



# REPORT TO COUNCIL

## City of Sacramento

915 I Street, Sacramento, CA 95814-2604  
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22

**PUBLIC HEARING**  
**September 28, 2010**

**Honorable Mayor and  
Members of the City Council**

**Title: Curtis Park Village (P04-109)**

**Location/Council District:** Old Western Pacific Railyard:North of Sutterville Road, south of Portola Way, east of the Union Pacific Railroad/Regional Transit South Line, and west of the existing Curtis Park neighborhood/24<sup>th</sup> Street; APN: 013-0010-008 & -009, 013-0010-021 through -028, and 013-0062-001 & -002. (District 5)

**Recommendation:** Conduct a public hearing and upon conclusion adopt 1) a **Resolution** adopting the Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring Program; 2) a **Resolution** amending the General Plan Land Use and Urban Form Diagram from Traditional Neighborhood Low to Traditional Neighborhood Medium; 3) an **Ordinance** rezoning from Heavy Industrial (M-2) and Standard Single Family Residential (R-1) to Shopping Center (SC-PUD), Single Family Alternative (R-1A-PUD), Multi-Family (R-2B-PUD), and Multi-Family (R-4A-PUD); 4) a **Resolution** approving the Curtis Park Village Inclusionary Housing Plan; 5) a **Resolution** approving the Curtis Park Village Planned Unit Development Guidelines and Schematic Plan; and 6) a **Resolution** approving the Curtis Park Village project entitlements including a Large Lot Tentative Subdivision Map, Tentative Subdivision Map, and Subdivision Modifications.

**Contact:** Heather Forest, Associate Planner, (916) 808-5008; Lindsey Alagozian, Senior Planner, (916) 808-2659

**Presenter:** Heather Forest, Associate Planner

**Department:** Community Development

**Division:** Current Planning

**Organization No.:** 21001010

**Description/Analysis:**

**Issue:** The Curtis Park Village Planned Unit Development (PUD) is a request by the applicant, Petrovich Development Company, for the necessary entitlements to allow the future development of a master planned mixed use community to be

known as Curtis Park Village. Future development of the site may include the following components:

- 259,000 square feet of commercial/retail/office space;
- 129 single family residences;
- 45 brownstone residences;
- 15 cottage residences;
- 248 multi-family residences;
- 90 senior multi-family residences; and
- a 6.8 acre neighborhood park.

Staff finds that the proposal is compatible with the adjacent uses and is consistent with adopted applicable policies and goals of the City's General Plan, and the Zoning Code.

**On April 1, 2010, the Sacramento City Council conducted a public hearing, certified the Environmental Impact Report (EIR), and adopted two Resolutions providing policy direction for the project (see Attachment 10, Resolution for the Park and Detention Basin and Attachment 20, Resolution Providing Policy Direction for the Curtis Park Village Project). Attachment 3, Project Background/Summary includes a synopsis of the items and actions that have taken place subsequent to the April 1, 2010 City Council hearing.**

**Applicant:** Petrovich Development Company, Paul Petrovich

**Policy Considerations:** The project site is designated as Traditional Center, Traditional Neighborhood High Density Residential, and Traditional Neighborhood Low Density Residential. Staff supports the request to amend a portion of site from the General Plan designation of Traditional Neighborhood Low Density Residential to Traditional Neighborhood Medium Density Residential because the development will be consistent with the General Plan's Vision and Guiding Principles and the area will be consistent with the proposed project using the appropriate designations in the Land Use and Urban Design Element. Staff supports the rezones because the existing zoning is antiquated and the proposed zoning will bring the site into compliance with the General Plan designations and allow development of the site as depicted on the Schematic Plan.

**Environmental Considerations:** As noted above, on April 1, 2010 the City Council conducted a public hearing, and received and considered evidence concerning the Curtis Park Village Project. The City Council certified the environmental impact report (EIR) for the project, entitled, *Curtis Park Village Project* (State Clearinghouse Number 2004-082020). The EIR addressed the potential environmental impacts associated with construction and operation of the Curtis Park Village project

The Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring

Plan were not considered at the April 1, 2010 hearing because the City Council did not take action on the planning entitlements for the project. At such time as the City Council takes action on the entitlements, the Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring Program for the Curtis Park Village project must be adopted by the Council. See Attachment 4, Resolution Adopting the Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring Program.

**Sustainability Considerations:** This project is consistent with the goals of the Sustainability Master Plan in that the proposed project includes the development of a mixed use community providing a wide array of housing, shopping, and employment choices for residents of the City. In addition, the proposed project has been designed to provide the maximum vehicular and pedestrian connectivity internally and externally, to take advantage of the two adjacent transit stations, to ensure a walkable community, reducing dependence on the automobile.

**Committee/Commission Action:** On February 25, 2010, the City Planning Commission heard testimony both for and against the project and voted (8-0) to forward a recommendation of approval to the City Council for the development known as the Curtis Park Village PUD. On April 1, 2010 the City Council certified the project EIR. In addition, the Council also passed two Resolutions providing policy direction for the project.

**Rationale for Recommendation:** The Curtis Park Village project supports policies contained in the General Plan and is consistent with the zoning code. The project promotes pedestrian friendly development, supports alternative modes of transportation, and establishes a well-designed mixture of land uses for existing and future residents of the area. In addition, the creation of the Curtis Park Village Planned Unit Development Guidelines and Schematic Plan will ensure that the infill site is developed in harmony with the existing neighborhood in layout, materials, and character.

**Financial Considerations:** There are no financial considerations associated within this report.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased under this report.

Respectfully submitted by: David W. Kwong  
David Kwong  
Planning Director

Approved by: David W. Kwong for:  
Max Fernandez  
Director of Community Development

Recommendation Approved:

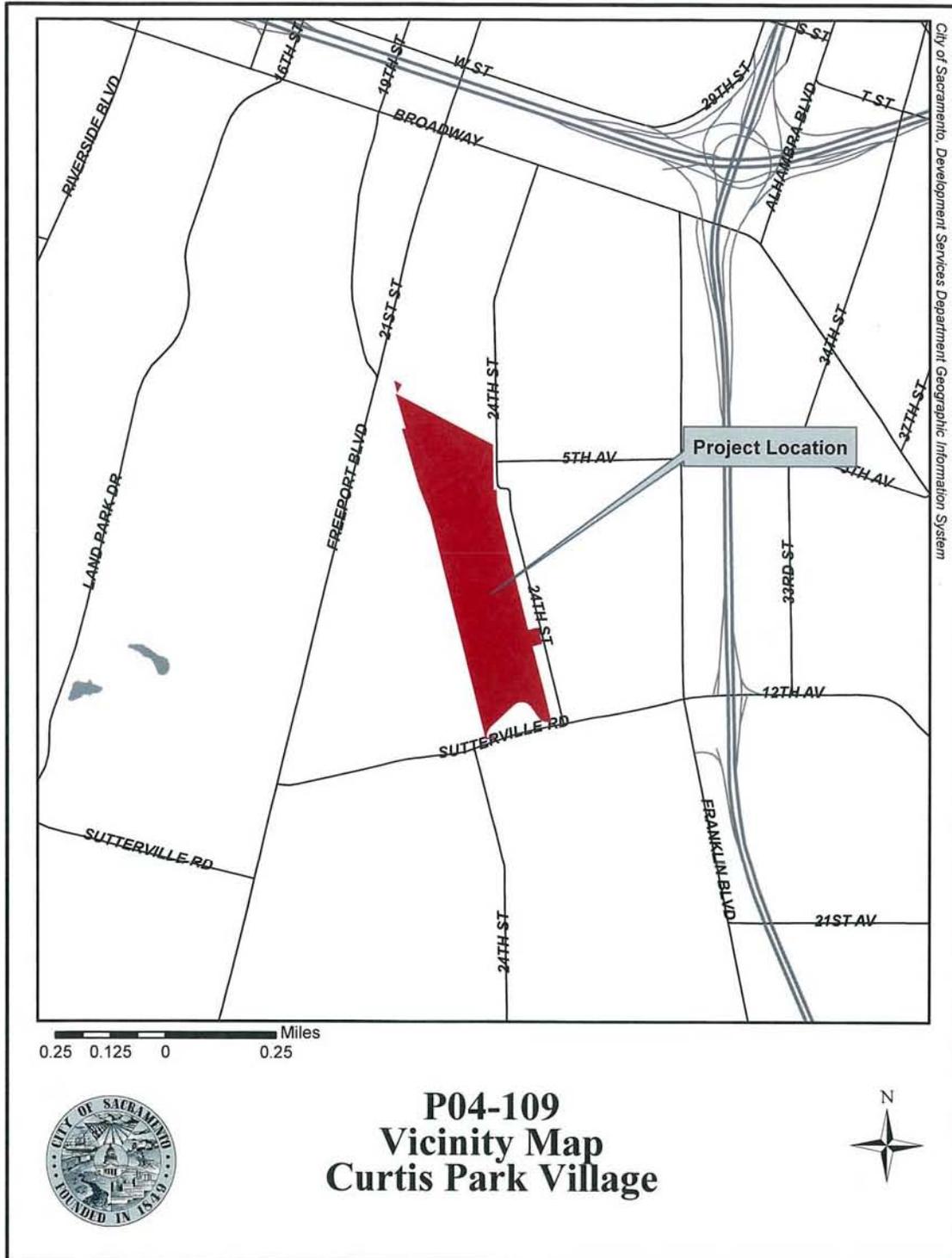
Gus Vina  
GUS VINA  
Interim City Manager

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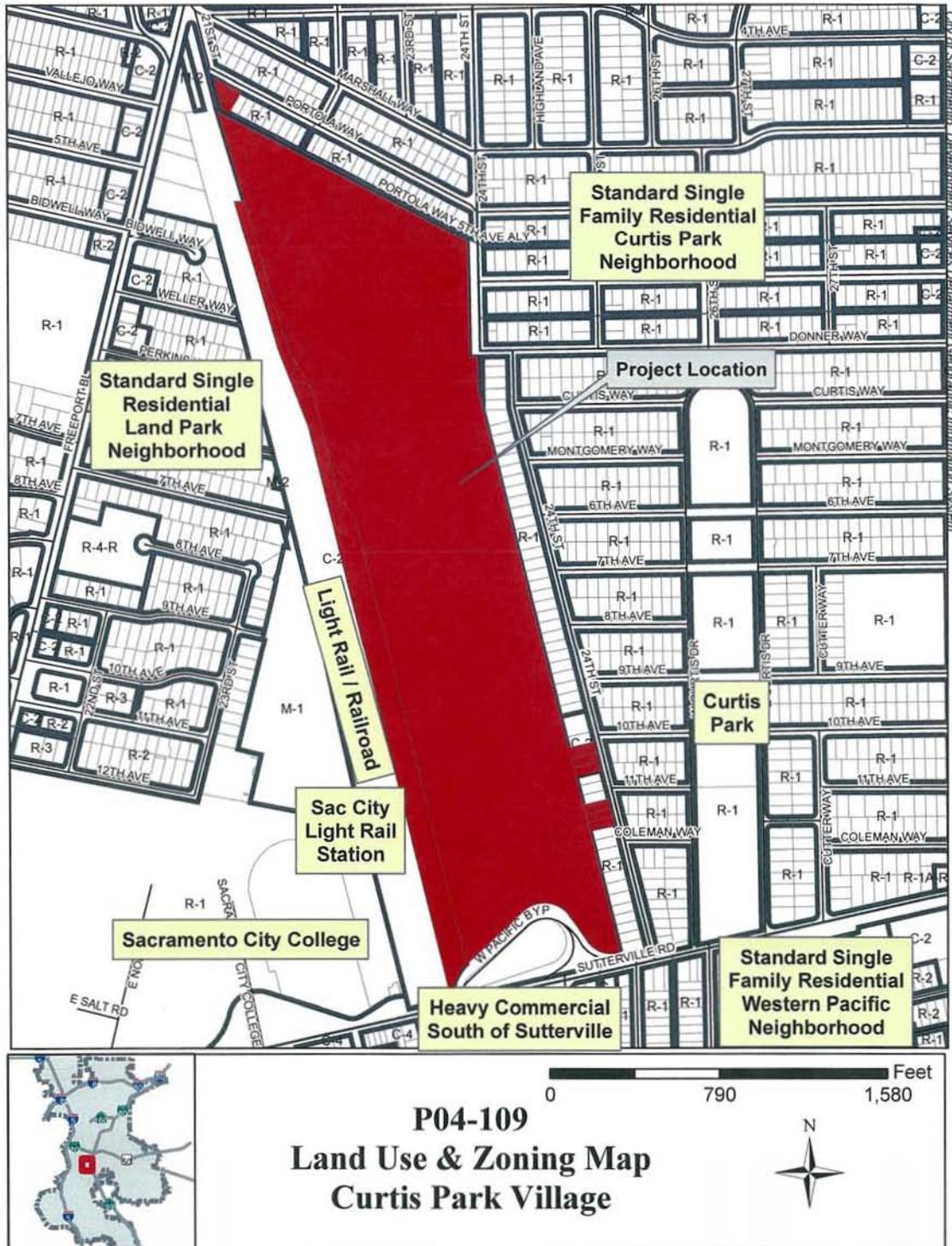
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Attachment 1 – Vicinity Map



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Attachment 2 – Land Use & Zoning Map



**FYI fb'lc'HUV'YcZ7 cbhYblg****Attachment 3 – Project Background/Summary**

**Applicant:** Petrovich Development Company, Phillip J. Harvey, AIA, 5046 Sunrise Boulevard, Suite One, Fair Oaks, CA 95628, (916) 966-4600

**Owner:** Calvine & Elk Grove-Florin, LLC, 5036 Sunrise Boulevard, Suite One, Fair Oaks, CA 95628, (916) 966-4600; Calvine & Elk Grove-Florin, LLC consists of Paul & Cheryl Petrovich

**Background:**

The Curtis Park Village site once housed the railyard operations center for the Western Pacific Railroad (WP) in Sacramento. With the purchase of the WP by Southern Pacific Railroad (SP) in the early 1980's, the site became surplus and was subsequently closed by SP. A short time after, the SP was acquired by the Union Pacific Railroad (UP). Union Pacific Railroad owned the property until 2003, when the applicant purchased the property.

Railroad operations continue and will continue for the foreseeable future immediately west of the Curtis Park Village site, as that land is still under the ownership of the UP. The railroad operations that exist on the UP land consist of north/south rail mainlines and a switch area of eleven (11) tracks operated by the UP. A dual track light rail transit facility and two stations operated by Sacramento Regional Transit (RT) lie on the western side of the UP's railyard operation area.

In 1995, the California State Department of Toxic Substances Control (DTSC) identified the Curtis Park Village site as contaminated with hazardous wastes from the railroad era operations. The hazardous wastes identified are common to former railroad operation areas and include, but are not limited to: Arsenic, Lead, Chromium, Nickel, Petroleum Hydrocarbons, and Chlorinated Volatile Compounds. The site was characterized as a Superfund site and as part of the State Superfund process a Remedial Action Plan (RAP) and associated Mitigated Negative Declaration (MND) were approved by the DTSC in 1995. Subsequent to these approvals, the Final Remedial Design and Implementation Plan (RDIP) was approved in 2004, which presented the design and implementation process for the remediation methods. The RDIP assumes that at completion of the process, no further soil remediation is needed for the CPV site.

The 1995 RAP included the removal of 0.5 acres of asbestos-impacted soil, removal of 14,500 tons of slag, and the installation of a groundwater treatment system. Remedial measures implemented between 1995 and 1997 included on and off-site groundwater remediation and excavation and off-site disposal of over 111,568 tons of soil. The 1995 RAP also approved alternate cleanup levels for lead and arsenic that would be suitable for "restricted"-use development. The terms "restricted" or "unrestricted" refer to a parcel having or not having a deed restriction placed upon it. If contaminated soil remains following the clean-up, then the deed to the parcel is restricted with appropriate language describing the restrictions on use. If the parcel is cleaned up to the level

required in the RAP for unrestricted uses, then the deed does not have a restriction on use related to the soil. Restrictions placed upon a parcel are specific to land uses and are oriented toward precluding sensitive uses (i.e. single family residences and/or a daycare) if clean up is not to standards protective of those uses. The remediation of the site per the 1995 RAP is ongoing.

On November 18, 1995 the City Council approved a Memorandum of Understanding (MOU) with Union Pacific Railroad. The MOU outlined the pre-application planning process and future planning entitlements that could be sought in order to develop the site. The MOU also included the formation of a “working group” and a public process to participate in the planning process for development of a master land use plan for the site. The appointed 24 member “working group” was to act as the advisory and constituent outreach body in the neighborhood. During development of the master land use plan, newsletters were distributed to residents and businesses in Curtis Park and nearby residential neighborhoods to inform the public of neighborhood workshops, Commission, and Council hearings and project development activities. Public workshops and several neighborhood meetings were held to keep the neighbors informed of the ongoing progress for the master plan and receive input. The public process with the “working group” lasted 18 months and was dissolved once the formal development application by Union Pacific was submitted to the City.

In 1997 the project known as Curtis Park West (File # P97-120) was submitted to the City by Union Pacific Railroad and included the entitlements of a General Plan Amendment, Rezone, establishment of a Planned Unit Development Schematic Plan and Development Guidelines, for a mixed use residential/commercial development. The City determined that the Curtis Park West project met the conditions of the MOU, and began to process the development application which included the preparation of an Environmental Impact Report.

On October 13, 1998, the City Council adopted Resolution No. 98-514 to address an on-going concern regarding the 1995 RAP and the City’s land use planning efforts for the site. According to the recitals in the resolution, the 1995 RAP was inconsistent with the residential and open space priorities reflected in the land use plan that was under consideration, as it placed significant restrictions on future residential uses over two-thirds of the site. While the City objected to DTSC approving the RAP without a final City-approved land use plan in place, DTSC refused to delay its final approach. In response, State Senator Ortiz introduced Senate Bill (SB) 120 (Chapter 395 Statutes 1999) that prohibits DTSC from determining response action on the site (“no further action letter”) to be complete or from entering into any settlement or release of liability until the City has adopted a general plan amendment and has rezoned the property, and all response action necessary to conform to that general plan amendment, and rezoning are complete. See Attachment 11, City Council Resolution 98-517 and SB 120 (Chapter 395 Statutes 1999).

