

Exhibit SS: South Block: Halfplex (Lots 9-10) Elevations (East and West)

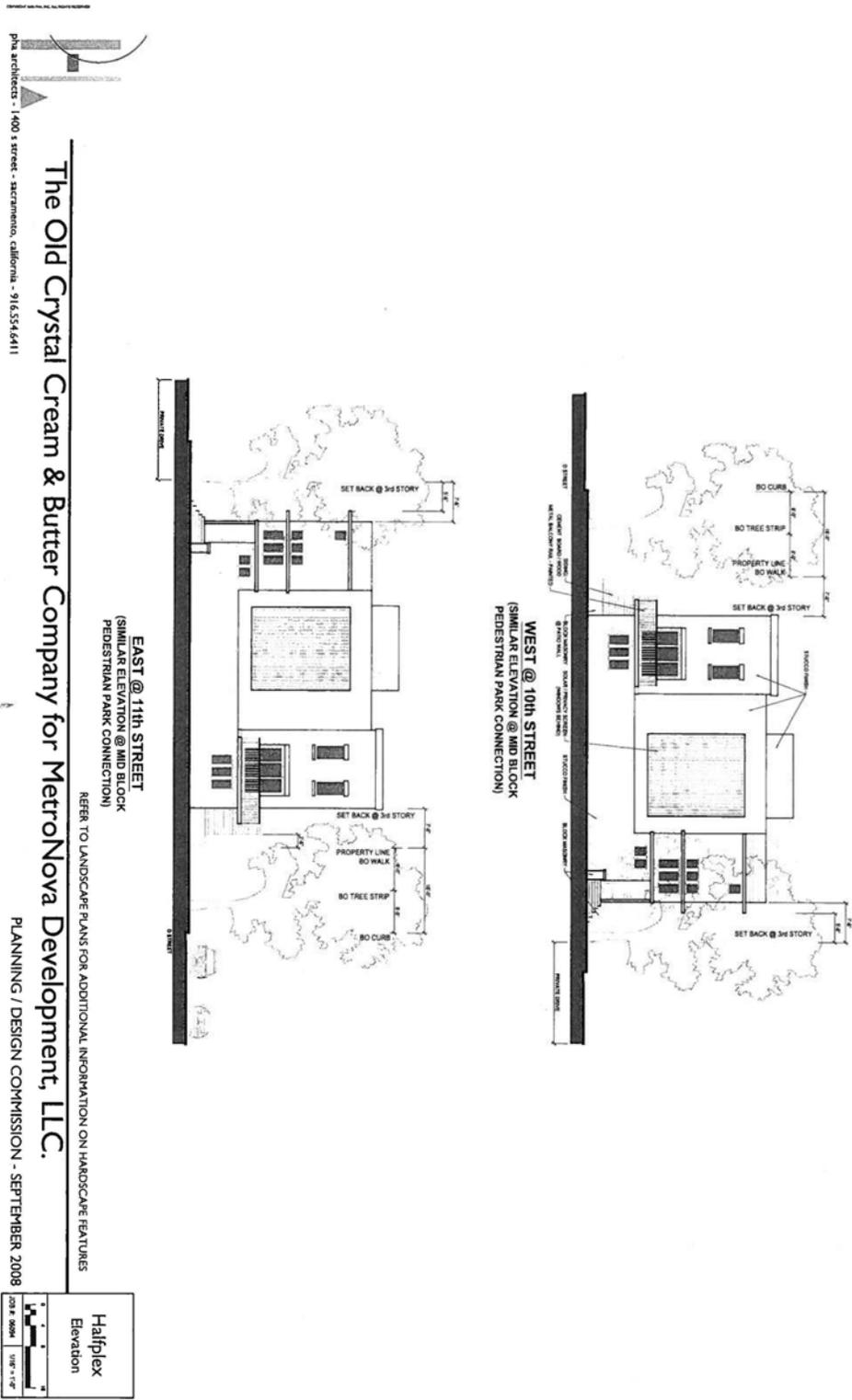
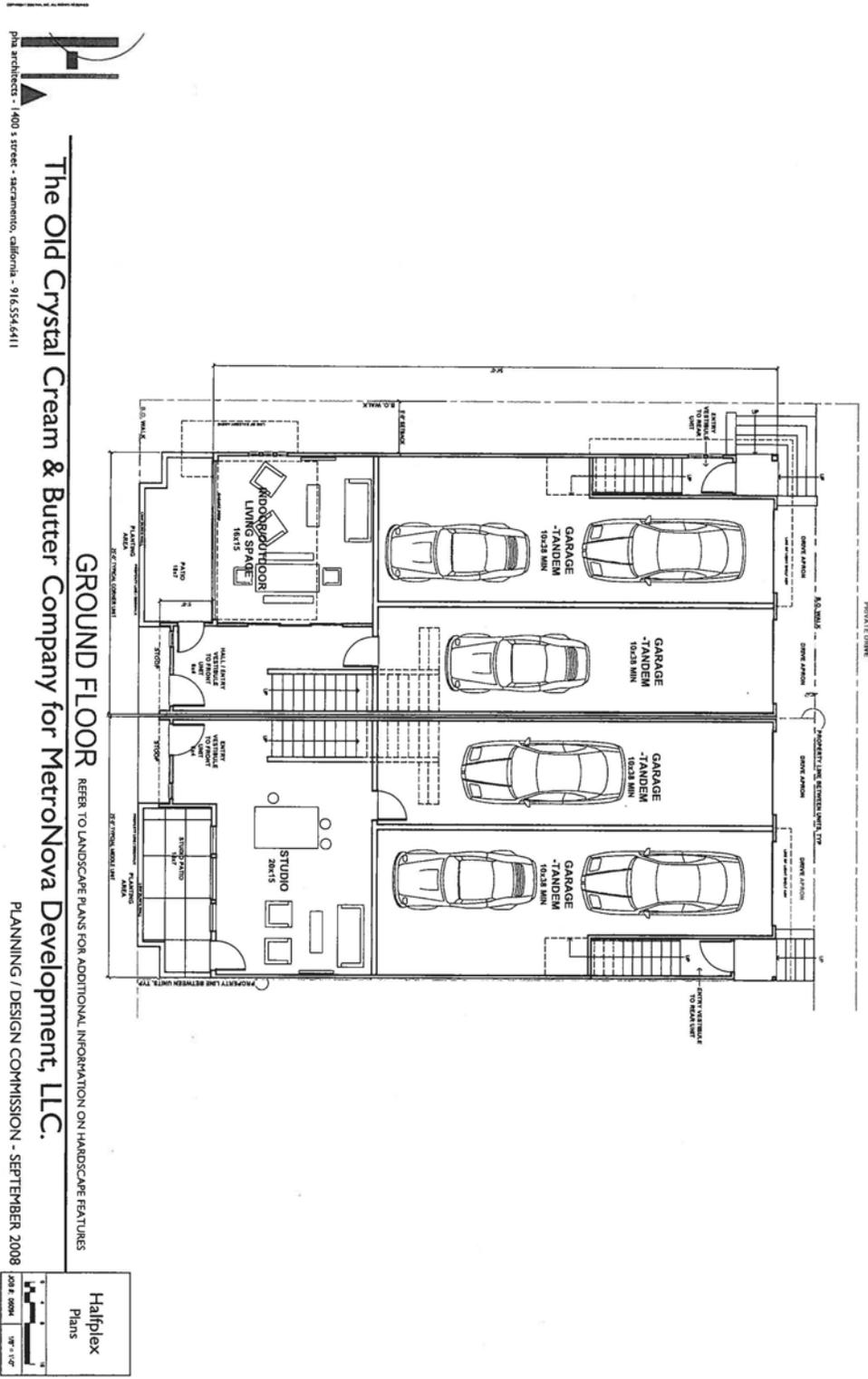


