought iron fencing to allow sight into and out of the structure and to eliminate the potential for a

criminal to enter and exit unnoticed. There shall be a designated entrance and exit that shall be enforced by security and monitored by cameras. Pedestrian walkways/exits should be well marked and placed at the opposite ends of the entrance/exit area.

F. Shubbery around the parking structure should be kept to a maximum height of 2'. Ground cover is preferred.

G. Parking areas and pedestrian pathways must have sufficient lighting. **Lighting must minimally meet IESNA standards.** Consideration should be given to doubling or tripling the foot candle output in the parking area. Lighting must also be uniform and efforts should be made to avoid glare and light trespass. Fixtures must be vandal resistant. Full cut off wall packs and shoebox fixtures are recommended for parking lots, walkways and around buildings because they help eliminate glare and light trespass. For exterior lighting, metal halide or induction lights are recommended. This lighting provides a clear white light that allows for true color rendition and the ability to better recognize potential threats. For some applications such as doorways, a compact fluorescent white bulb can be used.

H. Parking lots pose a risk for crime. Public perception and fear of crime in these areas is high. Consequently, any parking areas should incorporate crime preventing design strategies. Additional crime preventing efforts in these areas will improve overall public perception of the business, which will encourage patronage. If it is possible to do so, consideration should be given to doubling or tripling the foot candle output of the parking lot lighting.

I. Convex mirrors shall be placed in the parking structure to provide a line of sight in and around any blind spots.

III. Visibility

A. A 180 degree viewing device, such as a peephole, shall be installed in:
   1. All solid doors.
   2. Any office which contains a safe.
   3. Any off where receipts are counted.
   4. Any rear door used to admit employees or deliveries.

B. Windows shall remain free of literature and signage blocking the view into the business.

C. Display counters shall be low enough that employees/cashiers have clear visibility throughout the business.

D. None of the furniture shall block any exit.

IV. Signage

In order to limit the potential for this site to become an attractive location for loitering and other inappropriate or illegal behavior, adequate signage must be installed prohibiting trespassing, loitering, and noise in accordance with Section 602(k) of the California Penal Code and Section 9.16.140 of the Sacramento City Code,

V. Video Cameras

Closed circuit television cameras are recommended to monitor high risk areas such as entry doors, cash register and safe. Installation of these devices at the point of construction can greatly reduce crime in and around the business after operations commence. If the applicant elects not to install cameras during the construction phase, and security becomes an issue, and if deemed necessary by the Sacramento Police Department, and subject to appeal only to the City Council, the applicant shall then be required to install:

A. Closed-circuit color video cameras to monitor all cash registers, entrances, dining areas, restroom doors, parking lots and safes. Consider exterior cameras on the corners, doors, and parking lot to create comprehensive coverage.

B. Television style monitors for the cameras. One monitor shall be mounted in a visible location near the entrance so that patrons can clearly see their activities are being monitored when they come through the front door. Another monitor shall be mounted in staff areas so that management staff can monitor what the cameras see.

C. A digital video recorder (DVR) capable of storing a minimum of 7 days worth of activity. A DVR capable of storing 30 days worth of activity is preferable. The DVR must be kept in a secured area that is accessible only to management.

VI. Pay Phones

A. No public telephone shall be installed on the premises.

VII. Safes and Alarms

A. The main cashier counter shall be equipped with at least one central station silent robbery alarm system and a telephone.

B. The applicant shall install a drop safe and post a sign indicating that

employees do not have access to the safe.

C. Safes shall have a minimum rating of TL-15 or class "C".

D. A cash management policy is recommended to limit the cash on hand at all times after 8 p.m.

VIII. Loitering

A. Signage with the following language shall be posted in a prominent location:

UNLAWFUL TO ENTER, BE OR REMAIN ON ADJACENT PARKING LOT OR ADJACENT PUBLIC SIDEWALK WITH AN OPEN ALCOHOLIC BEVERAGE CONTAINER.

NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES

IX. Additional Use Conditions

A. The proprietor or his agent is responsible for reasonably controlling the conduct of persons on or immediately adjacent to the site and shall control behavior and noise, immediately disperse loiterers, and prevent nuisance or unreasonable interference with adjacent properties.

B. All illegal activities observed on or around the business shall be promptly reported to the Police Department.

C. Height markers which display height measures are required at the entrance of the business.

D. There shall be no video/arcade machines maintained upon the premises at any time.

E. Whenever the business is open after 11 p.m. and before 5 a.m.:
   1. Two employees shall be on the premises at all times.
   2. The premises shall be locked; Customers shall not be allowed inside.
   3. Business shall only be conducted through an indirect pass-through trough, trapdoor, or window.