Due to the discovery of new and greater amounts of toxic materials, the Curtis Park West application was withdrawn by the applicant in early 1999, in order to continue with site clean up.

In 2004, Petrovich Development submitted the Curtis Park Village project for the site. The application included a General Plan Amendment, Rezone, establishment of the Curtis Park Village Schematic Plan and Development Guidelines, Tentative Map, and Inclusionary Housing Plan. Development of the site according to the originally submitted application would have resulted in:

- 225 to 250 single family residences;
- 310 multi-family residences
- 50,000 square feet of mixed-use commercial development with multi-family units located above;
- 150,000 square feet of retail/commercial space; and
- 5 to 6 acres of park/open space.

The City began processing the 2004 application, including the preparation of an Environmental Impact Report. Due to changing market conditions, the applicant revised various components of the Curtis Park Village plans four times.

In the summer of 2008, samplings of the Curtis Park Village site indicated that additional remediation would be required because a substantially larger amount of contaminated soil exists on the site than was originally anticipated in the 1995 RAP. To continue the process of cleaning the site, the applicant began working with DTSC in late 2009 and early 2010 to revise the 1995 RAP. Potential revisions to the RAP included the identification of a location on the project site for a containment “cell” that would have enabled contaminated soils to be encapsulated on site. Potential locations for the cell included the area under the proposed park and the area under the shopping center. While onsite containment and encapsulation was not included in the original RAP, the remedy is consistent with other remediation efforts in California, and is one of the methods proposed for the Downtown Railyards clean up.

#### April 1, 2010 City Council Public Hearing

On April 1, 2010 the current version of the Curtis Park Village project, as previously mentioned, was heard before the City Council. At that time, the applicant requested that the Council only adopt the Resolution to certify the Environmental Impact Report; returning in the future to adopt CEQA findings and to take final action on the remaining Resolutions and Ordinance. The request to certify the EIR was made so that the applicant could amend the RAP, as the environmental impacts associated with the proposed remedies that could be included in the revision of the RAP were examined in the Curtis Park Village Draft Environmental Impact Report (DEIR).

At the April 1<sup>st</sup> Council hearing, the City Council certified the EIR. In addition, the Council also passed two Resolutions providing policy direction for the project:

- 1) Resolution for the Park and Detention Basin. In light of the potential update of the RAP, the City’s Department of Parks and Recreation and Department of Utilities, wanted to ensure that the future development of the proposed park and detention

basin were not jeopardized, and were constructed to the satisfaction of the departments. See Attachment 10, Resolution for the Park and Detention Basin.

- 2) Resolution Providing Policy Direction for the Curtis Park Village Project. The City Council directed staff to incorporate refinements into the Project entitlements to be acted upon by the City Council at a future date. See Attachment 20, Resolution Providing Policy Direction for the Curtis Park Village Project.

Subsequent to the April 1<sup>st</sup> City Council hearing, the following items/actions have taken place in order to address the items contained in the two City Council Resolutions and move the project forward overall:

- Site Remediation
- Resolution for the Park and Detention Basin
- Resolution Providing Policy Direction for the Curtis Park Village Project

### Site Remediation

As of June 1010, the applicant has excavated approximately 173,700 cubic yards of contaminated (impacted) soils on the project site, pursuant to the 1995 RAP. Approximately 74,900 cubic yards have been hauled by rail to an offsite disposal facility; approximately 98,800 cubic yards of impacted soils, approximately 4,000 cubic yards of clean gravel, and approximately 6,000 cubic yards of clean concrete are currently stockpiled on the site. The applicant has stated that based upon soil analytical results and topographical survey data for the site, the volume estimate for remaining in-ground soils exceeding established clean up goals, is approximately 85,500 cubic yards.

On June 30, 2010 the applicant's remediation consultant submitted a letter to DTSC which included a prepared Proposed Excavation and Remediation Strategy to update the proposed approach to soil remediation for the site, in lieu of a formal revision to the RAP. See Attachment 21, Proposed Excavation and Remediation Strategy Letter to DTSC from Applicant. The new strategy will result in the following:

- changes in soil clean up levels for arsenic and polycyclic aromatic hydrocarbons (PAHs) to be consistent with background concentrations;
- the option to transport soil by truck rather than exclusively by rail;
- the hauling of the most contaminated soil off site by truck;
- the placement of some of the restricted soils on site, within an identified street parcel; and
- the elimination of a plan for consolidating contaminated soils, requiring a cap in a containment cell at the planned park area.

Per an August 18, 2010 letter from DTSC (see Attachment 22, Proposed Revision to to Excavation and Remediation Strategy to Applicant from DTSC) in response to the new strategy, DTSC will prepare an Explanation of Significant Differences (ESD) for the 1995 RAP administrative record to reflect that the proposed revisions are consistent

with the 1995 RAP. DTSC noted that the revised remediation plan does not involve consolidating soils requiring a cap in a containment cell at the planned park area and that if such a plan is subsequently proposed, it would require a separate evaluation process.

The applicant has stated that the need for a containment cell will not be known until all of the impacted soils have been excavated from the site. If a containment cell becomes necessary, DTSC would require an amended RAP for the project. In such an instance, the location of the containment cell would be determined per the Resolution adopted on April 1<sup>st</sup>, with the site priorities of:

- 1) Two acres in the Flex Zone on the site under parking.
- 2) Under a hard surface in the Village Green.
- 3) Under hard surface uses in the park: In the event that toxics need to be buried under hard surfaces in the park (such as tennis courts or basketball courts), the applicant will return to the City Council to ask for approval.

It is noted that the placement of some of the restricted soils on site has required a revision to the proposed Large Lot Tentative Map and Tentative Subdivision Map, in order to create an identified deed restricted parcel (see Attachment 9, Exhibit A, Large Lot Tentative Subdivision Map, Parcel "13", and Exhibit B, Tentative Subdivision Map, Lot "P") in which the soils are to be located. This parcel will remain under the ownership of the applicant or his successors, with the City taking an easement for transportation and utility uses. The City's Department of Transportation and Department of Utilities acknowledge that future maintenance of the streets and utilities will require special protocols and operating procedures when working within this parcel. These procedures will be dictated by DTSC. This parcel has been conditioned to ensure that all of the above requirements are met. Specifically, the maps state that:

*The applicant shall also submit a technical memorandum from its remediation consultant to specify the type of contaminants, the level of contamination, and the depth of contamination that was placed in the street parcel (Parcel 13), the restrictions on exposure of the public or construction workers to said soil, the need for any special soil handling (i.e., soil management plan to be submitted to DTSC), especially if there are excess soils that must be removed from the site, and any other pertinent safety or regulatory information for future reference by City and others who may undertake construction or maintenance work in said parcels.*

The map, site, and overall operations do not change as a result of the deed restricted parcel.

It is important to note that if the applicant later determines that an onsite containment cell is absolutely necessary, after exhausting all other options per the Resolution, this would require a modification to project conditions (map conditions) and the preparation of a Park Master Plan consistent with the proposed containment cell. A modification to the project conditions and the proposed Park Master Plan both require full public hearings before the Planning Commission, Parks and Recreation Commission, and City

Council, respectively.

Resolution for the Park and Detention Basin:

As stated previously, new remediation strategy does not include a plan to consolidate contaminated soils onsite, which would require a containment cell and cap. The applicant has stated that the need for a containment cell will not be known until all of the impacted soils have been excavated from the site, however; and the policy direction contained in the Resolution for the Park and Detention Basin will remain.

Resolution Providing Policy Direction for the Curtis Park Village Project:

An outline of the points of the Resolution, with the direction taken by staff is as follows:

1. *Bridge: Applicant agrees to provide to the City an easement in favor of the City for the ramp and landing on the footbridge. The ramp and landing of the footbridge shall be per the City's preliminary design. The purpose of this location is to make the ramp and landing more visible to the pedestrian and bicycle riders. Furthermore, Applicant agrees to connect the bridge with the Village Green via a pedestrian walkway.*

**Update:** The Tentative Subdivision Map has been conditioned so that an easement will be dedicated to accommodate the future planned pedestrian bridge (see Tentative Subdivision Map, Condition #24). In addition the landing area will connect to the sidewalk along "Road D," which extends to the Village Green area.

2. *Grid: The private roads marked "Access Easements" shown on the Exhibit shall be designate and constructed by the Applicant to look like and function as a typical street and remain under private ownership. The southernmost "Access Easement" shall be a "main street" and constructed to accommodate standard sidewalks on both sides of the street with curbs, gutters, and street lighting. The pedestrian connection that connects the park to the southern end of the neighborhood commercial center and as shown on Exhibit shall be a minimum of 8 feet in width and shall incorporate design features such as landscaping, art and arbors and the Applicant will design the areas around the "Driveway Typical" to facilitate maximum pedestrian connections. The applicant agrees to amend the proposed PUD to address this issue. The applicant agrees to construct the buildings in locations in general compliance with the site plan, including frontage on Road A. 10<sup>th</sup> Avenue shall have vehicle access to the existing Curtis Park. Applicant will consider locating main entrances to buildings so they front onto the southernmost access easements.*

**Update:** The PUD Guidelines and Schematic Plan have been re-reviewed by City staff in order to incorporate the above changes. Additionally, City staff met with some of the neighbors to further discuss their suggestions for modifications to the guidelines. City staff agreed with several of the suggestions from the neighbors, and these were included in the revised guidelines. Other suggestions were not included. Overall, City

staff have thoroughly re-read and refined many portions of the PUD Guidelines and the Schematic Plan to ensure that the proposed regulations are fitting for the existing neighborhood, and fitting for the proposed development and land uses. Furthermore, the revisions to the PUD Guidelines have been reviewed by Planning staff, the City's Urban Design Manager, and Preservation staff. It is anticipated that the applicant will prepare a version of the PUD Guidelines what will include the photographs contained in the April 1, 2010 version. Staff has no objection to the inclusion of these photographs, as they assist in illustrating concepts. However, the multi-family illustrations (Section 2.4), logos in the sustainability section (Section 3.5), and the bungalow graphic illustration (Appendix A), will no longer be included.

After additional meetings between the neighbors, applicant, and City staff, the 10<sup>th</sup> Avenue vehicular connection has been revised. 10<sup>th</sup> Avenue will be planned and constructed as a standard City street but will initially only provide bicycle and pedestrian connectivity through the installation of bollards (or similar means) which will block vehicular traffic. The City's Department of Transportation will have the authority to determine if and when in the future, the bollards shall be removed, providing vehicular access. The PUD Guidelines have been updated to incorporate this change.

3. *Tenant Size: The Applicant agrees to limit the footprint of each tenant to no greater than 60,000 square of sales floor area or 65,000 square feet of total ground floor area and agrees to construct the buildings in general compliance with the Exhibit. The applicant shall be entitled to construct any use above the ground floor up to the limits described in the PUD Schematic Plan. Applicant agrees to articulate the building facades to address mass and scale. The intent of this provision is to allow additional vertical development and/or mixed uses in the commercial area. Articulation of building facades shall reflect an urban form. This will not prohibit housing above the ground floor and the housing square footage will not count against the overall square footage.*

**Update:** The PUD Guidelines and Schematic Plan have been revised to reflect the above changes.

4. *Flex Zone: The commercial area north of 10<sup>th</sup> Avenue (five acres) shall be described in the PUD as a "Flex Zone" that will require the City Council to approve any future plan. The "Flex Zone" shall include residential, commercial (including recreation and entertainment uses), office, or public uses. The "Flex Zone" is created in recognition that development is not expected to occur for a number of years and market conditions will likely change during this period of time.*

**Update:** The PUD Guidelines and Schematic Plan have been revised to reflect the above changes. The five acre area north of 10<sup>th</sup> Avenue is known as the Northern Commercial Area or "Flex Zone". A detailed Schematic Plan for this area will be required to be prepared for the review and approval of the Planning Commission or City Council, and including any other necessary entitlements, prior to development of all or any portion of this area. The Flex Zone shall include residential, commercial (including

recreational/entertainment uses), office and public/open space uses. It is important to note however, that the underlying zoning of the Flex Zone remains Shopping Center (SC-PUD).

5. *RAP Amendment: Subject to economic feasibility and approval by DTSC, the applicant will amend the RAP to reduce or potentially eliminate the containment cell in the park and utilize alternative locations on-site for the contaminated material. The applicant believes that such alternatives may be feasible based on recent information; however, the applicant is still working on these alternatives and will report back to Council on this issue within 90 days. Based upon information received to date, the Applicant currently anticipates that a 2 acre containment cell for the highest level of contaminated soil at the site will be required. The priority for the location of the containment cell shall be:*

- 1) *Two acres in the Flex Zone on the site under parking.*
- 2) *Under a hard surface in the Village Green.*
- 3) *Under hard surface uses in the park: In the event that toxics need to be buried under hard surfaces in the park (such as tennis courts or basketball courts), the applicant will return to the City Council to ask for approval.*

*Should the containment cell need to be located in the park the request to do so will be made to the City Council. Contaminated soil that is below “commercial standards” per the approved RAP, excavated from the site, may be used as fill material under streets and under parking lots, and commercial building pads in the commercial zones.*

**Update:** As stated previously, the applicant is proposing a revised remediation plan and the applicant has stated that the need for a containment cell will not be known until all of the impacted soils have been excavated from the site. However, the above requirements still remain.

### **Public Outreach and Comments:**

Since the project was submitted to the City in 2004, numerous notices and neighborhood meetings have been held to present and discuss the various Curtis Park Village project plans. The majority of the public outreach and meetings have been held at the Sierra 2 Community Center, with attendance by the Curtis Park residents and the Sierra Curtis Neighborhood Association (SCNA). The proposed Curtis Park Village project is within the boundaries of the Sierra Curtis Neighborhood Association. An official comment letter on the project from the SCNA is attached, Attachment 13, SCNA Letter.

All project applications and numerous project revisions were routed to the Land Park Community Association (LPCA), Upper Land Park Neighborhood Association, Sierra Curtis Neighborhood Association (SCNA), South of Sutterville Improvement Association, Western Pacific Neighborhood Association, North Franklin District, College Plaza Neighborhood Association, Hollywood Park Neighborhood Association, Sacramento Housing Alliance, WALK Sacramento, and the Sacramento Area Council of

Governments (SACOG).

In addition to the comment letter written by SCNA, City staff received comment letters from LPCA (Attachment 14), South of Sutterville Improvement Association (Attachment 15), North Franklin District (Attachment 16), WALK Sacramento (Attachment 17), and SACOG (Attachment 18).

As stated previously, staff met with the neighbors on July 29, 2010, and received their comments regarding proposed modifications to the PUD Guidelines.

### **Summary:**

**Sacramento 2030 General Plan:** The Sacramento 2030 General Plan (General Plan) was adopted by City Council on March 3, 2009. The General Plan's goals, policies, and implementation programs define a roadmap to achieving Sacramento's vision to be the most livable city in America. The General Plan land use designations for the Curtis Park Village site are: Traditional Center, Traditional Neighborhood High Density, and Traditional Neighborhood Low Density, as shown on Attachment 12, General Plan Land Use Designations. In addition, the applicant is requesting a General Plan Amendment to redesignate approximately 8.0 acres from Traditional Neighborhood Low to Traditional Neighborhood Medium.

#### **1. *Traditional Center***

As stated in the General Plan, the Traditional Center designation provides for predominantly nonresidential, moderate intensity, single-use commercial development or horizontal and vertical mixed-use development that includes the following:

- Retail, service, office, and/or residential uses
- Central public gathering places
- Compatible public, quasi-public, and special uses.

The General Plan also lists key urban form characteristics envisioned for traditional centers, which include:

- Small, rectangular blocks, allowing for convenient pedestrian access from adjacent areas; and
- Relatively small and narrow lots, providing a fine-grained development pattern.

The Curtis Park Village site is constrained due to the lack of existing opportunities to connect with the existing neighborhood, as the Curtis Park neighborhood is built-out. In addition, the layout is further constrained due to the railroad operations at the west and the Sutterville Road overcrossing to the south. The proposed Curtis Park Village layout has maximized potential roadway and pedestrian connections in order to keep a similar block-pattern to that which surrounds the site. In addition, the ultimate layout for the Traditional Center or Shopping Center designated areas have not been finalized, but is anticipated to include the refining of the areas to ensure that compliance with the above

characteristics are met.

Additional urban form characteristics envisioned for traditional centers are site plan specific and include such details as:

- Building heights generally ranging from one to four stories;
- Buildings sited at or near the sidewalk and typically abut one another with limited side yard setbacks; and
- Transparent building frontages with pedestrian-scaled articulation and detailing.

As stated previously, the applicant has not applied for entitlements (e.g., Planning Director Plan Review, Special Permit) for development upon individual parcels. The review for General Plan consistency of individual site plans and building elevations will take place when those applications come in at a future date. Furthermore, the General Plan development standards relating to density and Floor Area Ratios (FARs) will also be reviewed for General Plan consistency once applications for entitlements for individual sites/parcels are submitted to the City. As proposed, the size and shape of the commercially zoned parcels allow for all General Plan development standards to be met under future entitlements.

The Curtis Park Village project will provide a Traditional Center in an area of the City well served by transit, higher density housing, and an existing established neighborhood, and therefore, is consistent with the intent of a Traditional Center use as laid out in the General Plan.

The General Plan contains many Goals and Policies related to the Traditional Center land use designation, which the Curtis Park Village Planned Unit Development project furthers; including the following:

**Goal LU 5.1: Centers.** Promote the development throughout the city of distinct, well-designed mixed-use centers that are efficiently served by transit, provide higher-density, urban housing opportunities and serve as centers of civic, cultural, and economic life for Sacramento's neighborhoods and the region.

- **Policy LU 5.1.1: Diverse Centers.** The City shall encourage development of local, citywide, and regional mixed-use centers that address different community needs and market sectors, and complement and are well integrated with the surrounding neighborhoods.
- **Policy LU 5.1.2: Centers Served by Transit.** The City shall promote the development of commercial mixed-use centers that are located on existing or planned transit stops in order to facilitate and take advantage of transit service, reduce vehicle trips, and enhance community access.