Exhibit TT: South Block: Halfplex (Lots 9-10) Ground Floor Plan



PH
 PHA ARCHITECTS - 1400 J STREET - SACRAMENTO, CALIFORNIA - 916.554.6411

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

PLANNING / DESIGN COMMISSION - SEPTEMBER 2008

GROUND FLOOR REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

Halfplex Plans
 2008 0904 10/1/08

Exhibit UU: South Block: Halfplex (Lots 9-10) Middle Floor Plan

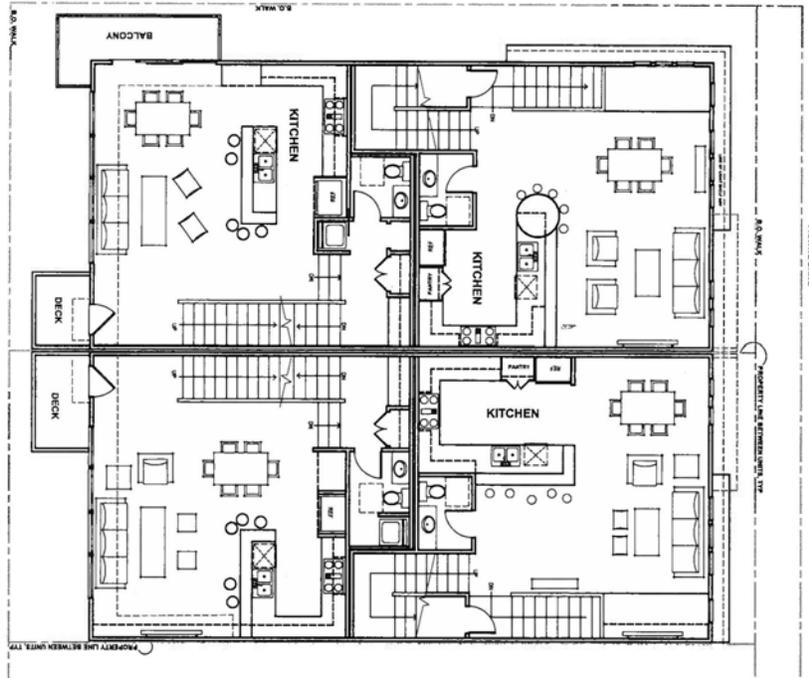
HA
 architects - 1400 S Street - Sacramento, California - 916.554.6411

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

MIDDLE FLOOR

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

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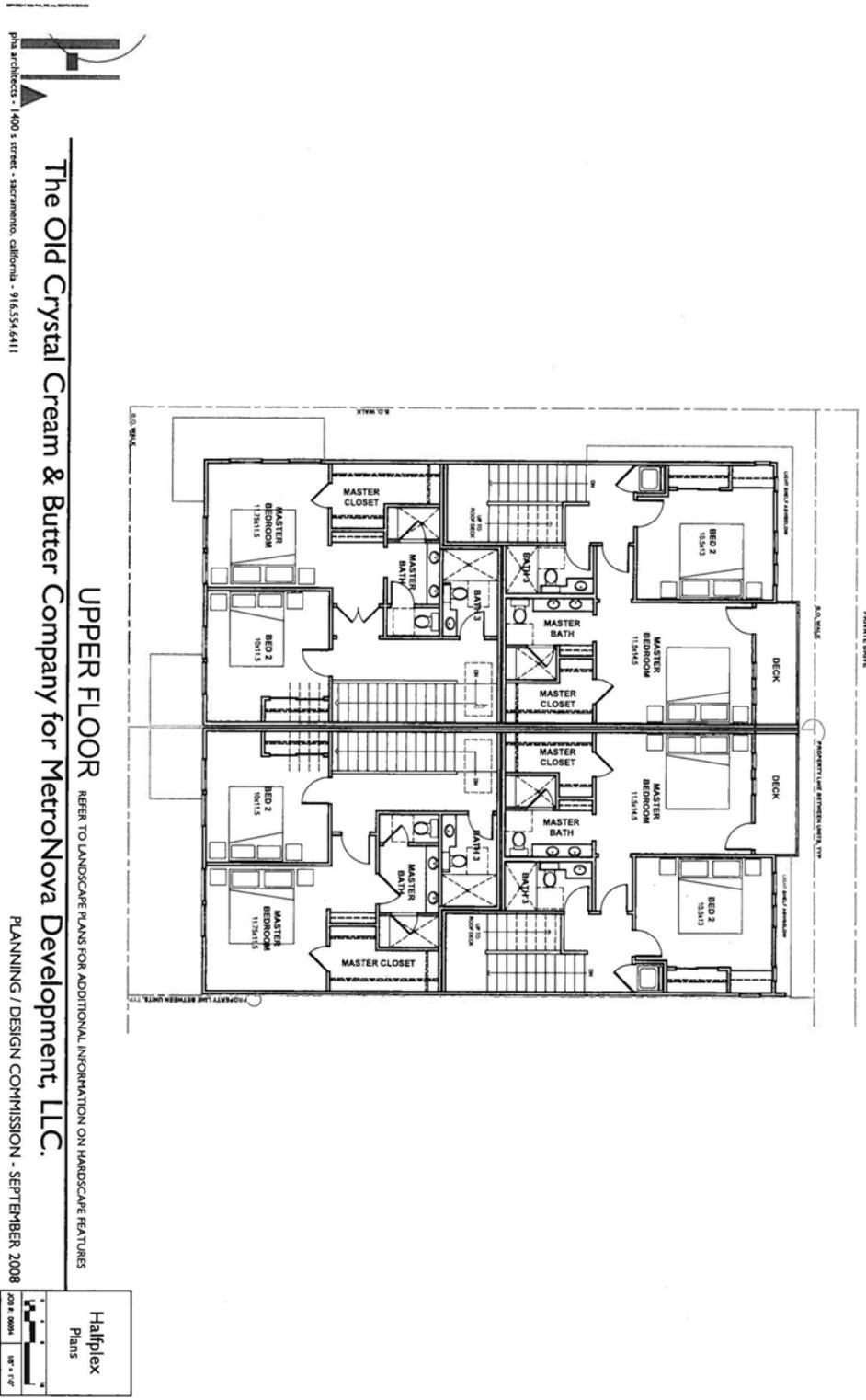


Halfplex Plans

1" = 1'-0"