F. The Police Department reserves the right to increase the minimum number of security guards without further public hearings, should continued criminal or neighborhood nuisance activity warrant it.

G. A crosswalk shall be made to allow pedestrians and bicyclists traveling on 4th Ave to cross safely. The crosswalk should be near the apartment complex located south of 4th Ave.

C9. Fire Department

a. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

b. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4

c. The furthest projection of the exterior wall of a building shall be accessible from within 150 ft of an approved Fire Department access road and water supply as measured by an unobstructed route around the exterior of the building. (CFC 503.1.1) *Parcel A isn't meeting this requirement. Sprinklers shall be required due to this rule and square footage.*

d. Provide appropriate Knox access for site

e. Roads used for Fire Department access that are less than 28 feet in width shall be marked "No Parking Fire Lane" on both sides; roads less than 36 feet in width shall be marked on one side.

f. An automatic fire sprinkler system shall be installed in any portion of a building when the floor area of the building exceeds 3,599 square feet. *Parking structure shall also be sprinklered.*

g. Locate and identify Fire Department Connections (FDCs) on address side of building no further than 50 feet and no closer than 15 feet from a fire hydrant.

h. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Fire control rooms shall be located within the building at a location approved by the Chief, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room. CFC 903.8

i. Provide clear access to buildings openings, free to landscaping and other obstructions. Exterior doors and openings required by this code or the Building Code shall be maintained readily accessible for emergency access by the Fire Department. CFC 504.1

C10. Parks

a. As per City Code, the applicant will be responsible to meet his/her obligations regarding Title 18, 18.44 Park Development Impact Fee, due at the time of issuance of a building permit. The total Park Development Impact Fees due for this project are estimated at $81,930. This is based on construction of a Target store and addition retail measuring a total of 240,970 square feet at the rate of $0.34 per square foot. This does not include the existing office space that will be renovated, because this is an existing use. No credit is provided for the removal of the 114,000 square foot building, making way for the new Target store, because no Park Development Impact Fees were paid on the original structure. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit.

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

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

Noes: None.

Abstain: None.

Absent: None.

Heather Fargo

Mayor Heather Fargo

Attest:

Dawn Bullwinkel

Dawn Bullwinkel, Asst. City Clerk

D. Special Permit: The **Special Permit** to exceed the fifty-five foot (55') building height limit within the General Commercial Transit Overlay (C-2-TO) zone is approved subject to the following conditions of approval:

D1. Current Planning

a. The final tower design shall be subject to staff level Design Review review and approval prior to the issuance of building permits involving tower construction.

b. Final tower height may not exceed 57 feet above ground level.

E. Special Permit: The **Special Permit** for shopping center signage within 660' of a freeway is approved subject to the following conditions of approval:

E1. Current Planning

a. A maximum of eleven (11) attached signs are approved for the major tenant with a total sign area of ±1,200 sq. ft. as shown on the attached exhibits, including the parking signs with logo attached, and two detached signs are approved with a total sign area of ±250 sq. ft. Directional parking signs K-1 and K-2 are permitted the Target logo. All other directional signs must meet the City Sign Code requirements for size and content for Exempt signs.

b. Comply with the attached 65th Street Center Signage Master Plan.

c. A maximum of two detached signs for the shopping center are approved.

d. Retail tenants for Retail A, B, C, and D are permitted a maximum of two (2) attached signs and those signs shall adhere to the 65th Street Center Signage Master Plan.

e. The office building shall be permitted two (2) attached signs and one detached monument type sign. The maximum height for the monument sign shall be 6 feet. The office building signage shall be reviewed as part of the plan review for the office.

F. Plan Review: The **Plan Review** of a 240,970 square foot commercial mixed-use project on approximately 10.6 acres in the General Commercial Transit Overlay (C-2-TO) zone is approved subject to the following conditions of approval:

F1. Current Planning

a. Obtain all necessary building permits prior to construction.

b. Comply with all mitigation measures as outlined in the attached Mitigation Monitoring Plan (MMP). Compliance with each mitigation measure shall be verified prior to the issuance of building permits, as appropriate, and as outlined in the MMP.

c. Development of this site shall conform with the attached plans (Exhibits F-1-F-16). Any modification to the project shall be subject to review and approval by planning staff prior to the issuance of building permits. Any significant modification to the project shall require subsequent entitlements.

d. The 65th Street Center hours of operation shall be no earlier than six a.m. and no later than ten p.m. except restaurant use(s) which may extend to 11 p.m. Deliveries may occur no later than 9:30 p.m. seven days a week and no earlier than 6 a.m. Monday through Friday and no earlier than 7 a.m. on Saturday and Sunday.