**Goal LU 5.3: Traditional Centers.** Promote traditional centers where people can shop and socialize within walking distance to surrounding neighborhoods.

- **Policy LU 5.3.1: Development Standards.** The City shall continue to support development and operation of centers in traditional neighborhoods by providing flexibility development standards, consistent with public health and safety, in response to constraints inherent in retrofitting older structures and in creating infill development in established neighborhoods.

## ***2. Traditional Neighborhood High Density Residential***

As stated in the General Plan the Traditional Neighborhood High Density Residential designation provides for single-use multi-family housing and predominantly residential mixed use development in areas served by major transportation routes and facilities, and near shopping areas, including the following:

- Small-lot single family dwellings
- Small-lot single family attached dwellings (e.g., duplexes, triplexes, townhomes)
- Accessory second units
- Multifamily dwellings (e.g., apartments and condominiums)
- Mixed-use neighborhood-serving commercial uses
- Compatible public, quasi-public, and special uses

The General Plan key urban form characteristics envisioned for high-density residential development in traditional neighborhoods includes, but is not limited to:

- Apartments;
- Building heights generally ranging from one to three stories;
- A highly interconnected street system facilitating flow of traffic, connectivity, and route flexibility; and
- Neighborhood services. Transit, parks and schools within walking distance of local residents.

The Curtis Park Village project identifies three separate parcels for high density residential development. The individual site plans and layouts will be reviewed for General Plan consistency to ensure that they are developed and considered as a whole, in order to provide for maximum connectivity and integration.

The General Plan also stipulates that in the Traditional Neighborhood High Density land use designation, density shall be between eighteen (18) and thirty-six (36) dwelling units per net acre (du/na). Two of the three high density residential parcels in the Traditional Neighborhood High Density designation exceed the maximum of thirty-six dwelling units per net acre, but the General Plan allows for such instances as stated in the Policy below:

**Policy LU 2.1.4: General Plan Density Regulations for Mixed-Density Development Projects.** Where a developer proposes a multi-parcel development project with more than one residential density or FAR, the applicable density or FAR range of the General Plan Land Use Designation shall be applied to the net developable area of the entire

project site rather than individual parcels within the site. Some parcels may be zoned for densities/intensities that exceed the maximum allowed density/intensity of the project site's Land Use Designation, provided that the net density or the project as a whole is within the allowed range.

Therefore, in calculating the maximum density of the Traditional Neighborhood High Density residential areas, the multi-parcels used are the three identified as residential and Lot B, as they make up the overall multi-parcel development within the Traditional Neighborhood High Density designation. Together, these parcels propose a density of approximately twenty-five (25) dwelling units per net acre, within the allowed range as stated in the General Plan.

General Plan Policies related to the Traditional Neighborhood High Density residential land use designation, which the Curtis Park Village Planned Unit Development project furthers, include the following:

**Policy LU 2.6.1: Sustainable Development Patterns.** The City shall promote compact development patterns, mixed use, and higher-development intensities that use land efficiently; reduce pollution and automobile dependence and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use

**Policy LU 4.1.10: Balanced Neighborhoods.** The City shall require new major residential development to provide a balanced housing mix that includes a range of housing types and densities.

**Policy LU 4.1.11: Senior Housing Development.** The City shall encourage the development of senior housing in neighborhoods that are accessible to public transit, commercial services, and health and community facilities.

The proposed high density residential areas in Curtis Park Village are adjacent to commercial areas, bus routes, and transit, therefore consistent with a sustainable development pattern. In addition, the three separate high density residential areas in Curtis Park Village will ensure a range of apartment options for residents, which includes a 90-unit senior affordable housing component, thus meeting General Plan policies.

### ***3. Traditional Neighborhood Low Density Residential***

As stated in the General Plan, the Traditional Neighborhood Low Density Residential designation provides for moderate-intensity housing and neighborhood-support uses including the following:

- Single-family detached dwellings
- Single-family attached dwellings (e.g., duplexes, triplexes, townhomes)
- Accessory second units
- Limited neighborhood-serving commercial on lots two acres or less

- Compatible public, quasi-public, and special uses

The key urban form characteristics envisioned for traditional neighborhood low density residential areas include the following:

- Predominantly single-family residential scale and including a mix of single-family units, second units, duplexes, triplexes, four-plexes, and apartments;
- Lot coverage generally not exceeding 70 percent; and
- Limited garages and curb cuts along the street frontage with rear, alley, and side garage access.

The Curtis Park Village project proposes the creation of approximately 129 single family residential parcels, ranging in size from 40' in width by 100' in depth, to 50' in width by 195' in depth. The Curtis Park Village project also contains standard front loaded parcels and rear loaded private drive parcels, throughout the site. Within the traditional neighborhood low density residential land use designation, density between 3.0 du/na and 8.0 du/na is allowed, with the proposed project providing a density of approximately 7.0 du/na.

As part of the PUD Guidelines, a Pattern Book outlining development standards for the single family residences (including duplexes, second units, and garages) is proposed. Development of the house plans will be in accordance with the Zoning Code, through the approval of a Planning Director's Plan Review.

The proposed Curtis Park Village project is consistent with General Plan policies that reinforce a pedestrian friendly neighborhood of short residential blocks, create rear private drives for many of the residential parcels, and provide for future development of housing for all sizes of families, with convenient access to the proposed park.

General Plan Policies relating to the traditional neighborhood low density residential land use designation, which are furthered by the proposed Curtis Park Village project include:

**Policy LU 4.1.3: Walkable Neighborhoods.** The City shall require that design and development of neighborhoods that are pedestrian friendly and include features such as short blocks, broad and well-appointed sidewalks (e.g., lighting, landscaping, adequate width), tree-shaded streets, buildings that define and are oriented to adjacent streets and public spaces, limited driveway curb cuts, paseos and pedestrian lanes, alleys, traffic-calming features, convenient pedestrian street crossings, and access to transit.

**Policy LU 4.1.4: Alley Access.** The City shall encourage the use of well-designed and safe alleys to access individual parcels in neighborhoods in order to reduce the number of curb cuts, driveways, garage doors, and associated pedestrian/automobile conflicts along street frontages.

**Policy LU 4.1.12: Family Friendly Neighborhoods.** The City shall promote the development of family-friendly neighborhoods throughout the city that provide housing

that accommodates families of all sizes and provides safe and convenient access to schools, parks, and other family-oriented amenities and services.

#### ***4. Traditional Neighborhood Medium Density Residential***

The General Plan designates a large area of the Curtis Park Village site as Traditional Neighborhood Low Density residential. The applicant is requesting a General Plan Amendment to re-designate approximately 8.0 net acres to Traditional Neighborhood Medium Density residential, as the lot sizes are smaller, thus creating a proposed overall (all individual residential parcels, Villages 1,2, & 3) density of approximately 8.25 du/na, or .25 du/na above that as allowed within the Traditional Neighborhood Low Density residential designation.

As stated in the General Plan, the Traditional Neighborhood Medium Density residential designation includes but is not limited to:

- Small-lot single family dwellings; and
- Small-lot single-family attached dwellings (e.g., duplexes, triplexes, townhomes)

The key urban form characteristics of the Traditional Neighborhood Medium Density residential designation mirror that of the Traditional Neighborhood Low Density designation, and include:

- Predominantly single-family residential scale and including a mix of single-family units, second units, duplexes, triplexes, four-plexes, and apartments;
- Lot coverage generally not exceeding 70 percent; and
- Limited garages and curb cuts along the street frontage with rear, alley, and side garage access.

City staff supports the proposed General Plan Amendment as the Traditional Neighborhood Medium Density residential designation will provide a slightly higher density closer to the commercial areas and public transit. In addition, it will provide for a transition between the commercial areas at the west to the existing Curtis Park neighborhood to the east. Furthermore, the smaller lot, higher density parcels will result in the creation of an intermediate housing type between the standard single family residences and the multi-family communities.

Allowing the General Plan Amendment in order to achieve a slightly higher density and housing type, would be compatible with the following General Plan Goals and Policies:

**Policy LU 2.1.3: Complete and Well Structured Neighborhoods.** The City shall promote the design of complete and well-structured neighborhoods whose physical layout and land use mix promote walking to services, biking, and transit use; foster community pride; enhance neighborhood identity; ensure public safety; are family friendly and address the needs of all ages and abilities.

**Policy LU 4.1.6: Neighborhood Transitions.** The City shall provide for appropriate

transitions between different land use and urban form designations along the alignment of alleys or rear lot lines and along street centerlines, in order to maintain consistent scale, form, and character on both sides of public streetscapes.

**Policy LU 4.1.10: Balanced Neighborhoods.** The City shall require new major residential development to provide a balanced housing mix that includes a range of housing types and densities.

### ***Neighborhood Park***

A 6.8 net acre park is proposed within the Traditional Neighborhood Low Density Residential area of the Curtis Park Village project. The park will be bordered by city streets, with residential land uses facing it. Specific park amenities will be identified through the Park Master Plan process, which has been initiated by the applicant and the City's Department of Parks and Recreation. The proposed park would be considered a public use, which is a key urban form characteristic of the Traditional Neighborhood Low Density residential land use designation.

The proposed Curtis Park Village project is consistent with the General Plan policies relating to parks as it will provide a new neighborhood park to new residents and existing residents, and be centrally located within the project site, easily accessible to all residents.

The General Plan policies related to the park which are supported by the proposed project include, but are not limited to:

- **Policy LU 4.1.7: Connections to Open Space.** The City shall ensure that new and existing neighborhoods contain a diverse mix of parks and open spaces that are connected by trails, bikeways, and other open space networks and are within easy walking distance to residents;
- **Policy LU 9.1.2: New Parks and Open Spaces.** The City shall ensure that sufficient parks, open space, water corridor parkways, and trails are planned throughout the city, to ensure adequate facilities are available to existing and future residents.

**Zoning:** The Curtis Park Village site is currently zoned Heavy Industrial (M-2), with a few parcels zoned Standard Single Family Residential (R-1). The existing zoning reflects the prior use of the site for railroad operations. The applicant is requesting to rezone the site consistent with the proposed Curtis Park Village Planned Unit Development plan: Shopping Center (SC-PUD), Single Family Alternative (R-1A-PUD), Multi-Family (R-2B-PUD), and Multi-Family (R-4A-PUD). The current and proposed zoning designations are shown in the following table, and on Attachment 6, Ordinance for the Rezone:

<b>Table 2: Zoning Summary</b>
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Zoning Designation	Existing (ac)	Proposed (ac)
M-2	71.5	0
R-1	.2	0
R-1A-PUD	0	36.2
R-2B-PUD	0	5.9
R-4A-PUD	0	9.3
SC-PUD	0	20.3
Total	71.7	71.7

#### *Single Family Alternative Zone (R-1A-PUD)*

The Zoning Code defines the Single Family Alternative zone as a low to medium density residential zone intended to permit the establishment of single-family, individually owned, attached or detached residences where lot sizes, height, area and/or setback requirements vary from standard single family. Maximum density in the R-1A zone is fifteen (15) dwelling units per net acre. For the proposed project, the Single Family Alternative (R-1A-PUD) area may be developed in the future by approval of a Planning Director's Plan Review. As discussed later in this report, the single family residential house plans will be reviewed to ensure compliance with the PUD Guidelines Appendix A: Curtis Park Village Single Family Home Design Guidelines.

#### *Multi-Family Zone (R-2B-PUD)*

The Zoning Code defines the Multi-Family (R-2B) zone as a multi-family zone which offers broader density flexibility as a transition from the garden apartment setting to a more traditional apartment setting. Maximum density for the R-2B zone is twenty-one (21) units per net acre. For the proposed project, the Multi-Family (R-2B-PUD) area may be developed in the future by approval of a Planning Commission Special Permit to ensure compliance with the PUD Guidelines, in order to allow individually owned attached/detached brownstone or cottage residences.

#### *Multi-Family Zone (R-4A-PUD)*

The Zoning Code defines the Multi-Family (R-4A) zone as a multi-family zone located generally in urban neighborhoods, corridors, and centers in the Central City or near major transit stops. Maximum density for the R-4A zone is one hundred ten (110) units per net acre. For the proposed project, the Multi-Family (R-4A-PUD) areas may be developed in the future by approval of a Planning Director's Plan Review to ensure compliance with the PUD Guidelines, in order to allow apartments.

#### *Shopping Center (SC-PUD)*

The Zoning Code defines the Shopping Center (SC) zone as a general shopping center zone which provides a wide range of goods and services to the community. This zone, however, prohibits general commercial uses which are not compatible with a retail shopping center, and is therefore, more restrictive than the General Commercial (C-2) zone. In addition, the SC zone requires the approval of a Planning Director's Plan Review or Planning Commission Special Permit for certain uses that would otherwise be allowed within the General Commercial (C-2) zone, such as: a hotel, restaurant, medical offices, and athletic club. For the proposed project, the Shopping Center (SC-PUD) areas may be developed in the future by approval of a Planning Director's Plan Review or Planning Commission Special permit to ensure compliance with the PUD Guidelines, in order to allow retail and/or offices uses.

As stated previously, a portion of the Shopping Center area has been modified reflective of the Resolution passed by City Council on April 1, 2010. Specifically, the commercial area north of 10<sup>th</sup> Avenue (five acres) is described in the PUD as a "Flex Zone" that will require the City Council to approve any future plan. The "Flex Zone" includes residential, commercial (including recreation and entertainment uses), office, or public uses. The "Flex Zone" was created in recognition that development is not expected to occur for a number of years and market conditions will likely change during this period of time.

The proposed Zoning designations will bring the Curtis Park Village site into compliance with the existing General Plan designation and proposed General Plan Amendment. The PUD Designation will require that future development requests conform to the Curtis Park Village Planned Unit Development Guidelines and Schematic Plan. Staff supports the proposed rezones and specific zoning designations as they are appropriate in order to develop the site with the proposed project, while maintaining compatibility with the existing neighborhood.

**Inclusionary Housing Plan:** The Curtis Park Village site is subject to the Mixed Income Housing chapter of the City Zoning Code Section 17.190, which is intended to ensure that residential projects in new growth areas contain a defined percentage of housing affordable to low income and very low income households. In coordination with the Sacramento Housing and Redevelopment Agency (SHRA), the applicant has prepared an Inclusionary Housing Plan (Attachment 7, Resolution for the Inclusionary Housing Plan). Based upon the project proposal of 527 residential units, the project's inclusionary obligation is 79 units. Five percent (5%) of the inclusionary units, or 26 units, must be affordable to low income households, and ten percent (10%) of the inclusionary units, or 53 units, must be affordable to very low income households. The

applicant proposes to partner with a builder that specializes in affordable housing projects and to provide all of the inclusionary housing units as rental units, within the proposed 90-unit senior multi-family housing community (Tentative Subdivision Map, Village 4). City and SHRA staff support the Inclusionary Housing Plan as proposed as it is consistent with the Zoning Code requirements.

**Curtis Park Village Planned Unit Development Schematic Plan & Guidelines:** The applicant is requesting to create the Curtis Park Village Planned Unit Development (PUD) with associated development guidelines and schematic plan. The purpose of the PUD Guidelines is to provide regulations and standards to guide development on the project site, so that the overall development is harmonious and the result is a coordinated site. The proposed Schematic Plan establishes allowed land uses and intensities for each designation. Future development upon an individual parcel or group of parcels will be evaluated through the Planning Director plan review process, Special Permit process, or other appropriate entitlement, requiring consistency with the General Plan policies and development standards, Schematic Plan, PUD Development Guidelines, and the procedural requirements of the Sacramento Zoning Code. Please refer to the Resolution for the PUD Guidelines and Schematic Plan, Attachment 8.

#### PUD Schematic Plan:

The proposed Curtis Park Village Schematic Plan illustrates development in a general sense, reflective of the policy direction Resolution passed by City Council on April 1, 2010. The Schematic Plan works in conjunction with the PUD Guidelines; any future development will require an appropriate application for entitlement(s) that is accompanied by specific site plans, floor plans, and elevations for the proposed project. The Schematic Plan is consistent with the proposed General Plan land use designations, and zoning classifications for the Curtis Park Village site.

#### PUD Guidelines:

The proposed Curtis Park Village PUD Guidelines lay forth a vision for how the project site will be developed:

“The vision for Curtis Park is a vibrant mixed-use neighborhood developed at a pedestrian scale. Uses of the site include: detached brownstones, cluster-housing, single family detached homes, affordable seniors and market-rate multi-family housing, a community shopping and retail/commercial development area, and a neighborhood park.”

The PUD Guidelines are organized into the following sections: Introduction, Land Uses, Land Use Design Standards: Commercial Areas, Circulation and Parking, Landscape and Streetscape, Signage and Graphics, Lighting, and Site Remediation Strategy. Each section of the guidelines stipulates how future development will occur, in order to ensure the vision for Curtis Park Village is achieved.

The PUD Guidelines also contain a separate portion addressing the future development

of the single family residences, in the “Single Family – Traditional” portions of the Schematic Plan (Appendix A: Curtis Park Village Single Family Home Design Guidelines). These guidelines are proposed with the intent that the single-family residences in the Standard Single Family Alternative (R-1A) zone, within Curtis Park Village will reflect the quality and design of the existing Curtis Park neighborhood. The Single Family Home Design Guidelines address development details such as: setbacks, orientation, scale, garage location, exterior roof pitch, and exterior building materials. As stated previously, future review of the “Single Family – Traditional” residential house plans will be in accordance with the Zoning Code, through the approval of a Planning Director’s Plan Review (17.24.050.17.b).

City staff recommends approval of the Curtis Park Village Planned Unit Development Guidelines and Schematic Plan as they will refine future development of the project site, ensuring that future development will be traditional and keeping with the existing Curtis Park neighborhood. Furthermore, the approval of the PUD Guidelines and Schematic Plan will guarantee that future development of the site will not result in the creation of a suburban development upon an infill site.