2008.0904

Exhibit VV: South Block: Halfplex (Lots 9-10) Upper Floor Plan



HA
 architects - 1400 2 street - sacramento, california - 916.534.4411

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

UPPER FLOOR

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

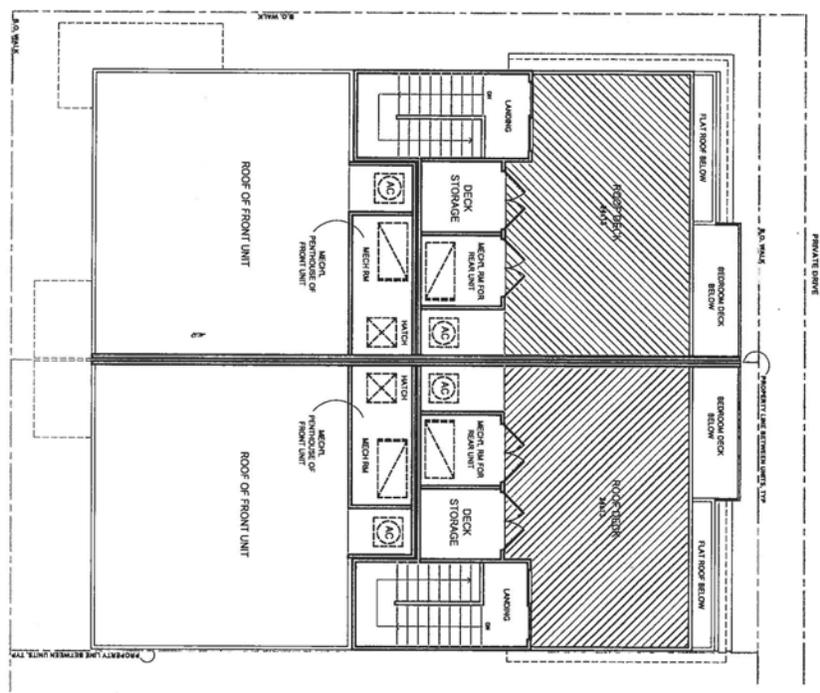
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Exhibit WW: South Block: Halfplex (Lots 9-10) Roof/Deck

HA
 architects - 1400 J Street - Sacramento, California - 916.554.6411

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

PLANNING / DESIGN COMMISSION - SEPTEMBER 2008



ROOF/DECK REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

Halfplex Plans
 208 E. 20th St
 10/1/08

Exhibit YY: South Block: Rowhouses (Lots 11-45) Lower Floor Plan



HLA architects - 1400 S Street - Sacramento, California - 916.554.6411

The Old Crystal Cream & Butter Company for Metronova Development, LLC.

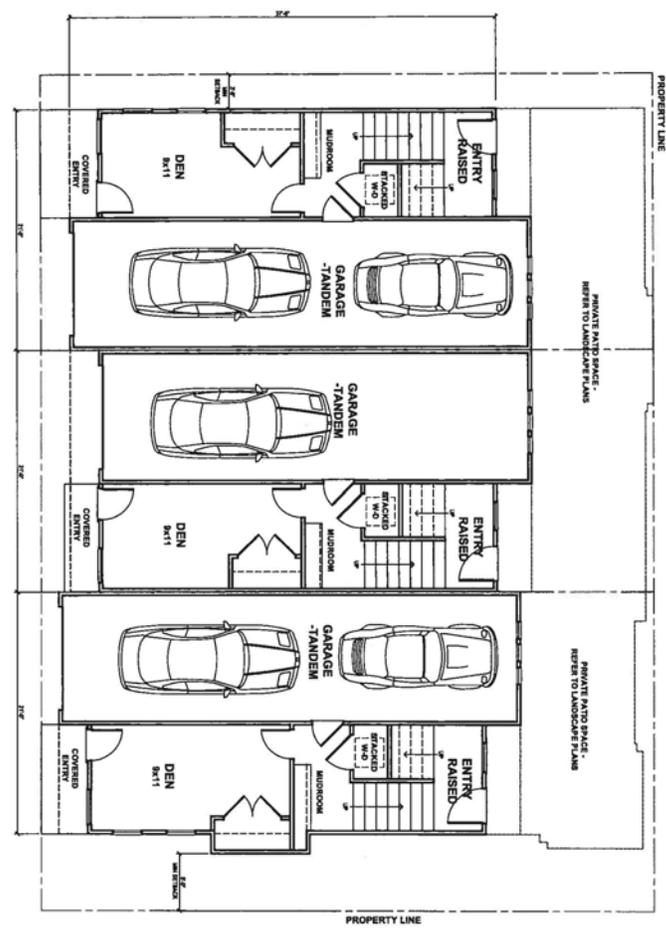
REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

PLANNING / DESIGN COMMISSION - SEPTEMBER 2008

Rowhouse
Lower Floor

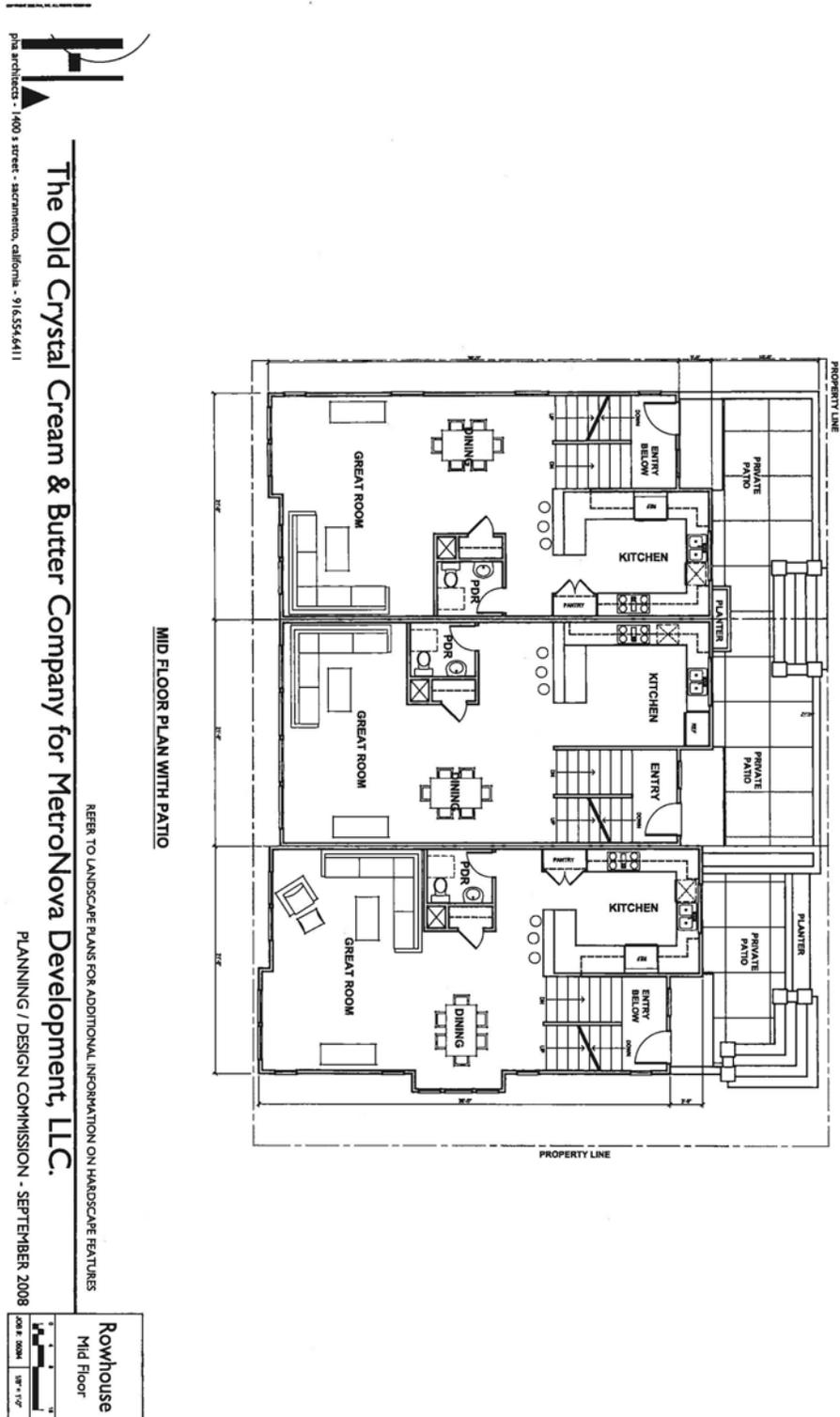
1" = 1'-0"