e. The retail stores' architectural design (65th Street-Retail D) and 4th Avenue (Retail A, B, and C) shall be submitted to Design Review staff for review and approval prior to the issuance of any building permits for each building as development occurs.

f. The office building refurbishment design shall be submitted to Design Review staff for review and approval prior to the issuance of building permits for interior or exterior building permits.

g. The applicant, or any other occupant, owner or operator of this building shall be prohibited from hanging any banners from or on the exterior of the building or any other structure or plant material.

h. The applicant or owner/operator of this business shall operate and maintain closed circuit television camera(s) to provide surveillance in all parking areas and along the east and north sides of the Target building.

i. The developer shall implement all trip reduction measures as outlined in the Traffic Management Plan (TMP) (see Attachment 8 for the Draft TMP).

j. The developer shall implement physical measures to retain all shopping carts within the 65th Street Center boundary.

k. Project phasing shall include development of a contingency plan (to be

reviewed and approved by the planning director and the City of Sacramento Parks and Recreation Department-Landscape Division) for the landscaping of the 4th Avenue Retail site (Retail-Phase III as shown in Exhibit F-8) with drought tolerant landscaping and irrigation. The plan shall be implemented should development of the 4th Avenue Retail site not be initiated prior to the issuance of the Certificate of Occupancy (temporary or final) for the Target building. Should the contingency plan be required to be implemented, issuance of the Final Certificate of Occupancy for the Target shall be withheld until said irrigation and landscaping is installed to the satisfaction of the City of Sacramento Parks and Recreation-Landscape Division.

l. The applicant/owner shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties, and streets within a one-block radius of the 65th Street Center.

m. Continuous 6" high, 6" wide concrete curbing shall be provided around all planter areas within or adjacent to parking areas and driveways.

n. All pedestrian pathways shall be specially colored and stamp patterned asphalt when crossing any vehicle pathway(s).

o. The north-south pedestrian pathway bisecting the first level parking lot shall be specially colored and stamped asphalt, shall be adequately lit for safe pedestrian passage day or night, and shall have directional signage flagging the pathway and its location, along the entirety of the pathway.

p. Shopping cart barns shall be located as shown on the Street Level Site Plan.

q. Comply with the approved 65th Street Center Signage Master Plan -Exhibit E-1.

r. All mechanical equipment shall be screened. All rooftop mechanical and communications equipment shall be completely screened from view from public streets and the adjacent homes by the building parapet, and/or architectural projections that are integral to the building design.

s. The tower design shall be reviewed and approved by the planning director prior to the issuance of any building permits for the Target building.

t. The construction of the Target building and retail building along the 65th Street frontage and the rehabilitation of the onsite two-story office building shall occur at the same time, Phase II of the project (see Exhibit F-8-Project Phasing Plan).

F2. Landscaping:

a. Landscaping shall be provided, as allowed, to screen ground-mounted mechanical equipment, backflow preventors, transformers, and other similar appurtenances to the satisfaction of the Planning Director.

b. Prior to issuance of building permits, submit to Planning-Site Design group for review and approval landscape plans exhibiting the following criteria: Thirty percent of the trees shall be a minimum 24" box size; the remaining trees shall be a minimum 15 gal. container size. A mix of shrubbery and groundcover shall be planted and maintained throughout the plaza area. Drought tolerant groundcover shall be planted to cover all planter soil areas within 2 years of installation. All landscape areas shall have automatic irrigation installed and operational.

c. Adequate spacing will be provided between the trees to allow the trees to obtain full maturity growth potential. If groundcover is contraindicated beneath the trees a covering 6" deep with mulch shall be applied and maintained in perpetuity beneath and around the trees to an average diameter of six feet around the base of each tree.

d. Details of the outdoor furniture and accessories shall be provided the planning director for review and approval prior to the issuance of building permits. For example, the arbors, decorative stone seating wall(s) and fountains, trash containers and metal benches, to name some but not all outdoor furniture and accessories.

e. The owner/operator/owner's association shall maintain the grounds and landscaped areas in a clean, weed free and groomed manner. Landscaping shall be replaced with live, healthy plants, trees and turf as needed if original landscaping dies;

F3. Trash Enclosures:

a. Trash enclosures shall be constructed of concrete block or similar masonry material and finished with a material that is compatible in color and texture to the building facades;

b. The trash enclosure and recycling enclosure (if separate) facility shall be designed to allow walk-in access without having to open the main enclosure gates.

c. The trash enclosure shall be screened with landscaping, including a combination of shrubs and/or climbing evergreen vines and shall be automatically irrigated.