**Large Lot Tentative Map & Tentative Subdivision Map:** The applicant is proposing to subdivide the 71.7± acre site with a Large Lot Tentative Map (Large Lot Map) and Tentative Subdivision Map (TSM). The Large Lot Map creates large parcels that are final parcels, such as Parcel 6 Multi-Family Residential, and other parcels, such as Parcel 1 Single Family Residential, that requires further subdivision for single family lots consistent with the PUD. Along with creating lots for future development, the Large Lot Map provides dedications and easements for backbone infrastructure such as roads, sidewalks, and a detention basin. The Tentative Subdivision Map creates similar parcels as that of the Large Lot Map, but further subdivides many parcels, for future development of the single family residential parcels.

#### Vehicular Circulation:

Both maps have a modified grid system, due to the fact that the Curtis Park Village site is a unique infill site, predominantly surrounded by existing development, providing only a few opportunities to connect to the existing neighborhood. The Curtis Park Village site connects to the existing neighborhood, in the following locations, some of which are discussed in greater detail further below:

- 24<sup>th</sup> Street, both southbound and northbound;
- 5<sup>th</sup> Avenue, both westbound and eastbound, with an optional street alignment as shown in “Detail A” as a cul-de-sac;
- Donner Way, both westbound and eastbound;
- Road A/Sutterville Road, southbound and northbound;
- Road C/Pacific Avenue Bypass, southbound and northbound; and
- Road J, southbound into Curtis Park Village.

24<sup>th</sup> Street

The proposed Curtis Park Village map connects to 24<sup>th</sup> Street at roughly the location of the existing dog-leg where 24<sup>th</sup> Street and Donner Way intersect. As proposed on the map, beginning at 5<sup>th</sup> Avenue, 24<sup>th</sup> Street will veer slightly to the south and west onto the Curtis Park Village site, creating a new north/south minor collector street. The existing 24<sup>th</sup> Street will be abandoned in between 5<sup>th</sup> Avenue and Donner Way. The traffic study undertaken as part of the proposed project anticipated that through traffic will utilize the newly created minor collector through the Curtis Park Village site, easing use on the section of 24<sup>th</sup> Street just east of the site.

#### *5<sup>th</sup> Avenue/"Detail A"*

As part of the Tentative Subdivision Map, Road J will connect to Donner Way in the existing Curtis Park neighborhood. However, at the request of some of the residents of Curtis Park, the applicant has also provided "Detail A," which creates a cul-de-sac at the eastern end of Road J, rather than a connection. The Planning Commission recommended approval on the connection of Donner Way as proposed, and the City Council will have final action on which street layout is final. City staff recommends that Road J connect to Donner Way, in order to maximize connectivity of the Curtis Park Village site with the existing neighborhood, in keeping with the traditional neighborhood grid pattern.

#### *Road C/Pacific Avenue Bypass*

The existing Curtis Park Village site contains the Sutterville Bypass loop, which is an antiquated road providing westbound Sutterville Road traffic to loop under the bridge in order to get to the Western Pacific Neighborhood area south of Sutterville Road. This neighborhood contains many heavy commercial/industrial uses. As the bypass loop is old and was not constructed to City engineering standards, the applicant has eliminated the loop, and re-routed the traffic onto the internal Curtis Park Village Street.

#### *Road J*

Due to safety concerns expressed by the City's Department of Transportation, Road J has been detailed to provide access via southbound traffic from Portola Way into the Curtis Park Village site. Northbound traffic out of the site will be blocked from exiting by use of a bulb-out, with a turn around area provided at the northern end of Road J.

#### *Road D/Street Section G*

On-street angled parking is proposed along Road D (see Street Section G), allowing for drive-up access to future commercial tenants of either Lot A or Lot B.

#### Pedestrian/Bicycle Circulation:

On-site pedestrian access is proposed via attached and detached sidewalks connecting the existing neighborhood to the Curtis Park Village neighborhood, and connecting internally throughout the site. Additional pedestrian access will be reviewed through

future entitlement processes. A dedicated bicycle lane will be provided along both sides of the main southbound/northbound street within Curtis Park Village, "Road A."

*Future Pedestrian Bridge to/from Sacramento City College*

Although not a part of the project or shown on the Curtis Park Village maps, a pedestrian bridge connecting Sacramento City College to the Curtis Park Village site may be constructed in the future. The landing for the pedestrian bridge would be located at the northwestern area of Lot A, Commercial, either on the parcel itself or within City right-of-way. The map has been conditioned so that an easement for the pedestrian landing will be provided, to the satisfaction of the City's Department of Transportation.

Lot D/Parkway:

Lot D is a sixty-foot (60') wide open parkway area created to accommodate a detention basin (the Donner Trunk) for sewer and storm water from the existing Curtis Park neighborhood. The applicant has stated that his intent of this area is to look and operate like the neighborhood on T Street between 39<sup>th</sup> Street and 53<sup>rd</sup> Street

**Subdivision Modifications:** The applicant is requesting Subdivision Modifications for the street sections which are proposed to navigate Lot D, the Parkway area, and the creation of private drives (similar to alleys). The Department of Transportation has reviewed the requested modifications and has found the modifications acceptable, subject to conditions of the tentative maps.

**Planning Commission Hearing:** As stated previously, the Planning Commission unanimously voted (8-0) to forward a recommendation of approval to the City Council. As a reminder to the City Council, the Planning Commission made the following revisions/recommendations:

Planning Commission Recommendation:

- 1) City staff and the applicant should assist DTSC with notification regarding the public comment period and the public meeting related to the revision of the RAP.

*Staff's Analysis:*

The RAP amendment is no longer required in order to remediate the site. However, City staff and/or the applicant will continue to make mailing lists and address databases available to DTSC, should the need arise.

Planning Commission Recommendation:

- 2) The PUD Guidelines need to emphasize that usable building entrances shall be oriented toward the street.

*Staff's Analysis:*

The PUD Guidelines sufficiently address active building entrances in the following sections:

**3.2.12(B)** Orient building main entrances to streets or public spaces wherever possible or practical.

**3.2.12(C)** Multiple entrances or corner entrances are encouraged at street corners to activate both street frontages.

**3.2.12(D)** Locate sidewalk entrances to accommodate ease of pedestrian movement.

**3.2.12(F)** Locate service entrances away from pedestrian entrances.

Planning Commission Recommendation:

- 3) 10<sup>th</sup> Avenue should be converted from vehicular, bicycle and pedestrian accessible to bicycle and pedestrian accessible only.

*Staff's Analysis:*

As noted previously, 10<sup>th</sup> Avenue will be accessible to bicycles and pedestrians with the future possibility of vehicular accessibility.

Planning Commission Recommendation:

- 4) The senior housing location (Village 4) should be swapped with the multi-family housing location (Village 5), so that the senior housing will be located further from the railroad, closer to the park and closer to public transit service located on "Road A."

*Staff's Analysis:*

The proposed senior housing, located in Village 4, was deliberately placed in the specified location as it would be a transitional land use separating the lower density multi-family residential land uses with the higher intensity commercial land uses. In addition, the Village 4 location provides a shorter path of travel for the residents to the future pedestrian bridge and RT Lightrail Station. As stated previously, all future site plans and layouts will be reviewed to ensure that they are developed and considered as a whole, in order to provide for maximum connectivity and integration. Furthermore, the senior housing development will be approximately four to five stories in height, which when placed directly across from the single family residences along the eastern side of "Road A", creates an abrupt change in land use and incompatibility between the two uses. Therefore, City staff does not support the swapping of the Village 4 and Village 5 land uses.

**Notice of Hearing:** As required by sections 17.200.010(C)(2), 16.24.097, 17.204.020 (C), 17.208.020 (C), and 17.180.050 (D) of the City Code, a ten day notice of the September 28, 2010 public hearing has been given by publication, posting and mail (500').

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**Attachment 4 – Resolution Adopting the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring Program**

**RESOLUTION NO. 2010-**

Adopted by the Sacramento City Council

**ADOPTING THE FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION MONITORING PROGRAM FOR THE CURTIS PARK VILLAGE PROJECT (P04-109)**

**BACKGROUND**

A. On February 25, 2010, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Curtis Park Village Project

B. On April 1, 2010 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 feet)) and received and considered evidence concerning the Curtis Park Village Project. The City Council certified the environmental impact report (EIR) for the project, entitled *Curtis Park Village Project* (State Clearinghouse Number 2004-082020). The EIR addressed the potential environmental impacts associated with construction and operation of the Curtis Park Village project and proposed update to the previously-approved Remedial Action Plan (RAP) (1995) for the remediation of the contamination on the project site.

C. Pursuant to California Environmental Quality Act Guidelines Section 15096, the Department of Toxic Substances Control (DTSC) could use the environmental impact report for the Curtis Park Village project in its capacity as Responsible Agency to review the potential environmental impacts of the proposed update to the 1995 RAP.

D. Subsequent to the certification of the EIR, DTSC began the process associated with an Explanation of Significant Differences (ESD) concerning the 1995 RAP. DTSC conducted a public meeting on September 15, 2010 to discuss the proposed changes to the 1995 RAP.

The ESD would supplement the 1995 RAP administrative record with the proposed changes to the 1995 RAP to assure that any negative impacts to the environment are minimized. The DTSC would file a Notice of Determination (NOD) in compliance with CEQA for the ESD when approved.

If the ESD is approved by the DTSC, the update to the RAP, as analyzed in the Curtis Park Village environmental impact, report would not be necessary.

E. These Findings of Fact and the Mitigation Monitoring Plan do not address any

impacts or mitigation associated with the update to the 1995 RAP.

F. On September 28, 2010 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 feet)) and received and considered evidence concerning the Curtis Park Village Project.

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

Section 1. Pursuant to CEQA Guidelines Sections 15091 and 15093, and in support of its approval of the Project, the City Council adopts the attached Findings of Fact and Statement of Overriding Considerations in support of approval of the Project as set forth in the attached Exhibit A of this Resolution.

Section 2. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program as set forth in Exhibit B of this Resolution.

Section 3. The City Council directs that, upon approval of the Project, the City's Community Development Department shall file a notice of determination with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.

Section 4. Pursuant to Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

**Table of Contents:**

Exhibit A - CEQA Findings of Fact and Statement of Overriding Considerations for the Curtis Park Village Project.

Exhibit B – Mitigation Monitoring Plan

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## **Exhibit A - CEQA Findings of Fact and Statement of Overriding Considerations for the Curtis Park Village Project**

### **Description of the Project**

The proposed project would convert the existing 72-acre project site into a mixed-use, urban infill development. Curtis Park Village, as proposed, would be one of Sacramento City's largest infill projects. The intent of the project is to create a neighborhood consisting of single-family home sites, multi-family and senior multi-family residential complexes, a neighborhood park area, and neighborhood-serving retail and commercial development areas. The proposed project includes approximately 260,000 square feet of commercial retail, 189 single-family home sites, an 90-unit senior multi-family housing complex, a 117-unit multi-family residential housing complex, a 131 -unit multi-family residential housing complex, and an 8.7-acre (6.8 net acres) park.

The proposed project site is currently contaminated with hazardous wastes from the railyard era and remediation of the site is continuing to occur, pursuant to a Remedial Action Plan (RAP) approved by the DTSC in 1995. Senate Bill 120 (1998), adopted for the Curtis Park Village project site, states that DTSC cannot make a determination that the remediation of the site is complete until the City has completed its land use planning process and the remediation necessary to allow the approved land use plan is complete. The DTSC determination that the remediation is complete includes such actions as issuing a certification, a no further action letter, or a closure letter.

### **Findings Required Under CEQA**

#### **1. Procedural Findings**

The City Council of the City of Sacramento finds as follows:

Based on the initial study conducted for Curtis Park Village Project, SCH # 2004082020 (herein after the Project), the City of Sacramento's Community Development Department determined, on substantial evidence, that the Project may have a significant effect on the environment and prepared an environmental impact report ("EIR") on the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

a. A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency August 4, 2004 and was circulated for public comments from August 4, 2004 through September 3, 2004. A revised Notice of Preparation was filed on May 12, 2008 for a 30-day comment period, due to changes to the project description; a second revised NOP was released on November 12, 2008 for a 30-day comment period due to additional project description changes.

b. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on April 1, 2009, to those public agencies that have jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.

c. An official 45-day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on April 1, 2009 and ended on May 15, 2009.

d. A Notice of Availability (NOA) of the Draft EIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing on April 1, 2009. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Services Department, New City Hall, 915 I Street, Third Floor, Sacramento, California 95814. The letter also indicated that the official 45-day public review period for the Draft EIR would end on May 15, 2009.

e. A public notice was placed in the Daily Recorder on April 1, 2009 which stated that the Draft EIR was available for public review and comment.

f. A public notice was posted in the office of the Sacramento County Clerk on April 1, 2009.

g. Following closure of the public comment period, all comments received on the Draft EIR during the comment period, the City's written responses to the significant environmental points raised in those comments, and additional information added by the City were added to the Draft EIR to produce the Final EIR.

h. On April 1, 2010, the City Council certified the environmental impact report for the Project, entitled, *Curtis Park Village Project* (State Clearinghouse Number 2004-082020). The Findings of Fact, Statement of Considerations, and Mitigation Monitoring Plan were not adopted at that time because entitlements for the project were not approved.

## **2. Record of Proceedings**

The following information is incorporated by reference and made part of the record supporting these findings:

- a. The Draft and Final EIR and all documents relied upon or incorporated by reference;
- b. The City of Sacramento 2030 General Plan adopted March 3, 2009, and all updates;

- c. The Master Environmental Impact Report for the City of Sacramento 2030 General Plan certified on March 3, 2009, and all updates;
- d. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento 2030 General Plan adopted March 3, 2009, and all updates;
- e. Zoning Ordinance of the City of Sacramento;
- f. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December 2004;
- g. Land Park Community Plan;
- h. Curtis Park Village PUD Guidelines and PUD Schematic Plan;
- i. Applications materials, including application information;
- j. The Mitigation Monitoring Program for the Project; and
- k. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project.

### 3. Findings

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environment impacts that would otherwise occur. Mitigation measures or alternatives are not required, however, where such changes are infeasible or where the responsibility for the project lies with some other agency. (CEQA Guidelines, § 15091, sub. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, sub. (b); see also Pub. Resources Code, § 21081, sub. (b).)

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in

drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact — even if the alternative would render the impact less severe than would the proposed project as mitigated. (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (“*Laurel Heights I*”) (1988) 47 Cal.3d 376, 400-403.)

In these Findings, the City first addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Only after determining that, even with the adoption of all feasible mitigation measures, an effect is significant and unavoidable does the City address the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) “feasible” within the meaning of CEQA.

In cases in which a project’s significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the “benefits of the project outweigh the significant effects on the environment.” (Public Resources Code, Section 21081, sub. (b); see also, CEQA Guidelines, Sections 15093, 15043, sub.(b).) In the Statement of Overriding Considerations found at the end of these Findings, the City identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

The California Supreme Court has stated that “[t]he wisdom of approving ... any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II* (1990) 52 Cal.3d 553 at 576.)

In support of its approval of the Project, the City Council makes the following findings for each of the significant environmental effects and alternatives of the Project identified in the EIR pursuant to Section 21080 of CEQA and section 15091 of the CEQA Guidelines:

## **A. Significant or Potentially Significant Impacts Mitigated to a Less Than Significant Level.**

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are being mitigated to a less than significant level and are set out below. Pursuant to Section 21081(a)(1) of CEQA and Section 15091(a)(1) of the CEQA Guidelines, as to each such impact, the City Council, based on the evidence in the record before it, finds that changes or alterations incorporated into the Project by means of conditions or otherwise, mitigate, avoid or substantially lessen to a level of insignificance these significant or potentially significant environmental impacts of the Project. The basis for the finding for each identified impact is set forth below.