JOB # 0804



LOWER FLOOR PLAN

Exhibit ZZ: South Block: Rowhouses (Lots 11-45) Middle Floor Plan w/Patio



FL
 architects - 1400 s street - sacramento, california - 916.554.6411

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

PLANNING / DESIGN COMMISSION - SEPTEMBER 2008

Rowhouse
 Mid Floor
 1/8" = 1'-0"
 DATE: 08/08

Exhibit AAA: South Block: Rowhouses (Lots 11-45) Middle Floor Plan w/Stoop

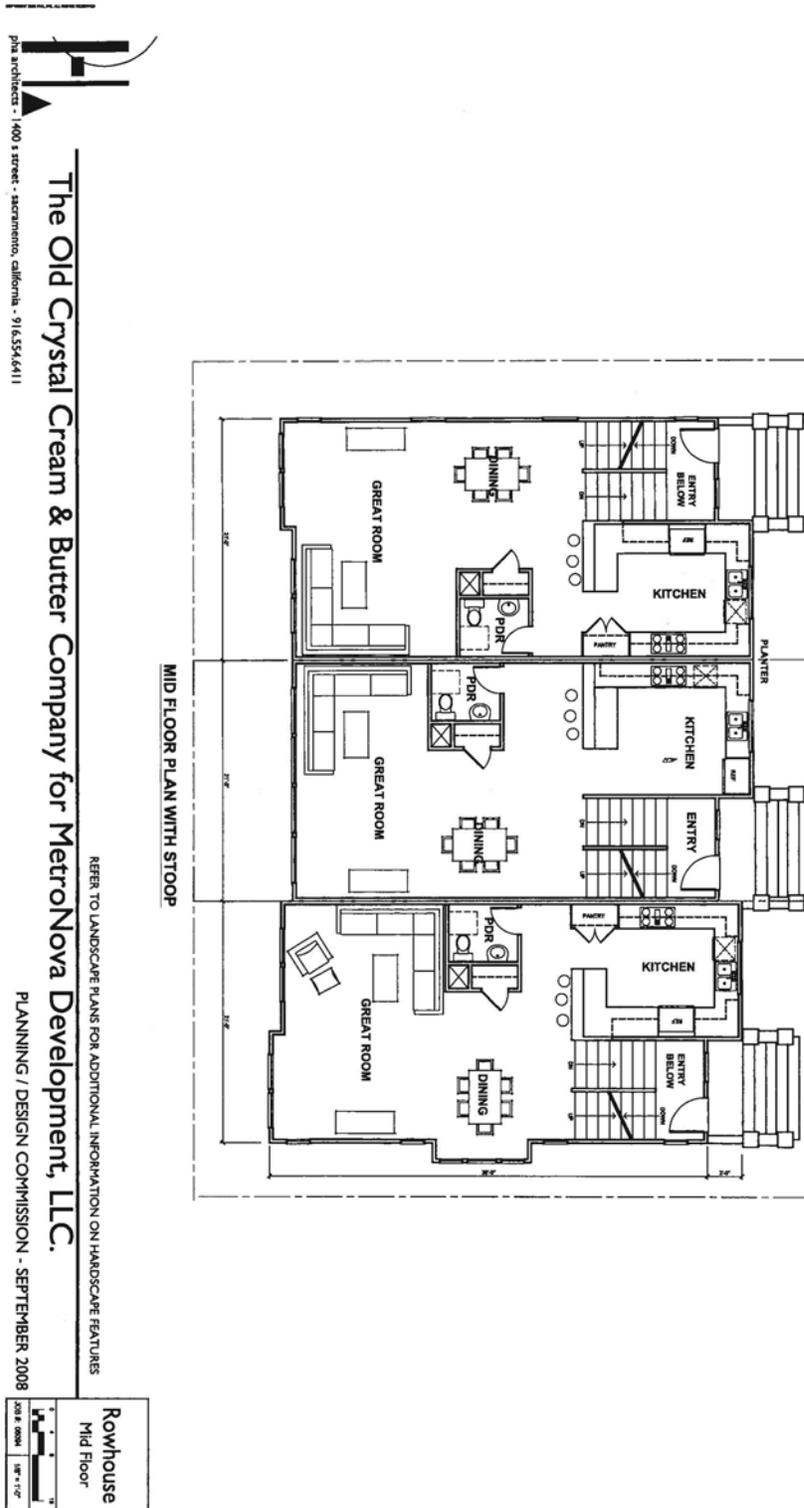


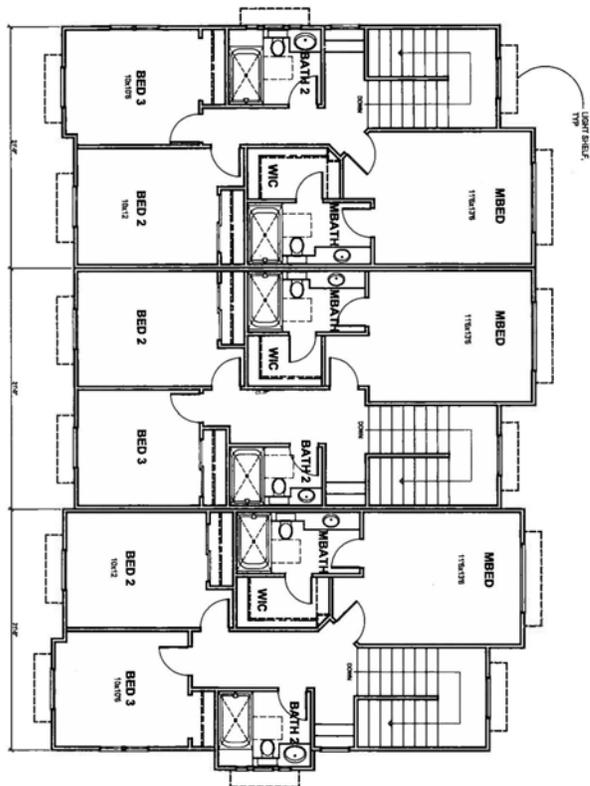
Exhibit BBB: South Block: Rowhouses (Lots 11-45) Upper Floor Plan