F4. Exterior Lighting:

a. Lighting fixtures shall be of a high quality decorative design, having a color and style, which is compatible with the building architecture, as determined by the Planning Director.

b. Lighting shall be designed so as not to produce hazardous and annoying glare to motorists and building occupants, adjacent residents, or the general public.

c. Each building address number shall be illuminated;

d. The height of pole mounted light fixtures shall be no more than ±14 feet in height.

e. Adequate overall exterior site lighting shall be installed and shall be coordinated with the landscaping plan so there is minimal interference between the light standards and required illumination and the trees and required shading. Project lighting shall be provided as follows: 1.5 foot-candles of minimum maintained illumination per square foot of parking space during business hours and .25 foot-candles of minimum maintained illumination per square foot of surface on any walkway, alcove, passageway, etcetera, from one-half hour before dusk to one-half hour after dawn. All light fixtures are to be vandal-resistant. On-site lighting shall be shielded from adjacent parcels and the street so the on-site illumination will not shine on to, or impact the adjacent residential properties or the street.

F5. Signage:

a. The project signage shall comply with the 65th Street Center Signage Master Plan.

b. All signage shall comply with the City of Sacramento's Sign Ordinance unless otherwise indicated in the 65th Street Center Signage Master Plan.

c. A maximum of eleven (11) attached signs are approved for the major tenant with a total sign area of ±1,200 sq. ft. as shown on the attached exhibits, including the parking signs with logo attached, and two detached signs are approved with a total sign area of ±250 sq. ft. Directional parking signs K-1 and K-2 are permitted the Target logo. All other directional signs must meet the City Sign Code requirements for size and content for Exempt signs.

d. Comply with the attached 65th Street Center Signage Master Plan.

F8. Development Engineering

a. Construct standard improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Improvements required shall be determined by the city. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk fronting the property per City standards and to the satisfaction of the Development Engineering Division;

b. Dedicate sufficient right-of-way and construct a third north-bound lane along 65th street and within the project's frontage. The construction of 65thstreet shall be consistent with the City's 6-lane arterial standard (half section). 65th street shall have separated sidewalks. The third lane shall terminate at the east-bound highway US50 on-ramp;

c. The applicant shall dedicate sufficient right-of-way (if needed) and reconstruct the 4th Avenue frontage to include separated sidewalks to the satisfaction of the Development Engineering Division;

d. The applicant shall construct a raised curb along the left turn pocket on south-bound 65th Street to prohibit any left-in and left-out movements from the existing shared driveway on 65th Street. The construction of the raised curb shall be to the satisfaction of the development Engineering Division. The south-bound left turn pocket stacking should be maximized as much as possible;

e. All driveways shall be designed and constructed to City Standards to the satisfaction of the Development Engineering Division. This shall include any existing driveways that do not meet Current ADA standards. The one main driveway along 4th Avenue (Full access driveway) could be constructed with round corners if the applicant desires;

f. As the required improvements at the intersection of 65th Street and 4th Avenue are being designed and constructed (Medians and curbs), the design of those curbs and improvements shall accommodate the turning radius of a **WB62 Design Vehicle** (Large Trucks) entering and exiting 4th Avenue from 65th Street to the satisfaction of the Development Engineering Division;

g. The applicant shall extend the existing west-bound right turn and left turn lane pockets along 4th Avenue to be a minimum of 300-feet long. The extension of the pockets shall include a raised curb to prevent left-in and

left-out movements from the western most driveway along 4th Avenue and new striping to the satisfaction of the Development Engineering Division;

h. The applicant shall construct a pedestrian crosswalk along 4th Avenue to the satisfaction of the Development Engineering Division. The cross walk construction shall include ADA compliant ramps;

i. The applicant shall reconstruct the entrance to the existing East-Bound US-50 on-ramp to be consistent with the 65th Street pedestrian and bicycle accessibility study and to the satisfaction of the Development Services Department and the Transportation Department. The reconstruction of the ramp shall also require Caltrans approval;

j. The applicant shall construct a new crosswalk at the 65th street and U.S. Highway 50 eastbound off ramp intersection (as shown in 65th Street pedestrian and bicycle accessibility study) that connects the Kroy pathway with the east side of 65th Street to the satisfaction of the Development Engineering Division and the Transportation Department. The construction of the new crosswalk shall include any needed ADA ramps on both sides of 65th Street, the construction of a raised median, and modifications to the existing signal to include pedestrian actuated signal equipment;

k. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering Division;

l. All right-of-way and street improvement transitions that result from changing the right-of-way of any street shall be located, designed and constructed to the satisfaction of the Development Engineering Division. The center lines of such streets shall be aligned;

m. Construct and/or reconstruct A.D.A. compliant ramps at the intersection of 65thstreet and 4thAvenue per City standards and to the satisfaction of the Development Engineering Division;

n. The applicant shall make provisions for bus stops, shelters, transit centers, etc. to the satisfaction of Regional Transit;

o. The applicant shall participate in the South 65th Street Area Plan (when Created) and pay all appropriate fees to the satisfaction of the