### Transportation and Circulation

5.2-1 Impacts to study intersections under baseline plus project conditions. The proposed Project and all access scenarios would increase traffic volumes at the following study intersections such that the levels of service are lower than required by the City's 2030 General Plan: Freeport Blvd/2nd Avenue; Sutterville Road/Road A; Sutterville/SR 99 Southbound Ramps; Road A/Area 3. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

- 5.2-1(a) *At the Freeport Boulevard / 2<sup>nd</sup> Avenue intersection, provide protected left-turn phasing for the northbound and southbound approaches.*
- 5.2-1(b) *At the Sutterville Road / Road A intersection, provide overlap signal phasing to allow the southbound Road A right turning traffic to proceed on a green arrow simultaneously with the eastbound left turning movement, and prohibit U-turns for the eastbound left turning movement; add a southbound left-right lane to provide one left-turn lane, one left-right lane, and one right turn lane, and provide a dedicated right turn lane for the westbound Sutterville Road approach to the intersection.*
- 5.2-1(c) *Modify the southbound approach to the Sutterville Road / SR99 SB Ramps intersection to provide a left-turn lane, a combination left-through-lane, and two right-turn lanes. This change would bring the right-turning movements under signal control. This mitigation measure is required at five percent of development based on trip generation. The design of the mitigation is subject to the approval of the City Transportation Department and Caltrans.*

5.2-1(d) *At the Road A / Area 3 intersection, provide separate right-turn and left-turn lanes on the eastbound approach.*

Finding: The project is required to provide roadway and signal timing improvements that would reduce the impacts by improving the circulation in the area.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

5.2-7 Impacts to on-site traffic circulation and safety under baseline plus project conditions. The site plan submitted by the project applicant shows horizontal roadway curves at some locations that do not meet the City's centerline radius standards. In addition, the site plan shows angled parking stalls that require automobiles to back into pedestrian crosswalks. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.2-7(a) *The design plans for the project shall be consistent with City standards. Any deviations are subject to the approval of the City Department of Transportation, Traffic Engineering Division. The horizontal curvatures shall be realigned or design elements such as "knuckles" shall be installed in compliance with City standards.*

5.2-7(b) *The site design shall be modified to reduce the potential for vehicles leaving parking stalls to back across pedestrian crosswalks. This change may require the elimination of some angle parking spaces.*

Finding: The project site design, including potential circulation is required to conform to City standards. In addition, the site designs will be modified to reduce the potential of vehicles backing across pedestrian crosswalks. According to the traffic report, after implementation of the site design, the project impact to on-site traffic and safety under baseline plus project conditions would be less than significant.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

5.2-9 Traffic impacts during construction. Construction activities, including the import of clean fill material, would result in disruptions to the circulation system in and around the project area, including temporary street and sidewalk closures. Heavy equipment would need to access the project site. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.2-9(a) *Before issuance of grading permits for the project site, the project applicant shall prepare a detailed Traffic Management Plan that will be subject to review and approval by the City Department of Transportation, Regional Transit, and local emergency service providers, including the City of Sacramento fire and police departments. The plan shall ensure maintenance of acceptable operating conditions on local roadways and transit routes. At a minimum, the plan shall include:*

- *The number of truck trips, time, and day of street closures;*
- *Time of day of arrival and departure of trucks;*
- *Limitations on the size and type of trucks and provision of a staging area with a limitation on the number of trucks that can be waiting;*
- *Provision of a truck circulation pattern;*
- *Provision of a driveway access plan to maintain safe vehicular, pedestrian, and bicycle movements (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);*
- *Safe and efficient access routes for emergency vehicles;*
- *Efficient and convenient transit routes;*
- *Manual traffic control when necessary;*
- *Proper advance warning and posted signage concerning street closures;*
- *Provisions for pedestrian safety; and*
- *Provisions for temporary bus stops, if necessary.*

*A copy of the construction traffic management plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.*

Finding: The project applicant is required to submit a Traffic Management Plan that would ensure acceptable operating conditions on local roadways and transit routes. The Traffic Management Plan would be subject to review and approval by the City Department of Transportation, Regional Transit, and local emergency service providers, including the City of Sacramento Fire and Police Departments to ensure the traffic related impacts during construction would be less than significant.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

5.2-10 Cumulative traffic impacts to study intersections. The project would cause traffic operations at eight on- and off-site intersections to drop from acceptable levels of service to non-acceptable levels or would increase the delay at intersections operating at LOS C, without the project, by five seconds or more. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.2-10(a) *24<sup>th</sup> Street / 2nd Avenue – The project applicant shall pay a fair share contribution to install a traffic signal at this intersection.*

5.2-10(b) *24th Street / Portola Way – The project applicant shall pay a fair share contribution to install a traffic signal at this intersection.*

5.2-10(c) *Sutterville Road / Freeport Boulevard (north) – the applicant shall pay a fair share contribution to provide protected-permitted left turn phasing and install proper signage for southbound Freeport Boulevard.*

5.2-10(d) *Sutterville Road / City College Drive – The applicant shall pay a fair share contribution to provide overlap signal phasing to allow the northbound right turn traffic on City College Drive to proceed on a green arrow simultaneously with the westbound left turning movement, and prohibit U-turns for the westbound Sutterville Road approach to the intersection.*

5.2-10(e) *Sutterville Road / Road A – apply Mitigation Measure 5.2-1(b) which would provide overlap signal phasing to allow the southbound Road A Right turning traffic to proceed on a green arrow simultaneously with the eastbound left turning movement, and prohibit U-turns for the eastbound left turning movement; provide one left-turn lane, one left-right lane, and one right-turn lane on the southbound approach; provide a dedicated right turn lane for the westbound Sutterville Road approach to the intersection; provide an actuated exclusive pedestrian phase to serve pedestrians crossing Sutterville Road; and optimize signal timing.*

5.2-10(g) *Sutterville Road / Franklin Boulevard –The project applicant shall pay a fair share contribution to add an eastbound right-turn lane that would mitigate the Saturday peak hour impact of the Proposed Project and Access Scenario 2 and Access Scenario 3 to a less than significant level. For a.m. and p.m. peak hour impacts, the cycle length would increase to 110 seconds.*

5.2-10(h) *Sutterville Road / SR 99 Northbound Ramps – The project applicant shall pay a fair share contribution to modify signal timing to provide*

*split phase for all approaches and re-stripe the eastbound lanes to provide one left-turn, one left-through, and one through lane. Construct two receiving lanes on the on-ramp for the turning movement from eastbound 12<sup>th</sup> Avenue to the northbound SR 99 ramp.*

*5.2-10(i) Road A / Area 1 – The project applicant shall pay a fair share contribution to modify the signal phasing to provide overlaps for the eastbound right-turn movement; provide protected-permitted phasing for the northbound left-turn movement; prohibit U-turn movement at this intersection; and increase the cycle length to 95 seconds.*

Finding: The project applicant is required pay fair share contributions to intersection improvements at the affected intersections According to the traffic report, after implementation of the intersection improvements, the affected intersections would operate at acceptable levels.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

#### Air Quality

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.3-2 Impacts related to exhaust emissions and fugitive particulate matter emissions from project-associated construction activities. The California Air Resources Board identified particulate matter from diesel-fueled engines as a toxic air contaminant. Because health risks associated with particulate matter are a function of concentration and duration of exposure, it was determined that emissions from diesel-powered construction equipment would not affect any specific receptor for any length of time. .

However, controlled emissions from diesel-powered vehicles and equipment and dust generated during site grading would exceed 80 pounds per day and, thereby, result in local exceedances of the particular matter air quality standards. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

*5.3-2(a) The project applicant shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a*

*monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.*

5.3-2(b) *Prior to the approval of any grading permit, the project proponent shall submit a dust-control plan, approved by the SMAQMD, to the City of Sacramento Community Development Department. The dust-control plan shall stipulate grading schedules associated with the project phase, as well as the dust-control measures to be implemented. Grading of proposed project phases shall be scheduled so that the total area of disturbance would not exceed 15 acres on any given day. The dust control plan shall be incorporated into all construction contracts issued as part of the proposed project development. The dust-control plan shall, at a minimum, incorporate the following measures:*

- *Apply water, chemical stabilizer/suppressant, or vegetative cover to disturbed areas, including storage piles that are not being actively used for construction purposes, as well as any portions of the construction site that remain inactive for longer than 3 months;*
- *Water exposed surfaces sufficient to control fugitive dust emissions during demolition, clearing, grading, earth-moving, or excavation operations. Actively disturbed areas should be kept moist at all times;*
- *Cover all vehicles hauling dirt, sand, soil or other loose material or maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114;*
- *Limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when construction operations are occurring; and*
- *Limit onsite vehicle speeds on unpaved surfaces to 15 mph, or less.*

Finding: The SMAQMD's Guide to Air Quality Assessment recommends measures to reduce the amount of particulate matter generated during grading. The project applicant is required to ensure that all off-road diesel powered equipment does not exceed 40 percent opacity for more than three minutes. In addition the applicant shall submit a dust-control plan to the City of Sacramento Community Development Department. Measures within the dust-control plan would reduce fugitive particulate matter emissions to a less than significant level.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

5.3-3 Impacts related to a temporary increase in Nitrogen oxides (NO<sub>x</sub>) emissions. NO<sub>x</sub> are ozone precursors and could contribute to the creation of smog. Construction-generated emissions of NO<sub>x</sub> are short-term and temporary, lasting only as long as construction occurs. However, it was determined that the vehicles and equipment associated with construction of the project would result in NO<sub>x</sub> emissions above the standard. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.3-3(a) *Prior to issuance of a grading permit, the applicant shall submit a SMAQMD-approved plan, which demonstrates that the heavy-duty (>50 horsepower) off-road vehicles to be used during construction of the project (including owned, leased, and subcontracted vehicles) will achieve a project-wide average of 20 percent NO<sub>x</sub> reduction and 45 percent particulate matter reduction, based on the most recent CARB fleet average at the time of construction. In addition, the applicant shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment (>50 horsepower) that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and project hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project. Inventory shall not be required for any 30-day period in which construction activities do not occur. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the applicant shall provide SMAQMD with the anticipated construction timeline, including the start date and the name and phone number of the project manager and on-site foreman.*

5.3-3(b) *Prior to issuance of a grading permit, the applicant shall provide a construction mitigation fee to the SMAQMD sufficient to offset project emissions of NO<sub>x</sub> above 85 pounds per day. The amount of the fee shall be based on updated construction scheduling and equipment lists, and shall be calculated using the SMAQMD method of estimating excess emissions. The current price of NO<sub>x</sub> construction offsets calculated by SMAQMD is \$16,000 per ton.*

Finding: The project applicant is required to submit a plan and inventory which demonstrates that the heavy duty off-road vehicles used during construction will achieve project-wide emission reduction, based on the most recent CARB fleet average. In addition, the applicant is required to pay a construction mitigation fee to the SMAQMD sufficient to offset

project emissions of NO<sub>x</sub> above 85 pounds per day. A reduction of construction vehicle emissions and payment of mitigation fees would reduce the impact related to a temporary increase in NO<sub>x</sub> emissions to a less than significant level.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

### Noise

5.4-2 Construction noise impacts to surrounding existing uses. Although construction activities are exempted from the noise standards in the City Code, construction of the project could expose nearby noise-sensitive receptors to high levels of noise during the day. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measure has been adopted to address this impact:

5.4-2 *Construction activities shall be limited to the hours set forth below, unless an exception is granted by the Community Development Department:*

- *Monday through Saturday  
7:00 a.m. to 6:00 p.m.*
- *Sunday  
9:00 a.m. to 6:00 p.m.*

*These restricted hours shall be included on all grading and construction plans submitted for the review and approval of the Community Development Department prior to issuance of grading and construction permits.*

Finding: Construction activities are exempt from noise standards and would be limited to the hours set by the mitigation. Construction related noise would not occur during prohibited hours and a less than significant impact would occur.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

5.4-7 Railroad noise levels at exterior noise spaces of proposed project residences. The residential development that lies approximately 100 feet from the Union Pacific Railroad tracks could be exposed to exterior noise that exceeds the City's standards. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measure has been adopted to address this impact:

*5.4-7 Prior to the issuance of building permits, a noise barrier shall be shown on the plans along the western boundary of the project site, from the northern boundary of the CPV site to the southern end of any parcel with residences for the review and approval of the City Engineer. A barrier 10 feet in height (relative to nearest outdoor activity elevations) would intercept line of sight to railroad pass-bys, thereby reducing future UPRR noise levels to 70 dB Ldn or less at the nearest outdoor activity areas proposed adjacent to the tracks.*

*Barriers can take the form of earthen berms, solid walls, or a combination of the two. Appropriate materials for noise walls include precast concrete or masonry block. Other materials may be acceptable provide they have a surface density of approximately four pounds per square foot.*

Finding: The project includes construction of a noise barrier 10 feet in height along the western boundary to the southern end of any parcel with residences. According to the Noise Report, construction of the noise barrier would reduce railroad noise levels at exterior noise levels to a less than significant level.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

5.4-8 Railroad noise levels at interior spaces of proposed residences on the project site. The residential development that lies approximately 100 feet from the Union Pacific Railroad tracks could be exposed to interior noise that exceeds the City's standards. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

*5.4-8(a) Prior to the issuance of building permits, all residential lots and residential buildings located within the 70 dB Ldn contour shall include noise insulation features such as the following:*

- *Sound-rated windows and doors with STC rating of 35; and*
- *Stucco exterior siding.*

*5.4-8(b) Prior to sale of any residential lots, statements shall be included in the title for all properties within the 65 dB Ldn contour that informs the buyer of elevated noise levels during train passages, and that train passages routinely occur during nighttime hours.*

Finding: All residential lots within the 70 dB Ldn contour shall include insulation features. In addition, the buyer of a residence within the 65 dB Ldn contour shall be informed of elevated noise levels during train passages.

The Noise Report determined that with insulation and notification the impact related to railroad noise levels at interior spaces of proposed residences would be less than significant level.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

5.4-9 Noise-producing commercial uses proposed within the project site. If unshielded nighttime truck circulation or unloading occurs within the commercial areas of the project site, the noise generated by these activities could result in noise above City standards. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.4-9(a) *Unshielded (i.e. unloading activities which are visible from any residential window) nighttime truck unloading shall be prohibited within 200 feet of any residential unit.*

5.4-9(b) *Prior to issuance of a building permit, the site plans shall indicate that a parapet wall shall be constructed along the edge of the roofs of the commercial buildings of sufficient height to intercept line of sight from rooftop mechanical equipment at the nearest residences to reduce noise levels at those nearby residences.*

Finding: Unshielded nighttime truck unloading shall be prohibited within 200 feet of any residential unit. In addition, a parapet wall would be constructed along the edge of the roofs of commercial buildings to intercept the line of sight from rooftop mechanical equipment at the nearest residences. The Noise Report determined that with restricted nighttime unloading and parapet walls, the noise producing commercial uses within the project site would be less than significant level.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

5.4-10 Park generated noise at residential uses proposed within the project site. There would be residences constructed on the project site that would be located approximately 200 feet from the center a soccer field. The resulting noise could exceed the City's standards. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measure has been adopted to address this impact:

5.4-10 *Park activities shall be restricted to daytime hours, with exceptions allowed on a case-by-case basis subject to the approval of the Director of the Parks and Recreation.*

Finding: Park activities would be restricted to daytime hours. Therefore, park-generated noise would not impact residential uses during evening hours and a less than significant impact would occur.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

### Biological Resources

5.5-2 Impacts to burrowing owl. If the project site remains undisturbed for some time after the completion of the remediation activities and prior to initiation of grading for the project, burrowing owls could potentially forage or nest on the Curtis Park Village site. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measure has been adopted to address this impact:

*5.5-2 Prior to any ground disturbance associated with grading or construction, the applicant shall initiate a burrowing owl consultation with the California Department of Fish and Game (CDFG) and shall implement the following mitigation measures or equivalents, based on the results of the consultation.*

*The developer shall arrange for burrowing owl surveys to be performed consistent with the CDFG's 1995 Staff Report on Burrowing Owl and the California Burrowing Owl Consortium's (CBOC) Survey Protocol (1997) not less than 30 days prior to ground disturbance for each phase of project grading. If burrowing owls are not detected, further mitigation is not necessary. However, if burrowing owls are detected the following steps shall be taken:*

*If site disturbance commences during the nesting season (between February 1 and August 31) and burrowing owls are detected, a fenced buffer shall be erected on the project site by the developer not less than 250 feet between the nest burrow(s) and construction activities. The 250-foot buffer shall be observed and the fence left intact until a qualified raptor biologist determines that the young are foraging independently, the nest has failed, or the owls are not using any burrows within the buffer.*

*If ground disturbance associated with grading or construction commences outside of the nesting season, and burrowing owl(s) are present on-site or within 160 feet of site disturbance, passive relocation consistent with the CDFG Staff Report (1995) and the CBOC Survey Protocol (1997) shall be performed. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to off-site*

*burrows. The pre-construction surveys shall be repeated if more than 30 days elapse between the last survey and the start of construction activities.*

Finding: Prior to any ground disturbance for the Curtis Park Village project, the applicant shall initiate a burrowing owl consultation with the CDFG. With Implementation of burrowing owl surveys and appropriate mitigation as recommended in consultation with CDFG, the impact to burrowing owls would be less than significant.

With implementation of the mitigation measure, this impact is reduced to a *less than significant* level.

5.5-3 Impacts to nesting Swainson's hawks. . Due to the previous industrial activities on the project site and the current remediation activities, the site is not considered as foraging habitat for Swainson's hawks. If the project site remains undisturbed for some time after the completion of the remediation activities and prior to initiation of grading for the project, Swainson's hawk could potentially nest on the Curtis Park Village site. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measure has been adopted to address this impact:

5.5-3 *If site disturbance associated with grading or construction activities is proposed by the developer during breeding season (February to August), a pre-construction survey for Swainson's hawk nests shall be conducted within 30 days prior to site disturbance/construction activities by a qualified biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to CDFG and the Community Development Department. If active nests are not found during the pre-construction survey, further mitigation is not required. If active nests are found, pursuant to consultation with CDFG, a fenced buffer shall be erected by the developer on the project site not less than one-quarter mile (approximately 1,300 feet) around the active nest. Site disturbance associated with grading or construction activities that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March 1 and September 1. Any trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (September to January).*

Finding: Prior to site disturbance, during the Swainson's hawk breeding season, a pre-construction survey shall be conducted within 30 days prior to site disturbance/construction activities. With implementation of appropriate mitigation as recommend by CDFG, the impact to Swainson's Hawk would be less than significant.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level

5.5-4 Impacts to raptors and migratory birds. Suitable habitat for raptors, such as white-tailed kites, as well as migratory ground, tree, or shrub nesting avian species is present within, and adjacent to, the project site. Disruption of this habitat would be a significant impact. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact:

5.5-4(a) *Prior to any grading or construction activities during the nesting season (February 1 to August 15), a preconstruction survey shall be conducted by a qualified wildlife biologist within 15 days of the start of project-related activities. If nests of migratory birds are detected on site, or within 75 feet (for migratory passerine birds) or 250 feet (for birds of prey) of the site, the developer shall consult with the CDFG to determine the size of a suitable buffer in which new site grading or construction disturbance is not permitted until August 15, or the qualified biologist determines that the young are foraging independently, or the nest has been abandoned.*

5.5.4(b) *Prior to any grading or construction activities from March 15 to May 15 within 100 feet of the overcrossing of the railroad tracks on Sutterville Road, adjacent to the project site, a preconstruction survey shall be conducted by a qualified biologist within 15 days of the start of project-related activities. If active nests are present in the overcrossing, no construction shall be conducted within 100 feet of the edge of the purple martin colony (as demarcated by the active nest hole closest to the construction activity) at the beginning of the purple martin breeding season from March 15 to May 15. The buffer area shall be avoided to prevent disturbance to the nest(s) until it is no longer active. The size of the buffer area may be adjusted if a qualified biologist and CDFG determine it would not be likely to have adverse effects on the purple martins. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest(s) is no longer active.*

Finding: Prior to and grading or construction activities during the nesting season, a pre-construction survey would be conducted within 15 days prior to site disturbance/construction activities. With implementation of appropriate mitigation as recommend by CDFG, the impact to migratory birds would be less than significant.

With implementation of the mitigation measures, this impact is reduced to a *less than significant* level.