PH
 architects - 1400 s street - sacramento, california - 9163546411

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

PLANNING / DESIGN COMMISSION - SEPTEMBER 2008

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES



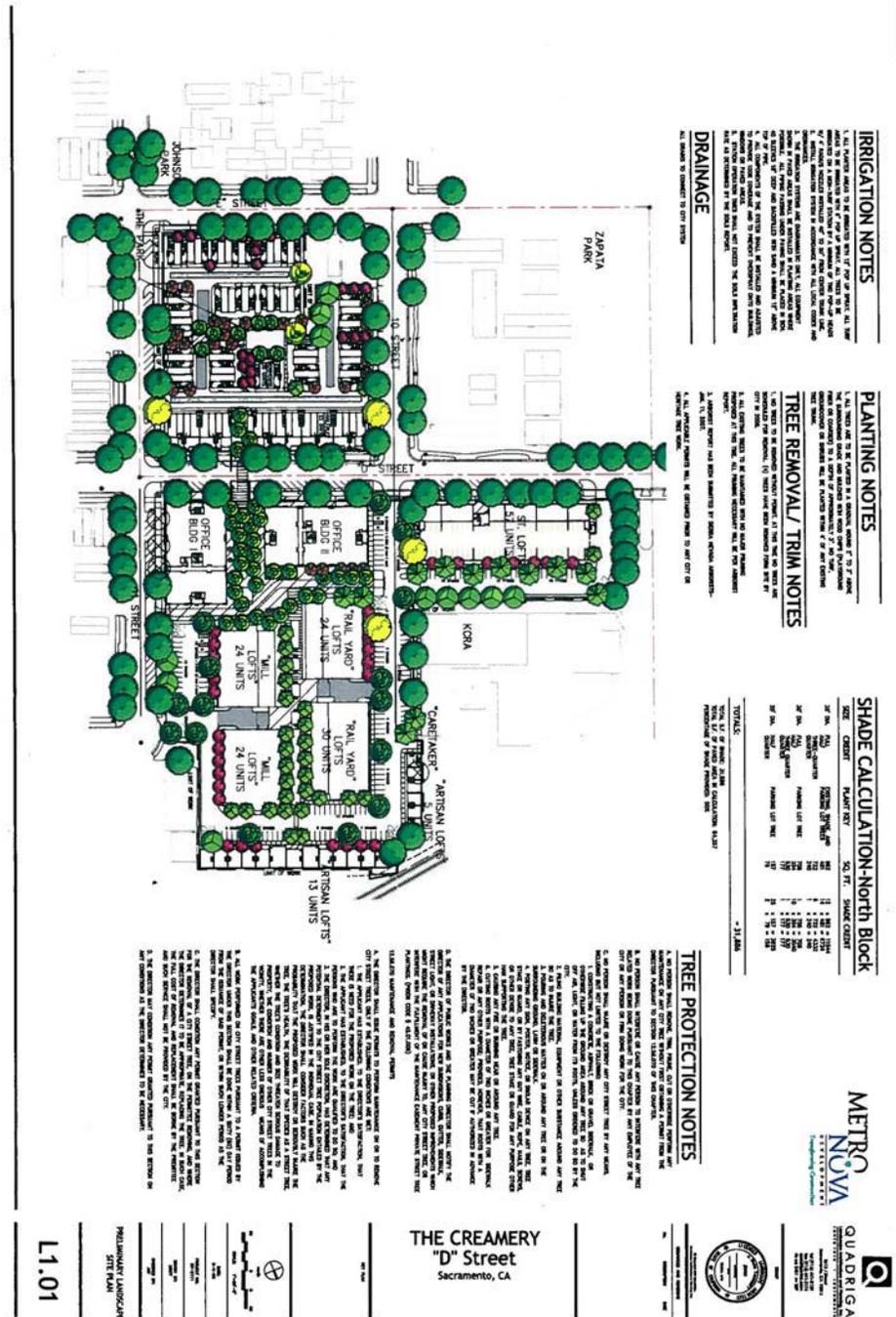
UPPER FLOOR PLAN

Rowhouse
 Upper Floor

Scale: 1/8" = 1'-0"

DATE: 09/08

Exhibit DDD: Overall Preliminary Landscaping Plan for Project Site



IRRIGATION NOTES

1. ALL IRRIGATION SHALL BE DESIGNED TO PROVIDE 1.0" OF WATER PER WEEK TO THE PLANTS TO BE IRRIGATED PER YEAR. ALL IRRIGATION SHALL BE DESIGNED TO PROVIDE 1.0" OF WATER PER WEEK TO THE PLANTS TO BE IRRIGATED PER YEAR. ALL IRRIGATION SHALL BE DESIGNED TO PROVIDE 1.0" OF WATER PER WEEK TO THE PLANTS TO BE IRRIGATED PER YEAR.

PLANTING NOTES

1. ALL TREES AND SHRUBS TO BE PLANTED SHALL BE PLANTED AT THE PROPOSED LOCATIONS SHOWN ON THIS PLAN. ALL TREES AND SHRUBS TO BE PLANTED SHALL BE PLANTED AT THE PROPOSED LOCATIONS SHOWN ON THIS PLAN.

SHADE CALCULATION-North Block

ZONE	CREST	PLANT TYPE	24 FT. SHADE CREST
OFFICE	1000	1000	1000
LOFTS	1000	1000	1000
MALL	1000	1000	1000
ARTISAN LOFTS	1000	1000	1000
TOTAL	4000	4000	4000

TREE PROTECTION NOTES

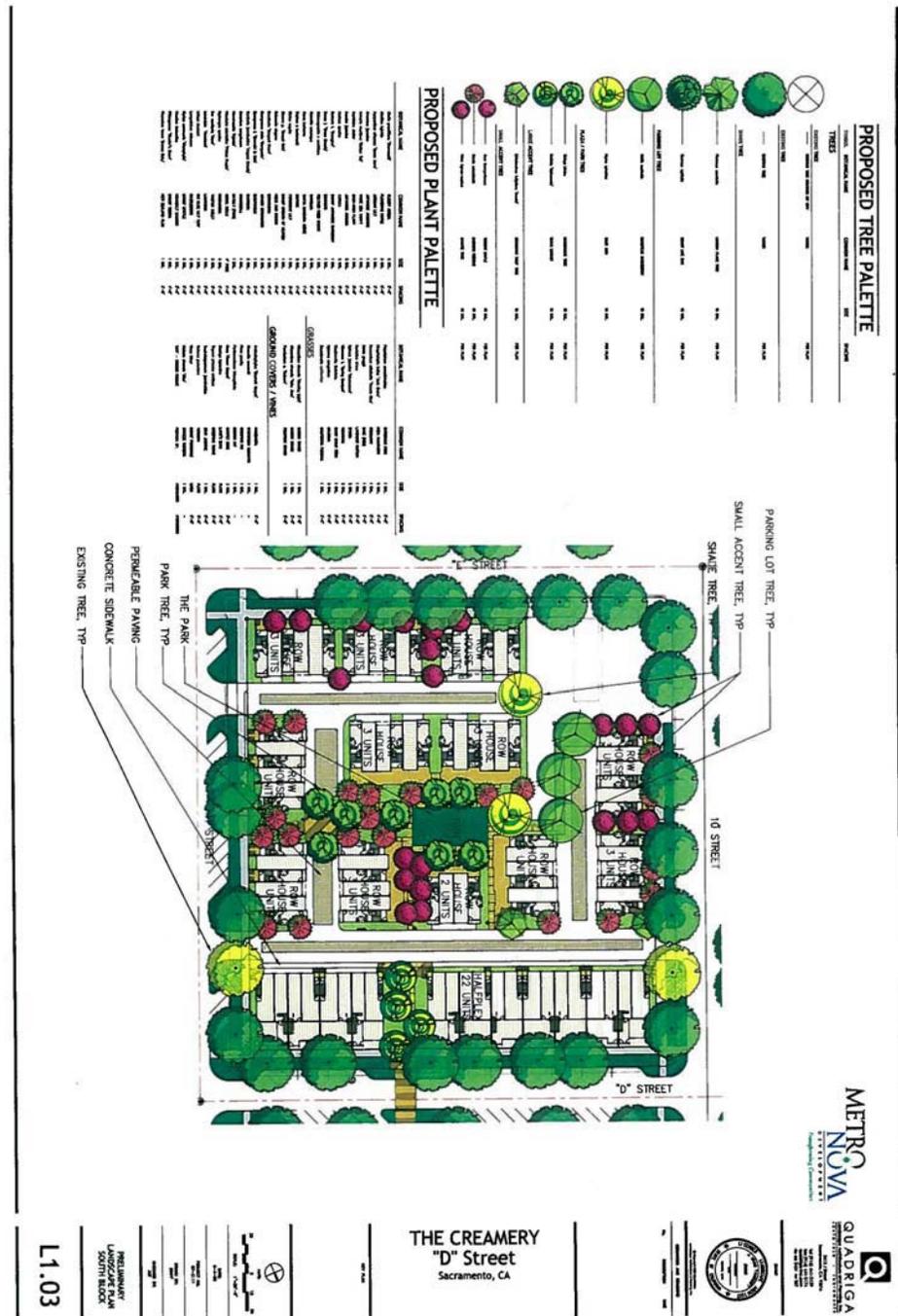
1. ALL EXISTING TREES TO BE PROTECTED SHALL BE PROTECTED AS SHOWN ON THIS PLAN. ALL EXISTING TREES TO BE PROTECTED SHALL BE PROTECTED AS SHOWN ON THIS PLAN.