Development Services Department and the Planning Department;

p. Prior to obtaining a Certificate of Occupancy, the applicant shall form a Business Association (BOA). CC&R's shall be approved by the City and recorded assuring maintenance of private roadway(s). The Business Association shall maintain all private streets, lights, Private Utilities, common landscaping and common areas;

q. The site plan shall conform to A.D.A. requirements in all respects;

F9. Utilities

The following are conditions to be placed on the **Plan Review** to develop a ±238,797 square foot mixed-use project (major project) within the General Commercial Transit Overlay (C-2-TO) zone, that shall be approved by the Department of Utilities (DOU) prior to issuance of the building permit.

a. Per City Code 13.04.070 and the Departments current Tap Policy, commercial lots may have more than 1 domestic tap. Any new domestic water services shall be metered. Excess domestic water services must be abandoned to the satisfaction of the DOU.

b. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.

c. Prior to the submittal of improvement plans, prepare a project specific water study for review and approval by the DOU. The water distribution system shall be designed to satisfy the more critical of the two following conditions: (1) at maximum day peak hour demand, the operating or "residual" pressure at all water service connections shall be at least 30 pounds per square inch, (2) at average maximum day demand plus fire flow, the operating or "residual" pressure in the area of the fire shall not be less than 20 pounds per square inch. The water study shall determine if the existing and proposed water distribution system is adequate to supply fire flow demands for the project. A water supply test is required for this project. For water supply test contact Permit Center. Contact the DOU for the pressure boundary conditions to be used in the water study.

d. Each parcel shall have a separate street tap for metered irrigation service.

e. Per City Code, the point of service for water, sewer and storm drain service is located at the back of curb for separated sidewalks and at the back of sidewalk for attached sidewalks.

f. The onsite water, sewer and storm drain systems shall be private systems maintained by the property owner.

g. The applicant shall enter into and record and Agreement of Conveyance of Easements with the City, in a form acceptable to the City Attorney, stating that each lot/parcel shall convey to the remaining lots/parcel, as needed private easements for storm drainage, sanitary sewer and water, at no cost at the time of sale or other conveyance of any lot/parcel. A note stating the following shall be placed on the Final Map: **"THE LOTS/PARCELS CREATED BY THIS MAP SHALL BE DEVELOPED IN ACCORDANCE WITH RECORD AGREEMENT FOR CONVEYANCE OF EASEMENTS # (BOOK_____, PAGE _____)".**

h. A sanitary sewer study described in Section 9.9 of the City Design and Procedures Manual is required. This study and shed map shall be approved by the DOU. There is an existing 6" sewer main in 4th avenue. The Applicant/Developer shall either replace the existing 6"S main between MH#615 & MH #910 with a 10"S main or construct a new 8" sewer main between MH#616 & MH#630 to direct flows to existing 14"S main in Broadway. Sewer mains shall be aligned and constructed to the satisfaction of DOU.

i. This project is served by the Combined Sewer System (CSS). Therefore, the developer/property owner will be required to pay the Combined Sewer System Development Fee prior to the issuance of any building permit. The impact to the CSS due to the mixed-use development is estimated to be 40 ESD for the proposed buildings. Credit will be given for the existing facilities (31 ESD) as an office use of 0.2 ESD/1000 SF. The Combined Sewer System fee at time of building permit is estimated to be $945.00 plus any increases to the fee due to inflation. This fee may change based on the final plan layout.

j. An on-site surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. All on-site systems shall be designed to the standard for private storm drainage systems (per Section 11.12 of the Design and Procedures Manual).

k. Lot pad elevations shall be a minimum of 1.5 feet above the local controlling overland release elevation and a minimum of 1.2 feet above the highest adjoining back of sidewalk elevation. Finished lot pad elevations shall be accepted by the Department of Utilities.

l. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. At a minimum, one-foot off-site contours within 100 feet of the project boundary are required (per Plate 2, page 3-7 of the City Design and Procedures Manual). No grading shall occur until the grading plan has been reviewed