**B. Significant or Potentially Significant Impacts for which Mitigation Measures Found To Be Infeasible.**

Mitigation measures to mitigate, avoid, or substantially lessen the following significant and potentially significant environmental impacts of the Project have been identified. However, pursuant to section 21081(a)(3) of the Public Resources Code and section 15091(a)(3) of the CEQA Guidelines, as to each such impact and mitigation measure, the City Council, based on the evidence in the record before it, specifically finds that the mitigation measures are infeasible. The impact and mitigation measures and the facts supporting the finding of infeasibility of the mitigation measure is set forth below. Notwithstanding the disclosure of this impact and the finding of infeasibility, the City Council elects to approve the Project due to the overriding considerations set forth below in Section F, the statement of overriding considerations.

5.2-10 Cumulative traffic impacts to study intersections. The project would cause traffic operations at the intersection of Sutterville Road and Curtis Drive West to drop from acceptable levels of service (LOS C for evening and LOS A on Saturdays) to non-acceptable levels (LOS F and D, respectively). Without mitigation, this is a *significant impact*.

Finding: Adding a southbound right turn lane to the intersection would mitigate the impact but was not considered to be feasible because of the need for demolishing several existing buildings to provide additional right-of-way.

The cumulative impact for the Proposed Project and all access scenarios would remain *significant and unavoidable*.

**C. Significant and Unavoidable Impacts.**

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are unavoidable and cannot be mitigated in a manner that would substantially lessen the significant impact. Notwithstanding disclosure of these impacts, the City Council elects to approve the Project due to overriding considerations as set forth below in Section F, the statement of overriding considerations.

Traffic

5.2-2 Impacts to study roadway segments under baseline plus project conditions. The traffic generated by the project would result in significant traffic impacts at the Sutterville overcrossing roadway segment and on Sutterville Road between East Curtis Drive and West Curtis Drive. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measure has been identified to reduce this impact to the extent feasible:

*5.2-2 The project developer shall work with the Regional Transit District to*

*provide bus service or provide private shuttle service from 6:00 to 9:00 a.m. and from 4:00 to 7:00 p.m. between the commercial areas of the project site and the City College light rail station. As an alternative, the project developer shall coordinate with the City to reserve the required right of way needed to construct a pedestrian and bicycle bridge to provide access to the City College Station.*

Finding: The bus service and private shuttle mitigation measure, or the pedestrian and bicycle bridge mitigation measure, is proposed to help reduce the impact on roadway segments, but would not reduce the impact to a less than significant level. To reduce the impact to less than significant would require widening Sutterville Road. Widening of Sutterville Road would impact existing development on both sides of Sutterville Road and would be against the City of Sacramento Smart Growth policy. The Sutterville Road widening mitigation is not considered to be feasible.

For these reasons, the impact remains *significant and unavoidable*.

5.2-3 Impacts to freeway ramps under baseline plus project conditions. Traffic generated by the project would result in traffic queues at the traffic signal at the 12<sup>th</sup> Avenue off-ramp to exceed the right turn storage capacity of the ramp. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measure has been adopted to address this impact to the extent feasible:

*5.2-3 Implementation of Mitigation Measure 5.2-1(c) would reduce the traffic queue at the southbound 12<sup>th</sup> Avenue off-ramp for baseline conditions for the Proposed Project and all access scenarios.*

Finding: Implementation of Mitigation Measure 5.2-3 would reduce the traffic queue at the southbound 12<sup>th</sup> Avenue off-ramp for baseline conditions for the Proposed Project and all access scenarios. However, the reduction would not be sufficient to fully mitigate the project impacts and no other feasible mitigation measure was identified.

For these reasons, the impact remains *significant and unavoidable*.

5.2-11 Cumulative impacts to study roadway segments. The project would add traffic to roadway segments in 2027 that would result in significant cumulative conditions. The effected road segments are on Sutterville railroad overcrossing, Sutterville Road, 14<sup>th</sup> Street, Freeport Boulevard, and Road A. Without mitigation, this is a *significant impact*.

Finding: No mitigation was identified to reduce the significant impact for cumulative conditions on roadway segments to less than significant. To reduce the impact to less than significant for the Proposed Project and all access

scenarios, Sutterville Road, 24<sup>th</sup> Street and Freeport Boulevard would need to be widened. No roadway widening is considered to be feasible.

While widening the on-site roadway of Road A would reduce the impact to less than significant for the Proposed Project and Access Scenarios 2 and 3, secondary impacts might arise as a result of the widening. A widened roadway would attract incremental traffic and contribute to higher speeds. Additional traffic, higher speeds, and the added roadway width would make the roadway less friendly to pedestrians and bicycles. Because Road A is located in a commercial area where high pedestrian traffic is anticipated, a safe pedestrian-friendly street is desirable.

Mitigation Measure 5.2-2, which requires the developer to work with Regional Transit to provide or a bicycle or pedestrian connection between the commercial areas of the project site and the City College light rail station, would reduce the impact on roadway segments. However, the reduction would not be sufficient to fully mitigate the project impacts and no other feasible mitigation measure was identified.

For these reasons, the impact remains *significant and unavoidable*.

5.2-12 Cumulative impacts to freeway ramps. In 2027, the project would add traffic to 12<sup>th</sup> Avenue off-ramp and State Highway 99 that would result in significant cumulative conditions in 2027. The southbound 12<sup>th</sup> Avenue off-ramp would operate below standard during the p.m. and Saturday peak hours without the project. In addition, the traffic queue for the right turn movement at the northbound 12<sup>th</sup> Avenue off ramp would exceed the storage capacity of the ramp. The project would add traffic to the ramps and thereby exacerbate the conditions. Without mitigation, this is a *significant impact*.

Finding: No feasible mitigation measure was identified that would reduce the 2027 cumulative impacts on the freeway ramps. Widening the freeway would reduce the impacts, but is not considered feasible.

For these reasons, the impact remains *significant and unavoidable*.

### Air Quality

5.3-5 Impacts related to long-term increases of criteria air pollutants. The project would result in the development of commercial and office uses that would generate emissions of ozone-precursor pollutants (i.e., reactive organic compounds and nitrous oxides). These pollutants are anticipated to exceed the thresholds. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measures have been adopted to address this impact to the extent feasible:

5.3-5(a) *Prior to the issuance of any grading permit, the project applicant shall coordinate with the SMAQMD and the City of Sacramento Development Services Department to develop a project Air Quality Mitigation Plan (AQMP). In accordance with SMAQMD recommendations, the AQMP shall achieve a minimum overall reduction of 15 percent in the project's anticipated operational emissions. SMAQMD-recommended measures and corresponding emissions-reduction benefits are identified in SMAQMD's Guidance for Land Use Emission Reductions, which can be found in Appendix E of the SMAQMD document. The AQMP shall be reviewed and endorsed by SMAQMD staff prior to project implementation. Available measures to be included in the AQMP include, but are not limited to, the following:*

- *Prohibit the installation of wood-burning fireplaces and stoves;*
- *Provide onsite bicycle storage and showers for employees that bike to work sufficient to meet peak season maximum demand;*
- *Provide preferential parking (e.g., near building entrance, sheltered area, etc.) for carpool and vanpool vehicles;*
- *Provide transit enhancing infrastructure that includes: transit shelters, benches, etc.; street lighting; route signs and displays; and/or bus turnouts/bulbs;*
- *Incorporate onsite transit facility improvements (e.g., pedestrian shelters, route information, benches, lighting) to coincide with existing or planned transit service;*
- *Incorporate landscaping and sun screens to reduce energy use. Deciduous trees should be utilized for building shading to increase solar heating during the winter months. Install sun-shading devices (e.g., screens) or recessed windows on newly proposed buildings;*
- *Install efficient lighting and lighting control systems;*
- *Install energy-efficient heating and cooling systems, appliances and equipment;*
- *Install light colored "cool" roofs and pavements (i.e., high reflectance, high emittance roof surfaces, or exceptionally high reflectance and low emittance surfaces) and strategically placed shade trees to the extent practical;*
- *Limit hours of operation of outdoor lighting to the extent practical; and*
- *Provide shade (within 5 years) and/or use light-colored/high-albedo materials (reflectance of at least 0.3) and/or open grid pavement for at least 30 percent of the site's non-roof impervious surfaces, including parking lots, walkways, plazas, etc.; or, place a minimum of 50 percent of parking spaces underground or covered by structured parking; or, use an open-*

*grid pavement system (less than 50 percent impervious) for a minimum of 50 percent of the parking lot area.*

5.3-5(b) *Documentation confirming implementation of the Air Quality Mitigation Plan shall be provided to the SMAQMD and City prior to issuance of occupancy permits.*

Finding: The proposed project would have a minimum of 15 percent reduction of ROG and NO<sub>x</sub> emissions due to the implementation of the mitigation measure requiring an Air Quality Management Plan (AQMP) for the project, which requires a project to achieve a minimum overall reduction in operational emissions of 15 percent. However, the mitigation measure would not reduce the project's emissions of ROG and NO<sub>x</sub> to levels below the thresholds of significance for ozone precursors.

For these reasons, the impact remains *significant and unavoidable*.

5.3-8 Cumulative contribution to regional air quality conditions. Because the Sacramento Valley Air Basin is considered to be in non-attainment for ozone precursor pollutants and PM10 and the project's long-term generation of these pollutants would exceed the thresholds, the cumulative impacts would be considered significant. Without mitigation, this is a *significant impact*.

Mitigation Measure (from MMP): The following mitigation measure has been adopted to address this impact to the extent feasible:

5.3-8 *Implement Mitigation Measures 5.3-2(a) and (b) and 5.3-4(a) and (b).*

Finding: Implementation of Mitigation Measure 5.4-2(a) and (b) and Mitigation Measure 5.3-5(a) and (b) would reduce short-term and long-term increases in emissions attributable to the proposed project by a minimum of 15 percent. However, as noted in Impact 5.3-5, long-term operational increases in emissions would still be anticipated to exceed SMAQMD's significance threshold.

For these reasons, the impact remains *significant and unavoidable*.

#### **D. Findings Related to the Relationship Between Local Short-term Uses of the Environment and Maintenance and Enhancement of Long-term Productivity.**

Based on the EIR and the entire record before the City Council, the City Council makes the following findings with respect to the project's balancing of local short term uses of the environment and the maintenance of long term productivity:

- As the project is implemented, certain impacts would occur on a short-term level. Such short-term impacts are discussed above. Where feasible, measures have been incorporated in the project to mitigate these potential impacts.

- The project would result in the long-term commitment of resources to develop and operate the project including water, natural gas, fossil fuels, and electricity. The long-term implementation of the project would provide economic benefits to the City. The project would be developed within an existing urban area and not contribute to urban sprawl. Notwithstanding the foregoing, some long-term impacts would result.

Although there are short-term and long-term adverse impacts from the project, the short-term and long-term benefits of the project justify implementation.

#### **E. Project's Contribution of Greenhouse Gas Emissions**

The City of Sacramento has adopted a proactive and comprehensive approach to climate change issues, including adoption of the 2030 General Plan to encourage a pattern of urban development that avoids dispersed residential and employment centers that by their design encourage motor vehicle trips, one of the largest contributors to greenhouse gas emissions. Likewise, the 2030 General Plan calls for strengthening the City's efforts to promote building standards to reduce the carbon footprint of buildings, another of the major contributors. The Curtis Park Village project is consistent with this approach and implements the City's plan to reduce greenhouse gas emissions.

#### The 2030 General Plan and the Master Environmental Impact Report

The City Council approved the 2030 General Plan on March 3, 2009. As part of its action, the City Council certified the Master Environmental Impact Report (Master EIR) that evaluated the environmental effects of development that is reasonably anticipated under the 2030 General Plan. The Master EIR includes extensive discussion of the potential effects of greenhouse gas emissions. The Master EIR discussions regarding climate change are incorporated here by reference. See, for example:

Draft EIR: 6.1 Air Quality (Page 6.1-1)

Final EIR: City Climate Change master Response (Page 4-1)

Errata No. 2: Climate Change (Page 12)

The impact of greenhouse gas emissions from human activities, specifically with regard to global climate change, has been acknowledged by the City of Sacramento and others as an inherently cumulative effect. Global climate change occurs, by definition, on a global basis. Greenhouse gases remain in the atmosphere for extended periods, and combine with GHG emissions from other areas of the globe, thus creating an inherently cumulative impact.

The 2030 General Plan and Master EIR recognized these unique aspects of the problem. The Master EIR acknowledges that the greenhouse gas emissions resulting from development that would be consistent with the 2030 General Plan would be cumulatively considerable, and significant and unavoidable. See Errata 2, February 23, 2009.

In addition, at City Council direction staff reviewed the various policies and implementation programs in the 2030 General Plan that could mitigate greenhouse gas emissions, and determined that a number of these policies could be revised. A list of such policies, and the changes that were made to respond to the continuing discussion of climate change, were included as part of the Mitigation Monitoring Plan that implemented mitigation identified in the Master EIR.

The effects of the 2030 General Plan promote denser urban development within the current City territorial limits to accommodate population growth, which will reduce growth pressures and sprawl in outlying areas. While total greenhouse gas emissions within the General Plan policy area may increase over time due to growth in population in the region, this increase is less than what would have occurred if the 2030 General Plan were not adopted and development of more land in outlying areas had been permitted under the 1988 General Plan. Adoption of the 2030 General Plan put these key strategies in place immediately and has begun to shape development as well as the activities of day-to-day living and move the City and the region toward a more sustainable future.

Because the actual effectiveness of all the feasible policies and programs included in the 2030 General Plan that avoid, minimize, or reduce greenhouse gas could not be quantified, the impact was identified in the Master EIR as a significant and unavoidable cumulative impact.

#### General Plan Consistency of the Curtis Park Village Project

The 2030 General Plan identifies a mix of Traditional Neighborhood Low Density (TNLD), Traditional Neighborhood Medium Density (TNMD) and Traditional Center (TC) on the Curtis Park Village site. These designations include detached and attached single-family homes, multifamily dwellings, commercial or mixed use development and compatible public and quasi-public uses. The Land Use and Urban Form Diagram in the 2030 General Plan designates TNLD for the northern portion of the site, TNMD for the central portion and TC in the southern portion. Each of the three designations permit residential and commercial development. The development program analyzed in the Master EIR for the Curtis Park Village site included a mix of 549 attached and detached dwelling units and 200,000 square feet of commercial development.

The proposed Curtis Park Village project development program and mix of uses is generally consistent with the development program anticipated by the 2030 General Plan and the Master EIR. The Curtis Park Village project proposes a mix of TNLD, TNMD, Traditional Neighborhood High Density, and TC development. The proposal locates lower density single family homes to the north, higher density attached homes and apartments in the central area and commercial uses to the south. The proposed 527 dwelling units fall within the range anticipated by the General Plan (549). The 259,000 square feet of commercial space appears to be about 30% greater than was studied in the Master EIR. However, the commercial floor area ratio (FAR) of 0.37 is well within the range of 0.3-2.0 FAR permitted in TC. As a result, the land uses and their

associated density and intensity are consistent with the 2030 General Plan.

In addition to determining consistency with the Land Use and Urban Form Diagram, goals and policies of the General Plan's ten elements are relevant.

*Land Use and Urban Design Element:*

LU 5 Traditional Center Urban Form Guidelines (2030 General Plan, page 2-68)

While the guidelines are not goals or policies, and are not mandatory or binding on the applicant, they do express the City's desired urban form vision. For Traditional Centers, the guidelines call for:

1. small, rectangular blocks;
2. small, narrow lots providing a fine-grained development pattern;
3. building heights ranging from one to four stories;
4. lot coverage not exceeding 80 percent;
5. buildings sited at or near the sidewalk and typically abutting one another with limited side yard setbacks;
6. building entrances set at the sidewalk;
7. rear alleys and secondary streets providing service access to reduce the need for driveways and curb cuts on the primary street;
8. parking provided on-street as well as in...lots at the side or rear of structures;
9. transparent building frontages with pedestrian-scaled articulation and detailing;
10. moderately wide side sidewalks;
11. public streetscapes serving as the center's primary open space, complemented by outdoor seating, plazas, courtyards, and sidewalk dining areas.

These guidelines provide the staff and applicant with guidance regarding project design, and support the City's identified goal of encouraging development by providing specific and enforceable standards for development.

LU 5 Traditional Centers Goals and Policies

Policy LU 5.3.1 Development Standards. The City shall continue to support development and operation of centers in traditional neighborhoods by providing flexibility in development standards, consistent with public health and safety, in response to constraints inherent in retrofitting older structures and in creating infill development in established neighborhoods.

*Mobility Element:*

The following goals and policies are relevant to the design of the Curtis Park Village project. They primarily relate to the design of public and private streets and the desired relationships among buildings, streets and parking facilities.

Policy M 1.3.1 Grid Network. The City shall require all new residential,

commercial, or mixed-use development that proposes or is required to construct or extend streets to develop a transportation network that provides for a well-connected, walkable community, preferably as a grid or modified grid.

**Policy M 1.3.2 Private Complete Streets.** The City shall require large private developments (e.g., office parks, apartment complexes, retail centers) to provide internal complete streets that connect to the existing roadway system.

**Policy M 2.1.3 Streetscape Design.** The City shall require that pedestrian-oriented streets be designed to provide a pleasant environment for walking including shade trees; plantings; well-designed benches, trash receptacles, news racks, and other furniture; pedestrian-scaled lighting fixtures; wayfinding signage; integrated transit shelters; public art; and other amenities.

**Policy M 2.1.4 Cohesive Network.** The City shall develop a cohesive pedestrian network of public sidewalks and street crossings that makes walking a convenient and safe way to travel.

**Policy M 2.1.5 Continuous Network.** The City shall provide a continuous pedestrian network in existing and new neighborhoods that facilitates convenient pedestrian travel free of major impediments and obstacles.

**Policy M 2.1.6 Building Design.** The City shall ensure that new buildings are designed to engage the street and encourage walking through design features such as placing the building with entrances facing the street and providing connections to sidewalks.

**Policy M 2.1.7 Parking Facility Design.** The City shall ensure that new automobile parking facilities are designed to facilitate safe and convenient pedestrian access, including clearly defined corridors and walkways connecting parking areas with buildings.

**Policy M 2.1.8 Housing and Destination Connections.** The City shall require new subdivisions and large-scale developments to include safe pedestrian walkways that provide direct links between streets and major destinations such as transit stops and stations, schools, parks, and shopping centers.