QUADRIGA
 LANDSCAPE ARCHITECTURE
 1111 J STREET, SACRAMENTO, CA 95811
 (916) 441-1111
 WWW.QUADRIGALANDSCAPE.COM

THE CREAMERY
 "D" Street
 Sacramento, CA

L1.01

Exhibit FFF: South Block: Preliminary Landscape Plan



Attachment 9: Mitigated Negative Declaration

The Mitigated Negative Declaration may be found at the following link:

<http://www.cityofsacramento.org/dsd/planning/environmental-review/eirs/documents/DRAFT-MND.pdf>

Attachment 10: Letter from Sacramento Montessori School

The 12 th Street Collaborative for Montessori Education, LLC	☎ (916) 444-7786
414 -12 th Street	Fax (916) 444-7987
Sacramento, CA 95814	E-mail: foundcen@aol.com

**SACRAMENTO MONTESSORI
SCHOOL**



October 16, 2008



Ellie Buford
 City of Sacramento, Development Services Department
 Environmental Planning Services
 300 Richards Boulevard
 Sacramento, CA 95811

*Subject: Comments on the Draft Mitigated Negative Declaration for the Creamery Project,
 P07-123*

Dear Ms. Buford:

First, on behalf of the parents and faculty of Sacramento Montessori School, we would like to thank you for providing us with 60 CDs of the various documents comprising the Draft Mitigated Negative Declaration for the Creamery Project. Your assistance in this regard was invaluable, and we would like to underscore our appreciation of your efforts, including having the CDs delivered to our campus.

Secondly, what follows are our comments regarding the Draft Mitigated Negative Declaration for the proposed Creamery Project. These comments are based on the analysis undertaken by Sacramento Montessori School, located to the east of the easternmost boundary of the proposed Creamery Project, i.e., 11th Street between D and C Streets.

Sacramento Montessori School serves infants, toddlers, and children to entry into the first grade. The School was developed originally in 1989 by the developer of the then U.S. Bank Plaza building in response to concerns about the impact of that development on the demand for childcare in Downtown Sacramento. The historic Marie B. Hastings building at 1123 D Street was rehabilitated in 1990 to house the Sacramento Montessori School, and the School began providing services this same year. The Marie B. Hastings building is on the National Register of Historic Places (NRHP) and is known as the third oldest building in Sacramento.

**Comments on the Draft Mitigated Negative Declaration for the Creamery Project,
 P07-123**

In 1995, with the development of the Wells Fargo Bank building in Downtown Sacramento, the School's Infant-Toddler facility at 1111 D Street was built to meet the additional childcare demands in Downtown.

The Sacramento Montessori School's current enrollment, including full- and part-week attending children, is slightly more than 100 children.

Our Understanding of the Proposed Creamery Project's Development

We understand that, in addition to the proposed South Park development between D and E and 10th and 11th Streets, the proposed **Creamery Project will consist of:**

- Two proposed office buildings
- The proposed office building that fronts 11th Street at the alley between D and C Streets is 49 feet in height with mechanicals included. This is the alley used by most families when picking up or dropping off their children.
- Next to this proposed office building would be a "parking court" for 175 vehicles.
- Immediately behind this parking area would be the proposed Mills Lofts; the Mills Lofts would be four stories in height and higher with roof-top placed mechanicals.
- The South Park located on the parcel bounded by D and E and 10th and 11th Streets
- 276 housing units

Our Concerns about the Development

Our concerns about the proposed Creamery Project fall in major areas, including, but not limited to:

- Lack of consideration of Sacramento Montessori School's Marie B. Hastings historic building
- Location of the three-story office building on 11th Street across from the alley used by the School's families
- Traffic circulation, sensitive receptors, and air emissions
- Parking

Marie B. Hastings Historic Building

No mention was made in the Initial Study of the Marie B. Hastings building. Yet, this three-story brick building was constructed in 1873 and is on the National Register of Historic Places (NRHP). Reference in the environmental documents is made to the Alkali Flat North Historic District along 11th Street, particularly the *south* corner of 11th and D Streets, but no mention is made of the area north, where Sacramento Montessori School is situated. The Initial Study indicates that:

Development on the portions of the Project site that face the Alkali Flat North Historic District along 11th Street should be compatible with the nearby District image in terms of scale and articulation. Character-defining features of the Historic District should be acknowledged such as yards or gardens, street furnishings, open spaces, building design and building materials, and their character not diminished by the design of the new construction directly across the street. The settings of the Alkali Flat North Historic District and the nearby Alkali Flat Central Historic District should be respected by visual additions to their vicinity (p. 52).

Comments on the Draft Mitigated Negative Declaration for the Creamery Project,

We understand that one of the proposed three-story office buildings faces 11th Street between D and C Streets on the proposed driveway directly across the street from the existing alley (between D and C Streets). It is also our understanding that this office building will be 40 feet in height. **However, when the roof-top mechanicals are added, the proposed building's height increases to 49 feet.**

Directly across the street from this proposed office building is an early 1900's Victorian structure. About half-way down the alley is Sacramento Montessori School. It is our opinion that this proposed office building is not friendly to its existing neighbors and indeed diminishes their character because of its height.

- **We have concerns that the location of this proposed office building will impact the character of existing structures because of its height.**
- **We have strong concerns about the massing of the two proposed office buildings, particularly the proposed building that will face 11th Street, and the potential impacts of this massing on our neighborhood.**
- **We strongly recommend that a significant off-set of the 49-foot high structure so that it does not overwhelm its neighbors and/or substantial setback of the office building to minimize impacts. Ideally, this office building and its accompanying parking lot would be moved more to the west toward the KCRA complex which is commercial and would provide more significant offset from D Street and the railroad tracks behind it.**

The scale of the South Park development, located between D and E Streets and 11th and 10th Streets, suggests compatibility with "...the nearby District image in terms of scale and articulation".

- **The proposed three-story office building that faces 11th Street between D and C Streets will have potential impacts to the historic assets in the neighborhood.**
- **We believe that the proposed 49-foot high office building, located where currently planned, obstructs the neighborhood's scenic view corridor and blocks views of the Marie B. Hastings building.**
- **Its height is also a visual obstruction for those at Sacramento Montessori School and violates their aesthetic sense of scale.**

Traffic Circulation, Air Emissions, and Sensitive Receptors

Traffic circulation through the alley at the rear of Sacramento Montessori School to 12th Street, i.e., between C and D Streets and 11th and 12th Streets, is **already a serious concern to faculty and staff at Sacramento Montessori School and parents of children attending the School.** On days when large-scale garbage trucks block one side of the alley and/or Capitol Ice Cream Company is accepting deliveries vis-à-vis large-scale delivery trucks (three days per week on average), vehicle traffic in the alley comes to a halt, causing vehicles to queue with engines running. **Traffic queuing, and resultant increased automobile emissions, has a negative impact on air quality through increased emissions of carbon monoxide (CO), particular matter (PM), and ozone (O3).**

Comments on the Draft Mitigated Negative Declaration for the Creamery Project,

Additionally, "cut-through traffic" is a major concern. **The proposed project design with the 49-foot high office building and its driveway directly across the street from the existing alley behind the School will create significant impacts to traffic entering and exiting the Sacramento Montessori School complex.** As you may expect, safety of the children attending Sacramento Montessori School is an extremely important issue, along with the safety of our staff and parents of children attending our school. Traffic and safety are likely to be impacted by vehicles exiting 12th Street, cutting through the alley behind the School, and entering the office building's driveway. Vehicles exiting the driveway and cutting through the alley to access 12th Street are also likely to impact traffic and safety. . In both cases, the traffic issues which Sacramento Montessori School currently faces are further negatively impacted by the proposed project and not addressed in the proposed Creamery Project's environmental documents.

- **We find no review of the impact of traffic, traffic queuing, air emissions, and other air quality issues resulting from increased traffic volume as a result of the proposed project to the seniors who now or will reside in the Globe Mills complex.**
- **We believe that the impact of these issues both to children *and* seniors should be addressed.**

We reviewed the Traffic Impact Analysis made available for public comment and **found no mention of impacts to Sacramento Montessori School or traffic circulation in and around the School.** We believe this to be a serious oversight for the reasons given above and because, without consideration of the School and increased traffic through the alley as a result of the office building and parking lot locations, the "less than significant impact" finding is indeed suspect. We are also concerned that we could find no reference in the Initial Study or in the companion Negative Declaration documents to suggest that the alley behind the School was taken into account in conjunction with the parking lot and the office building fronting 11th Street between D and C Streets. In the Traffic Impact Analysis, there is mention of the 11th Street driveway (across from the alley), but the description given of this driveway is simply that it is a:

...southerly driveway north of D Street: The driveway appears to be located across 11th Street from the existing alley and is *not located near an existing intersection.* As such, the driveway is not expected to affect traffic operations at the intersections." (Traffic Impact Analysis, p. 37, emphasis added).

There is no mention about how the manner in which traffic will operate at the proposed driveway/alley entrance which suggests that there is no activity there now. Obviously, this is not the case.

Pointed out in the Initial Study is "one important reason for air quality regulations and standards", i.e., "...*the protection of those members of the population who are most sensitive to the adverse health effects of air pollution, termed 'sensitive receptors'*". Sensitive receptors refers to specific population groups – children and the elderly, among others – and land uses where they would be located for long periods. Schools, playgrounds, and child care centers are among the commonly identified sensitive land uses.

The children attending Sacramento Montessori School are all under the age of six years with about half of them under the age of two years. These children spend, on average, nine to ten hours each day at our School. Decreasing air quality through increased vehicle emissions is simply not acceptable to these sensitive receptors.

Comments on the Draft Mitigated Negative Declaration for the Creamery Project,

In addition, it should be noted that **asthma rates in Sacramento County are among the highest in the nation.**

If traffic from the proposed office building and/or the proposed parking lot is permitted through the alley, it will likely result in impacts to health and safety as well as to traffic and circulation because children are often walked through the alley when leaving the School. We would hope that the City planners and the developer will help to protect the air and walkways for our young children.

We would recommend that, if the proposed office building and its adjacent parking lot cannot be redesigned with offsets and/or setbacks or moved closer to the commercial KCRA TY property, the proposed building be moved to D Street at 10th.

Parking in the Alkali Flat Neighborhood along its Northern Borders

Contrary to a statement in the Initial Study, there are a significant number of *unmetered parking* spaces in the Alkali Flat neighborhood, particularly along its northern border. There are unmetered parking spaces along D Street between 11th and 10th Streets and along C Street from 11th to 15th Street. (14th and 15th Streets are in the Mansion Flat neighborhood, not Alkali Flat). Staff at Sacramento Montessori School observed that many of those parking along these streets are employees of the City, County, State, and Federal Governments who can park at no cost for up to ten hours in some cases. We believe that this fact should be noted and its impact taken into account when parking strategies are formulated for the new development, which, in and of itself, will increase the demand for parking spaces in the area.

Need for Child Care in Downtown Sacramento

The proposed Creamery Project environmental compliance documents do not address social impacts associated with either current or projected child care demand as a result of the proposed Project. However, the need and demand for child care in Downtown Sacramento is critical.

In the fall of 2005, a collaborative comprised of the Sacramento Local Child Care & Development Planning Council, the Sacramento County Office of Education (SCOE), First 5 Sacramento, and Child Action, Inc., received a Constructing Connections grant from the Low Income Investment Fund (LISF). Sacramento County became one of ten counties participating in a statewide grant program. One of the findings of this group is that:

The inclusion of child care in planning and development in Sacramento, regional, county and city government general and transportation plans, and zoning that *incorporates child care services in residential and commercial zones* is critical if the expanding child care needs of Sacramento County are to be met. (Sacramento Local Child Care and Development Planning Council's Child Care Plan, "Promoting Excellence in Child Care, Sacramento Child Care Plan 2007-2012" (p. 25, emphasis added).

Another finding is that:

Early care and education services must be convenient and accessible to families throughout the county regardless of income or needs (ibid).

Comments on the Draft Mitigated Negative Declaration for the Creamery Project,

There are approximately 154,296 children ages 0-13 with parents in the labor force in Sacramento County and 54,761 licensed child care slots. Essentially, licensed child care is available for *only 35 percent of the children with parents in the labor force* Countywide. (California Child Care Portfolio, published by the California Child Care Resource and Referral Network, 2005). The greatest demand for care is for infants, followed by toddlers and preschool-aged children.

At the present time, Sacramento Montessori School's Wait List for infants and toddlers stretches into August 2009 with babies not yet born constituting about one-half of our Wait List. Its Wait List for those 2.5 years and older is also significant. The School does not anticipate having any vacancies in Infant, Toddler, or its Children's House (for those 2.5 years and older) until the summer of 2009.

This situation is typical of child care facilities in the Downtown area. Downtown Sacramento is impacted by the number of workers who commute to and from their homes to work. While the number of Downtown residents is increasing as a result of new housing starts, the greatest demand for child care continues to be from State of California, City of Sacramento, and County of Sacramento workers who tend to live outside of Sacramento's Central City but commute to work.

The proposed Creamery Project intends to offer approximately 276 housing units. To anticipate that at least ten percent of those occupying these units will need child care is conservative. We recommend that child care be included in the proposed Creamery Project, and Sacramento Montessori School is willing to help in this regard.

Our Support of the Creamery Project

We believe that the proposed Creamery Project is a viable project for the Alkali Flat community and Sacramento Montessori School in particular. However, we are asking the City of Sacramento and project proponents to seriously consider the issues we have raised, including impacts associated with the view shed of the School, location of the office buildings, traffic circulation, health and safety, and social resources. We are certain that representatives from Sacramento Montessori School and parents of children attending our School would be interested in working with the developer and architect to ensure that the proposed Creamery Project minimizes impacts to environmental resources, is consistent with the historic assets to the north on 11th Street, does not diminish the visual character of the area, and is enhanced by the proposed project.