**Policy M 3.1.12 Direct Access to Stations.** The City shall ensure that projects located in the Central City and within ½ mile walking distance of existing and planned light rail stations provide direct pedestrian and bicycle access to the station area, to the extent feasible.

**Goal M 4.3 Neighborhood Traffic.** Enhance the quality of life within existing neighborhoods through the use of neighborhood traffic management techniques, while recognizing the City's desire to provide a grid system that creates a high level of connectivity.

Policy M 4.3.1 Neighborhood Traffic Management. The City shall continue wherever possible to design streets and approve development applications in such a manner as to reduce high traffic flows and parking problems within residential neighborhoods.

M 5.1.8 Connections between New Development and Bikeways. The City shall ensure that new commercial and residential development projects provide frequent and direct connections to the nearest bikeways.

Buildings constructed as part of the project would be required to comply with current California building codes that enforce energy efficiency.

The City of Sacramento has adopted an approach that seeks to implement community development principles that encourage pedestrian-friendly, multi-use development that reduces vehicle miles travelled. The various goals and policies applicable to the project through the 2030 General Plan provides just such a framework, and are effective tools to mitigate climate change through reduction of greenhouse gas emissions. These goals and policies have accurately been described in the Master EIR as mitigation for such effects.

The City has acknowledged that the sum of greenhouse gas emissions that could be generated by development under the 2030 General Plan would be cumulatively considerable, and has identified the goals and policies under the 2030 General Plan as the primary vehicle to mitigating such impacts. This programmatic approach achieves reductions in the two main emitting categories: motor vehicle emissions and energy used in buildings. By adopting measures that are applicable community-wide, the City has implemented a reduction strategy that is fair and can be implemented with confidence that emission reductions will actually occur.

The City has identified greenhouse gas reductions goals as stated in AB 32 and other State guidance as relevant to the impact analysis. This is consistent with guidance provided by the Sacramento Metropolitan Air Quality Management District (SMAQMD). In its CEQA Guide, December 2009, the District suggests that local agencies properly consider adopting a threshold that considers whether an individual project's GHG emissions would substantially hinder the State's ability to attain the goals identified in AB 32. (CEQA Guide, page 6-11)

## **Conclusion**

The Master EIR concluded that greenhouse gas emissions that could be emitted by development that is consistent with the 2030 General Plan would be cumulatively considerable and unavoidable (Errata No. 2, Page 12). The Master EIR includes a full analysis of greenhouse gas emissions and climate change, and adequately addresses these issues.

The project is consistent with the City's goals and policies as set forth in the 2030 General Plan and Master EIR relating to reduction of greenhouse gas emissions. The

project would not impede the City's efforts to comply with AB32 requirements. The project would not have any significant additional environmental effects relating to greenhouse gas emissions or climate change.

**F. Project Alternatives.**

The City Council has considered the Project alternatives presented and analyzed in the final EIR and presented during the comment period and public hearing process. Some of these alternatives have the potential to avoid or reduce certain significant or potentially significant environmental impacts, as set forth below. The City Council finds, based on specific economic, legal, social, technological, or other considerations, that these alternatives are infeasible. Each alternative and the facts supporting the finding of infeasibility of each alternative are set forth below.

All alternatives to the project assume that the site is fully remediated to DTSC standards. The site is currently undergoing remediation under the auspices of DTSC.

## **Alternatives Considered and Dismissed from Further Consideration**

### **Off-Site Alternative**

Section 15126.6(f)(2)(B) of the CEQA Guidelines states, “If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reason in the EIR.” A feasible alternative location for the proposed project that would result in substantially reduced impacts does not exist. The CEQA Guidelines (Section 15126.6[b]) requires that only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR. The Off-Site Alternative would involve the construction of the proposed project on an alternative location. The Off-Site Alternative would have the same type and intensity of uses as the proposed project. However, the Applicant does not own an alternative location in which to construct the proposed project. Furthermore, although other vacant properties are located in the City of Sacramento, infill parcels of substantial size like the project site are limited. It should also be noted that, by definition, CEQA states that an alternative should avoid or substantially lessen one or more of the environmental effects of the project. Alternative locations within the City would generally contain similar characteristics as the project site, and the development of greenfield sites located outside the City would likely result in greater impacts than the proposed project. Therefore, development of the project on an alternative location would be expected to result in at least the same level of impacts as the proposed project. As a result, an environmentally feasible off-site location that would meet the requirements of CEQA, as well as meet the basic objectives of the proposed project, does not exist.

### **Village Green Alternative**

The Village Green Alternative was proposed during community consultation.

The stated purpose of the Alternative is to create a more human scale environment with activities centered on a village green as a means of reducing the emphasis on the automobile and the visual impacts of parking lots. Overall, the Village Green Alternative would result in the construction of 126,000 square feet of commercial space and 602 residential units. By comparison, the proposed project includes approximately 260,000 square feet of commercial uses and 470 residential units.

As shown in Table 5.2-10 in the Transportation and Circulation chapter of this Draft EIR, the mix of commercial uses included in the proposed project would result in traffic throughout the day, whereas residential traffic typically is concentrated at the peak morning and evening commute hours. Therefore, the substantial number of additional residential units included in the Village Green Alternative would result in greater impacts to traffic. In addition, due to the increased population associated with the additional residential units, this Alternative would increase the demand for police and fire protection services, as well as park and school facilities, beyond what is anticipated for the proposed project.

With respect to the other alternatives included in this DEIR, the Village Green Alternative uses are substantially similar to Reduced Commercial Alternative A, though Reduced Commercial Alternative A would have slightly more commercial space and fewer residential units. In addition, Reduced Commercial Alternative B would contain less commercial space than the Village Green Alternative, and has fewer residential units. The Multi-Family Alternative assesses a similar number of residential units, 545 versus 602 for the Village Green Alternative, while including a larger commercial area. In addition, the Village Green Alternative would require additional park space based on an increase in the number of units. The alternatives included in the analysis below include a range of commercial square footages with the lowest total being lower than the Village Green Alternative. None of the alternatives would include as many residential units as the Village Green Alternative. Therefore, the Village Green Alternative would not reduce impacts to a greater extent than the alternatives included in the analysis, and may increase impacts as a result of the high number of residential units included in the Alternative. Furthermore, the Village Green Alternative is not anticipated to reduce any environmental impacts that would result from implementation of the proposed project. Therefore, because the Village Green Alternative would increase some environmental impacts and would not reduce any impacts, the Alternative is dismissed from further consideration.

### **Existing Zoning Alternative**

Under the Existing Zoning Alternative, the project site would be built out pursuant to the existing zoning designation for the site. The site is currently zoned Heavy Industrial (M-2), which allows for the “manufacture or treatment of goods from raw materials.” The Existing Zoning Alternative is not a feasible alternative for the project because the existing M-2 zoning for the project site is not consistent with the General Plan land use designations (Traditional Neighborhood Low Density, Traditional Neighborhood High Density, and Traditional Center) for the site and buildout of the project site with industrial uses would not meet any of the proposed project’s objectives.

### **Summary of Alternatives Considered**

#### **No Project/No Build Alternative**

Section 15126.6 (e)(1) of the State CEQA Guidelines requires that a “no project alternative” be evaluated in comparison to the proposed project. The No Project/No Build Alternative is defined in this section as the continuation of the existing condition of the project site. The No Project/No Build Alternative would allow the project site to continue in the existing undeveloped vacant state and would meet only one of the project objectives.

The remediation of the site to DTSC standards will be completed with or without the development of the Curtis Park Village project. It should be noted that although remediation of the site would continue until complete, DTSC cannot not issue a No Further Action letter certifying the site as clean until the City has approved a land use

plan, pursuant to SB 120.

*Facts in Support of Finding of Infeasibility*

DTSC can not issue a No Further Action letter certifying the site as clean until the City has approved a land use plan. In addition the No Project/No Build Alternative would not meet any of the project objectives.

**Reduced Commercial Alternative A**

The Reduced Commercial Alternative A would include a reduction in the commercial land use area from approximately 260,000 square feet to 100,000 square feet. The other 160,000 square feet would instead be developed as an additional 74 single-family residential lots for a total of 252 single-family residential units on the project site, as opposed to 178 single-family units under the proposed project. In addition, the Alternative would include 310 multi-family residential units, which would be 18 more than included in the proposed project.

*Facts in Support of Finding of Infeasibility*

The Reduced Commercial Alternative A would develop additional residential units that would generate additional demand for public services and utilities, as well as impact the jobs/housing balance. In addition, the Reduced Commercial Alternative A would not meet Objective 4, as the project would have limited neighborhood serving commercial and retail uses, and entertainment opportunities.

**Reduced Commercial Alternative B**

The Reduced Commercial Alternative B would include a reduction of square footage in the commercial land use area from the proposed plan of 260,000 square feet to 100,000 square feet. In addition, the Reduced Commercial Alternative B would result in the development of 112 more single-family residential units and 18 more multi-family residential units than the proposed project. The reduction in square footage in the commercial land-use area from the

*Facts in Support of Finding of Infeasibility*

The Multi-Family Alternative would develop additional residential units that would generate additional demand for public services and utilities, as well as impact the jobs/housing balance. The Multi-Family Alternative would not meet Objective 4, as the project would include limited neighborhood serving commercial and retail uses, and entertainment opportunities.

**F. Statement of Overriding Considerations:**

Pursuant to CEQA Guidelines Section 15092, the City Council finds that in approving the Project it has eliminated or substantially lessened all significant and

potentially significant effects of the Project on the environment where feasible, as shown in Sections 5.0 through 5.6. The City Council further finds that it has balanced the economic, legal, social, technological, and other benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable. The City Council makes this statement of overriding considerations in accordance with section 15093 of the Guidelines in support of approval of the Project.

The project would provide a range of residential uses and retail services that would serve the Curtis Park Village neighborhood. The project would construct approximately 259,000 square feet of retail uses, including a two-story building with 38,000 square feet per floor for athletic club and recreation/entertainment uses. The project would generate sales tax revenue for the City, which can be used to support City services and programs.

The project site is a former industrial railroad site and a superfund site. The project site is currently undergoing remediation by DTSC as an action separate from the Curtis Park Village project.

The project provides a range of residential uses, including single-family, multi-family, and senior housing, near the Sacramento light rail stations.

The City Council has considered these benefits and considerations and has considered the potentially significant unavoidable environmental effects of the project. The City Council has determined that the economic, legal, social, technological and other benefits of the Project outweigh the identified impacts. The City Council has determined that the project benefits set forth above override the significant and unavoidable environmental costs associated with the project.

The City Council adopts the mitigation measures in the final Mitigation Monitoring and Reporting Program, incorporated, by reference into these Findings, and finds that any residual or remaining effects on the environment resulting from the project, identified as significant and unavoidable in the Findings of Fact, are acceptable due to the benefits set forth in this Statement of Overriding Considerations. The City Council makes this statement of overriding considerations in accordance with Section 15093 of the CEQA Guidelines in supporting approval of the project.

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
<b>5.2 Transportation and Circulation</b>					
5.2-1	Impacts to study intersections under baseline plus project conditions.	5.2-1(a) <i>At the Freeport Boulevard / 2<sup>nd</sup> Avenue intersection, provide protected left-turn phasing for the northbound and southbound approaches. .</i>	Department of Transportation	Implement improvements prior to the first building permit	
		5.2-1(b) <i>At the Sutterville Road / Road A intersection, provide overlap signal phasing to allow the southbound Road A right turning traffic to proceed on a green arrow simultaneously with the eastbound left turning movement, and prohibit U-turns for the eastbound left turning movement; add a southbound left-right lane to provide one left-turn lane, one left-right lane, and one right turn lane, and provide a dedicated right turn lane for the westbound Sutterville Road approach to the intersection.</i>	Department of Transportation	Show improvements on improvement plans and construct prior to the first building permit	
		5.2-1(c) <i>Modify the southbound approach to the Sutterville Road / SR99 SB Ramps intersection to provide a left-turn lane, a combination left-through lane, and two right-turn lanes. This change would bring the right-turning movements under signal control. This mitigation measure is required at five percent of development based on trip generation. The design of the mitigation is subject to the approval of the City Transportation Department and</i>	Department of Transportation	Improvements shall be constructed at five percent of development based on trip generation	

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Caltrans</i></p> <p>5.2-1(d) <i>At the Road A / Area 3 intersection, provide separate right-turn and left-turn lanes on the eastbound approach.</i></p>	Department of Transportation	Show improvements on improvements plans and construct prior to the first building permit in Area 3	
5.2-2	Impacts to study roadway segments under baseline plus project conditions.	<p>5.2-2 <i>The project developer shall work with the Regional Transit District to provide bus service or provide private shuttle service from 6:00 to 9:00 a.m. and from 4:00 to 7:00 p.m. between the commercial areas of the project site and the City College light rail station. As an alternative, the project developer shall coordinate with the City to reserve the required right of way needed to construct a pedestrian and bicycle bridge to provide access to the City College Station.</i></p>	Regional Transit District and/or City Department of Transportation	Prior to occupancy	
5.2-3	Impacts to freeway ramp under baseline plus project conditions.	<p>5.2-3 <i>Implement Mitigation Measure 5.2-1(c).</i></p>	See 5.2-1(c)	See 5.2-1(c)	
5.2-7	Impacts to on-site traffic circulation and safety under baseline plus project conditions.	<p>5.2-7(a) <i>The design plans for the project shall be consistent with City standards. Any deviations are subject to the approval of the City Department of Transportation, Traffic Engineering Division. The horizontal curvatures shall be realigned or design elements such as "knuckles" shall</i></p>	Department of Transportation	Prior to approval of improvement plans	

CHAPTER 4 – MITIGATION MONITORING PLAN

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>be installed in compliance with City standards.</i></p> <p>5.2-7(b) <i>The site design shall be modified to reduce the potential for vehicles leaving parking stalls to back across pedestrian crosswalks. This change may require the elimination of some angle parking spaces.</i></p>	Department of Transportation	Prior to approval of improvement plans	
5.2-9	Impacts during construction.	<p>5.2-9(a) <i>Before issuance of grading permits for the project site, the project applicant shall prepare a detailed Traffic Management Plan that will be subject to review and approval by the City Department of Transportation, Regional Transit, and local emergency service providers, including the City of Sacramento fire and police departments. The plan shall ensure maintenance of acceptable operating conditions on local roadways and transit routes. At a minimum, the plan shall include:</i></p> <ul style="list-style-type: none"> <li>• <i>The number of truck trips, time, and day of street closures;</i></li> <li>• <i>Time of day of arrival and departure of trucks;</i></li> <li>• <i>Limitations on the size and type of trucks and provision of a staging area with a limitation on the number of trucks that can be waiting;</i></li> <li>• <i>Provision of a truck circulation</i></li> </ul>	Department of Transportation  Regional Transit  City of Sacramento Fire and Police Departments	Prior to issuance of grading permits	

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>pattern;</p> <ul style="list-style-type: none"> <li>• Provision of a driveway access plan to maintain safe vehicular, pedestrian, and bicycle movements (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);</li> <li>• Safe and efficient access routes for emergency vehicles;</li> <li>• Efficient and convenient transit routes;</li> <li>• Manual traffic control when necessary;</li> <li>• Proper advance warning and posted signage concerning street closures;</li> <li>• Provisions for pedestrian safety; and</li> <li>• Provisions for temporary bus stops, if necessary.</li> </ul> <p>A copy of the construction traffic management plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.</p>	City of Sacramento Fire and Police Departments	At least 14 days prior to commencement of construction that would partially or fully obstruct roadways	
5.2-10	Cumulative impacts to study intersections.	<p>5.2-10(a) 24<sup>th</sup> Street / 2nd Avenue – The project applicant shall pay a fair share contribution to install a traffic signal at this intersection.</p> <p>5.2-10(b) 24th Street / Portola Way – The project applicant shall pay a fair share</p>	<p>Department of Transportation</p> <p>Department of Transportation</p>	<p>Prior to issuance of building permits</p> <p>Prior to issuance of building permits</p>	



MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>westbound Sutterville Road approach to the intersection; provide an actuated exclusive pedestrian phase to serve pedestrians crossing Sutterville Road; and optimize signal timing.</i>			
		<del>5.2-10(f) Not applicable. No feasible mitigation.</del>			
		5.2-10(g) <i>Sutterville Road / Franklin Boulevard –The project applicant shall pay a fair share contribution to add an eastbound right-turn lane that would mitigate the Saturday peak hour. For a.m. and p.m. peak hour impacts, the cycle length would increase to 110 seconds..</i>	Department of Transportation	Prior to issuance of building permits	
		5.2-10(h) <i>Sutterville Road / SR 99 Northbound Ramps – The project applicant shall pay a fair share contribution to modify signal timing to provide split phase for all approaches and re-stripe the eastbound lanes to provide one left-turn, one left-through, and one through lane. Construct two receiving lanes on the on-ramp for the turning movement from eastbound 12<sup>th</sup> Avenue to the northbound SR 99 ramp.</i>	Department of Transportation	Prior to issuance of building permits	
		5.2-10(i) <i>Road A / Area 1 – The project applicant shall pay a fair share contribution to modify the signal phasing to provide overlaps for the eastbound right-turn movement; provide protected-permitted</i>	Department of Transportation	Prior to issuance of building permits	

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>phasing for the northbound left-turn movement; prohibit U-turn movement at this intersection; and increase the cycle length to 95 seconds.</i>			
5.3 Air Quality					
5.3-2	Impacts related to exhaust emissions and fugitive particulate matter emissions from project-associated construction activities.	5.3-2(a) <i>The project applicant shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.</i>	Community Development Department SMAQMD	Prior to and during construction	

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>5.3-2(b) <i>Prior to the approval of any grading permit, the project proponent shall submit a dust-control plan, approved by the SMAQMD, to the City of Sacramento Community Development Department. The dust-control plan shall stipulate grading schedules associated with the project phase, as well as the dust-control measures to be implemented. Grading of proposed project phases shall be scheduled so that the total area of disturbance would not exceed 15 acres on any given day. The dust control plan shall be incorporated into all construction contracts issued as part of the proposed project development. The dust-control plan shall, at a minimum, incorporate the following measures:</i></p> <ul style="list-style-type: none"> <li>• <i>Apply water, chemical stabilizer/suppressant, or vegetative cover to disturbed areas, including storage piles that are not being actively used for construction purposes, as well as any portions of the construction site that remain inactive for longer than 3 months;</i></li> <li>• <i>Water exposed surfaces sufficient to control fugitive dust emissions during demolition, clearing, grading, earth-moving, or excavation operations. Actively disturbed areas should be kept moist at all times;</i></li> </ul>		Prior to approval of grading permit	