Please let us know if you have any questions.

Sincerely yours,

LE LY
Site Director

MARILYN K. PROSSER, Ph.D.
Administrative Consultant

Comments on the Draft Mitigated Negative Declaration for the Creamery Project,

Attachment 11: Letter from Evan Edgar



October 8, 2008

Evan Compton
City of Sacramento
Development Services Department
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811-0218

Dear Mr. Compton:

RE: Comments on The Creamery Project - P07-123

Total Compliance Management (TCM) is the consulting engineering firm representing Burnett & Sons Mill and Lumber Company (Burnett) on new mixed-used development projects adjacent to their property at 214 11th Street, Sacramento, CA 95814. Burnett has been in operation at its current facility since the 1930's, and has been an integral part of Sacramento's community since 1869. When Burnett relocated to this site adjacent to the former Crystal Creamery and the former Globe Mills, Burnett chose the site based on the heavy industrial zoning along the railroad tracks where the site was able to be developed for industrial uses for lumber and wood milling products. Contrary to the the statements on page 28 of Appendix D of the proposed Mitigated Negative Declaration, Burnett will not be relocating in the future, therefore, mitigation measures for the proposed Creamery Project will be required to attenuate and shield the noise from the dust collector that Burnett is entitled to operate in a Heavy Industrial Zone.

Burnett & Sons Mill and Lumber Company has always considered itself a good neighbor, has sustained a positive community presence, and has operated its facility without any significant nuisance complaints or noise complaints from its neighbors or the general public. With the current Globe Mill mixed use complex opening, and the conversion of the Crystal Creamery into residential units, Burnett is very concerned that the transition from a heavy industrial use zone to adjacent residential uses will affect their long-term livelihood and the ability to operate as they have for the last 70 years. On September 11, 2008, TCM submitted comments to the City Development Services Department for the Notice of Preparation (NOP) on an Environmental Impact Report. While we recognize that the subsequent proposed Mitigated Negative Declaration analyses the noise issues; TCM believes that mitigation measures should be considered as part of the Project.

As provided in our September 11, 2008 letter to the City, Burnett operates within the industrial performance standards per the Zoning Ordinance and the General Plan to generate up to 80 dBA of noise, and cannot change their standard industry operational procedures to accommodate a potentially lower-tolerance mentality towards noise, vibration, odor, fumes, and vapors that could be foisted upon their industrial use by adjacent residential uses that appear to be incompatible with industrial uses. The policies of the General Plan allow industrial uses to perform current operations operating within the standards of the industrial zone up to 80 dBA as established with the Globe Mills project approval. Future constraints of their industrial activity that may be sought by residential uses could impact the ability of the facility to operate.

We have received the Notice of Preparation (NOP) of the Environmental Impact Report, the proposed Mitigated Negative Declaration (MND), and the Staff Report to the Planning Commission, and believe that these documents will need to be revised to provide reasonable mitigation measures on the proposed residential units with respect to the established industrial noise generated as allowed by the City General Plan. There should be adequate conditions of approval built into the proposed project to assure the continued industrial uses allowed by the General Plan. The proposed Creamery project may eventually encroach upon the vested land use entitlements that Burnett has currently established under the goals and policies of the City of Sacramento Noise Element.

We have the following the proposed MND and the Staff Report:

Issue 10: Noise The Initial Study of the proposed MND does not propose any mitigation measures on The Creamery project having made an analysis that the entitled noise generated by Burnett is a ***less-than-significant impact***, having located the non-residential artisan building to shield the noise from the set back residential until. TCM believes that there are potentially significant impacts, and that mitigation measures are needed, and would recommend to the Planning Commission to impose mitigation measures recommended below.

Impact 8 – of Appendix D – Technical Noise Analysis of the MND states that the non-transportation noise could be a ***potentially significant impact***. The Analysis does state the following:

“The applicant (i.e. The Creamery Project) can employ a company which builds enclosures for equipment such as the dust collectors. The enclosures would be required to reduce the exterior noise levels from the dust collectors by approximately 20 dBA to ensure that the exterior noise level criteria at all uses comply with the city of Sacramento criteria.”

Discussion with the project applicant indicates that the Burnett & Sons facility may relocate in the future. Therefore, if this occurs no mitigation for the dust collector would be required.”

Burnett will not be moving, and mitigation by the application will be needed. Burnett hereby accepts the offer of the applicant (The Creamery Project) to enclose the dust collector, since the Artisan Buildings and nearby residential would be receptors to the entitled noise generated by Burnett.

The Initial Study should be amended to add **Mitigation Measures N3** to require the applicant to enclose the dust collector.

Standard Sales or Lease Agreements for all of the occupants should include typical language identifying adjacent land uses, whereby the Buyer or Lessee acknowledges that the City of Sacramento standards allow acceptable levels of nuisances in the industrial zone. Lessee shall abrogate rights to any complaint process with the Lessor or the City of Sacramento when industrial zone activity is in conformance with the standard criteria. A citizen noise complaint process shall be established prior to approval of the development.

Burnett seeks legal and public process conditions of project approval as part of the Special Permit. The industrial zone allows an entitlement to generate a reasonable and acceptable amount of noise as allowed in the City of Sacramento General Plan. The residents of the proposed development could possibly adopt a “zero tolerance” or “low tolerance” attitude towards noise, and might place the current operations of Burnett under intense public scrutiny even though Burnett is operating within the adopted noise standards. The following language that should be inserted for any Standard Lease Agreement for the occupants of the The Creamery Project is suggested herein.

ADDITIONS TO STANDARD LEASE AGREEMENT

Language to be added to a typical **LEASE AGREEMENT**:

WHEREAS, Lessee acknowledges that the subject property is adjacent to an operating lumber mill previously zoned for this type of industrial use.

USE OF PREMISES.

Lessee shall comply with any and all laws, ordinances, rules and orders of any and all governmental or quasi-governmental authorities affecting the cleanliness, use, occupancy and preservation of the Premises.

Lessee acknowledges that the use of adjacent premises to the east is zoned industrial and occupied by a historical and operating lumber mill, and is therefore subject to conditions set forth by the City of Sacramento. Specific conditions allow such use in the industrial zone based on a set of performance

standards, which allows an acceptable level of noise, vibration, odors, and glare. Dust, fumes, vapors, and gases emissions are permitted within certain minimum standards that do not cause damage to public health and safety.

Lessee acknowledges that the City of Sacramento standards allow acceptable levels of nuisances in the industrial zone. Lessee shall abrogate rights to any complaint process with the Lessor or the City of Sacramento when industrial zone activity is in conformance with the standard criteria.

A citizen noise complaint process shall be established prior to approval of the development. The citizen complaint process shall include exterior and interior acceptable noise level exposure allowed by the General Plan, and that those levels are acceptable. Citizen complaints below the acceptable noise level are not confirmed complaints, and shall have no effect upon the operations of Burnett. Special Conditions should be placed on the conditions of approval establishing the citizen complaint process. Should the occupants require additional mitigation to further decrease noise below the acceptable levels, the developer should pay for those costs, and in no way will those costs be the responsibility of Burnett.

We look forward to commenting at the Planning Commission and Design Review, and request that our company be noticed on all future public meetings and City working groups on this proposed development.

Should you have any questions, please contact me at (916) 739-1700.

Sincerely:



Evan W.R. Edgar
Principal Civil Engineer

cc: Jim Miller, Burnett & Sons