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> <li>• Cover all vehicles hauling dirt, sand, soil or other loose material or maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114;</li> <li>• Limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when construction operations are occurring; and</li> <li>• Limit onsite vehicle speeds on unpaved surfaces to 15 mph, or less.</li> </ul>			
5.3-3	Impacts related to a temporary increase in NO <sub>x</sub> emissions.	5.3-3(a) Prior to issuance of a grading permit, the applicant shall submit a SMAQMD-approved plan, which demonstrates that the heavy-duty (>50 horsepower) off-road vehicles to be used during construction of the project (including owned, leased, and subcontracted vehicles) will achieve a project-wide average of 20 percent NO <sub>x</sub> reduction and 45 percent particulate matter reduction, based on the most recent CARB fleet average at the time of construction. In addition, the applicant shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment (>50 horsepower) that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory	SMAQMD	Prior to issuance of grading permit	

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>shall include the horsepower rating, engine production year, and project hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project. Inventory shall not be required for any 30-day period in which construction activities do not occur. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the applicant shall provide SMAQMD with the anticipated construction timeline, including the start date and the name and phone number of the project manager and on-site foreman.</i></p> <p>5.3-3(b) <i>Prior to issuance of a grading permit, the applicant shall provide a construction mitigation fee to the SMAQMD sufficient to offset project emissions of NO<sub>x</sub> above 85 pounds per day. The amount of the fee shall be based on updated construction scheduling and equipment lists, and shall be calculated using the SMAQMD method of estimating excess emissions. The current price of NO<sub>x</sub> construction offsets calculated by SMAQMD is \$16,000 per ton.</i></p>	SMAQMD Community Development Department	Prior to issuance of grading permit	
5.3-5	Impacts related to long-term increases of criteria air pollutants.	5.3-5(a) <i>Prior to the issuance of any grading permit, the project applicant shall coordinate with the SMAQMD and the City of Sacramento Community Development Department to develop a project Air Quality Mitigation</i>	SMAQMD Community Development Department	Prior to issuance of grading permit	

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Plan (AQMP). In accordance with SMAQMD recommendations, the AQMP shall achieve a minimum overall reduction of 15 percent in the project's anticipated operational emissions. SMAQMD-recommended measures and corresponding emissions-reduction benefits are identified in SMAQMD's Guidance for Land Use Emission Reductions, which can be found in Appendix E of the SMAQMD document. The AQMP shall be reviewed and endorsed by SMAQMD staff prior to project implementation. Available measures to be included in the AQMP include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Prohibit the installation of wood-burning fireplaces and stoves;</i></li> <li>• <i>Provide onsite bicycle storage and showers for employees that bike to work sufficient to meet peak season maximum demand;</i></li> <li>• <i>Provide preferential parking (e.g., near building entrance, sheltered area, etc.) for carpool and vanpool vehicles;</i></li> <li>• <i>Provide transit enhancing infrastructure that includes: transit shelters, benches, etc.; street lighting; route signs and displays; and/or bus turnouts/bulbs;</i></li> <li>• <i>Incorporate onsite transit facility</i></li> </ul>			

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>improvements (e.g., pedestrian shelters, route information, benches, lighting) to coincide with existing or planned transit service;</i></p> <ul style="list-style-type: none"> <li><i>Incorporate landscaping and sun screens to reduce energy use. Deciduous trees should be utilized for building shading to increase solar heating during the winter months. Install sun-shading devices (e.g., screens) or recessed windows on newly proposed buildings;</i></li> <li><i>Install efficient lighting and lighting control systems;</i></li> <li><i>Install energy-efficient heating and cooling systems, appliances and equipment;</i></li> <li><i>Install light colored "cool" roofs and pavements (i.e., high reflectance, high emittance roof surfaces, or exceptionally high reflectance and low emittance surfaces) and strategically placed shade trees to the extent practical;</i></li> <li><i>Limit hours of operation of outdoor lighting to the extent practical; and</i></li> <li><i>Provide shade (within 5 years) and/or use light-colored/high-albedo materials (reflectance of at least 0.3) and/or open grid pavement for at least 30 percent of the site's non-roof impervious surfaces,</i></li> </ul>	SMAQMD Community	Prior to issuance of occupancy permit	

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>including parking lots, walkways, plazas, etc.; or, place a minimum of 50 percent of parking spaces underground or covered by structured parking; or, use an open-grid pavement system (less than 50 percent impervious) for a minimum of 50 percent of the parking lot area.</i></p> <p>5.3-5(b) <i>Documentation confirming implementation of the Air Quality Mitigation Plan shall be provided to the SMAQMD and City prior to issuance of occupancy permits.</i></p>	Development Department		
5.3-8	Cumulative contribution to regional air quality conditions.	5.3-8 <i>Implement Mitigation Measures 5.3-2(a) and (b) and 5.3-4(a) and (b).</i>	See 5.3-2 (a) and (b)	See 5.3-2(a) and (b)	
5.4 Noise and Vibration					
5.4-2	Construction noise impacts to surrounding existing uses.	<p>5.4-2 <i>Construction activities shall be limited to the hours set forth below, unless an exception is granted by the Community Development Department:</i></p> <ul style="list-style-type: none"> <li>• <i>Monday through Saturday 7:00 a.m. to 6:00 p.m.</i></li> <li>• <i>Sunday 9:00 a.m. to 6:00 p.m.</i></li> </ul> <p><i>These restricted hours shall be included on all grading and construction plans submitted for the review and approval of the Community Development Department</i></p>	Community Development Department	Prior to issuance of grading and building permits	

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>prior to issuance of grading and construction permits.</i>			
5.4-7	Railroad noise levels at exterior noise spaces of proposed project residences.	<p>5.4-7 <i>Prior to the issuance of building permits, a noise barrier shall be shown on the plans along the western boundary of the project site, from the northern boundary of the CPV site to the southern end of any parcel with residences for the review and approval of the City Engineer. A barrier 10 feet in height (relative to nearest outdoor activity elevations) would intercept line of sight to railroad pass-bys, thereby reducing future UPRR noise levels to 70 dB Ldn or less at the nearest outdoor activity areas proposed adjacent to the tracks.</i></p> <p><i>Barriers can take the form of earthen berms, solid walls, or a combination of the two. Appropriate materials for noise walls include precast concrete or masonry block. Other materials may be acceptable provide they have a surface density of approximately four pounds per square foot.</i></p>	City Engineer	Prior to the issuance of building permits	
5.4-8	Railroad noise levels at interior spaces of proposed residences on the project site.	<p>5.4-8(a) <i>Prior to the issuance of building permits, all residential lots and residential buildings located within the 70 dB Ldn contour shall include noise insulation features such as the following:</i></p> <ul style="list-style-type: none"> <li><i>Sound-rated windows and doors with STC rating of 35; and</i></li> </ul>	Community Development Department	Prior to issuance of building permits	

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> <li>Stucco exterior siding.</li> </ul> <p>5.4-8(b) Prior to sale of any residential lots, statements shall be included in the title for all properties within the 65 dB Ldn contour that informs the buyer of elevated noise levels during train passages, and that train passages routinely occur during nighttime hours.</p>	Community Development Department	Prior to sale of residential lots	
5.4-9	Noise-producing commercial uses proposed within the project site.	<p>5.4-9(a) Unshielded (i.e. unloading activities which are visible from any residential window) nighttime truck unloading shall be prohibited within 200 feet of any residential unit.</p> <p>5.4-9(b) Prior to issuance of a building permit, the site plans shall indicate that a parapet wall shall be constructed along the edge of the roofs of the commercial buildings of sufficient height to intercept line of sight from rooftop mechanical equipment at the nearest residences to reduce noise levels at those nearby residences.</p>	Community Development Department  Community Development Department	Prior to issuance of building permit and during project operations  Prior to issuance of building permit	
5.4-10	Park generated noise at residential uses proposed within the project site.	5.4-10 Park activities shall be restricted to daytime hours, with exceptions allowed on a case-by-case basis subject to the approval of the Director of the Parks and Recreation.	Parks and Recreation Department	During project operations	
5.5 Biological Resources					
5.5-2	Impacts to burrowing owl.	5.5-2 Prior to any ground disturbance associated with grading or construction, the applicant	CDFG	Prior to any ground disturbance	

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>shall initiate a burrowing owl consultation with the California Department of Fish and Game (CDFG) and shall implement the following mitigation measures or equivalents, based on the results of the consultation.</i></p> <p><i>The developer shall arrange for burrowing owl surveys to be performed consistent with the CDFG's 1995 Staff Report on Burrowing Owl and the California Burrowing Owl Consortium's (CBOC) Survey Protocol (1997) not less than 30 days prior to ground disturbance for each phase of project grading. If burrowing owls are not detected, further mitigation is not necessary. However, if burrowing owls are detected the following steps shall be taken:</i></p> <p><i>If site disturbance commences during the nesting season (between February 1 and August 31) and burrowing owls are detected, a fenced buffer shall be erected on the project site by the developer not less than 250 feet between the nest burrow(s) and construction activities. The 250-foot buffer shall be observed and the fence left intact until a qualified raptor biologist determines that the young are foraging independently, the nest has failed, or the owls are not using any burrows within the buffer.</i></p>		associated with grading or construction	

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>If ground disturbance associated with grading or construction commences outside of the nesting season, and burrowing owl(s) are present on-site or within 160 feet of site disturbance, passive relocation consistent with the CDFG Staff Report (1995) and the CBOC Survey Protocol (1997) shall be performed. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to off-site burrows. The pre-construction surveys shall be repeated if more than 30 days elapse between the last survey and the start of construction activities.</i>			
<b>5.5-3</b>	Impacts to Swainson's hawk nesting and foraging habitat.	5.5-3 <i>If site disturbance associated with grading or construction activities is proposed by the developer during breeding season (February to August), a pre-construction survey for Swainson's hawk nests shall be conducted within 30 days prior to site disturbance/construction activities by a qualified biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to CDFG and the Community Development Department. If active nests are not found during the pre-construction survey, further mitigation is not required. If active nests are found, pursuant to consultation with CDFG, a fenced buffer shall be erected by the developer on the project site not less</i>	CDFG Community Development Department	Pre-construction survey prior to site disturbance or construction	

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>than one-quarter mile (approximately 1,300 feet) around the active nest. Site disturbance associated with grading or construction activities that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March 1 and September 1. Any trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (September to January).</i>			
5.5-4	Impacts to raptors and migratory birds.	<p>5.5-4(a) <i>Prior to any grading or construction activities during the nesting season (February 1 to August 15), a preconstruction survey shall be conducted by a qualified wildlife biologist within 15 days of the start of project-related activities. If nests of migratory birds are detected on site, or within 75 feet (for migratory passerine birds) or 250 feet (for birds of prey) of the site, the developer shall consult with the CDFG to determine the size of a suitable buffer in which new site grading or construction disturbance is not permitted until August 15, or the qualified biologist determines that the young are foraging independently, or the nest has been abandoned.</i></p> <p>5.5.4(b) <i>Prior to any grading or construction activities from March 15 to May 15 within 100 feet of the overcrossing of the railroad</i></p>	Community Development Department CDFG	Pre-construction survey prior to grading or construction activities	

CURTIS PARK VILLAGE  
 SEPTEMBER 2010

MITIGATION MONITORING PLAN Curtis Park Village					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>tracks on Sutterville Road, adjacent to the project site, a preconstruction survey shall be conducted by a qualified biologist within 15 days of the start of project-related activities. If active nests are present in the overcrossing, no construction shall be conducted within 100 feet of the edge of the purple martin colony (as demarcated by the active nest hole closest to the construction activity) at the beginning of the purple martin breeding season from March 15 to May 15. The buffer area shall be avoided to prevent disturbance to the nest(s) until it is no longer active. The size of the buffer area may be adjusted if a qualified biologist and CDFG determine it would not be likely to have adverse effects on the purple martins. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest(s) is no longer active.</i></p>			

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**Attachment 5 – Resolution for the General Plan Amendment**

**RESOLUTION NO. 2010-**

Adopted by the Sacramento City Council

**RESOLUTION AMENDING THE GENERAL PLAN LAND USE MAP TO REDESIGATE 8.0 ACRES FROM TRADITIONAL NEIGHBORHOOD LOW TO 8.0 ACRES TRADITIONAL NEIGHBORHOOD MEDIUM FOR PROPERTY LOCATED NORTH OF SUTTERVILLE ROAD, SOUTH OF PORTOLA WAY, EAST OF THE UNION PACIFIC RAILROAD/REGIONAL TRANSIT SOUTH LINE, AND WEST OF THE EXISTING CURTIS PARK NEIGHBORHOOD/24<sup>TH</sup> STREET, SACRAMENTO, CALIFORNIA. (P04-109) (APN: 013-0010-008 & -009, 013-0010-021 through -028, and 013-0062-001 & -002)**

**BACKGROUND**

- A. On February 25, 2010, the Planning Commission conducted a public hearing on the Curtis Park Village Planned Unit Development (PUD) Project, received and considered evidence, and forwarded to the City Council the Curtis Park Village PUD Project with the recommendation of approval; and
- B. On September 28, 2010, the City Council conducted a public hearing for which notice was given pursuant to Sacramento City Code section 17.200.010 (C)(2)(a) (publication) and received and considered evidence concerning the Curtis Park Village PUD Project.

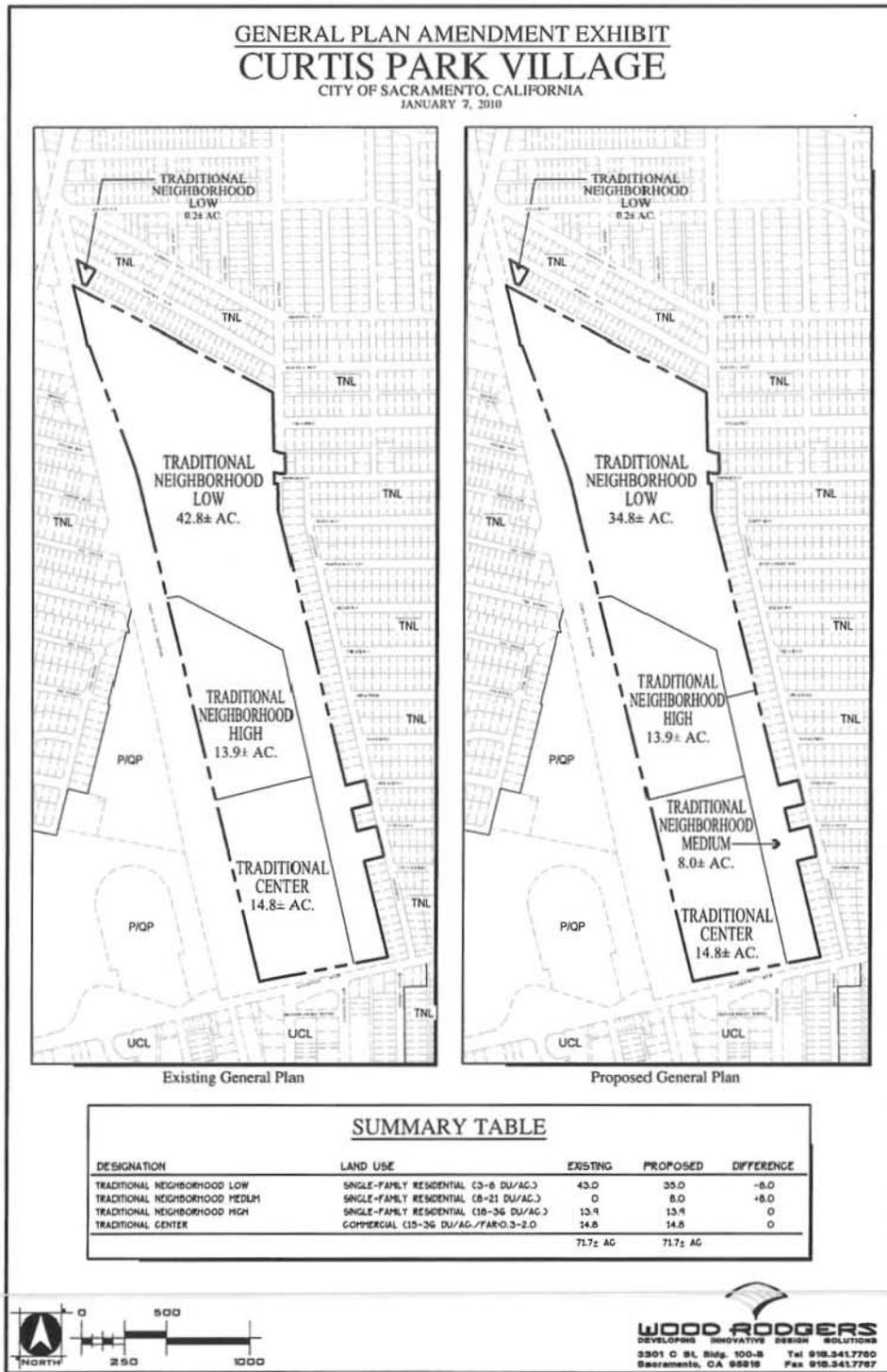
**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1. Based on the verbal and documentary evidence received at the hearing on the Curtis Park Village PUD Project, the City Council approves the General Plan Amendment for the Curtis Park Village PUD as set forth in Exhibit A to this Resolution, as follows: the 8.0± acre area as shown on the attached Exhibit A is hereby designated on the City of Sacramento General Plan land use map as 8.0± acres of Traditional Neighborhood Medium.

Section 2. Exhibit A is a part of this Resolution.

**Table of Contents:**

Exhibit A: General Plan Amendment Exhibit



**ORDINANCE NO. 2010-**

Adopted by the Sacramento City Council

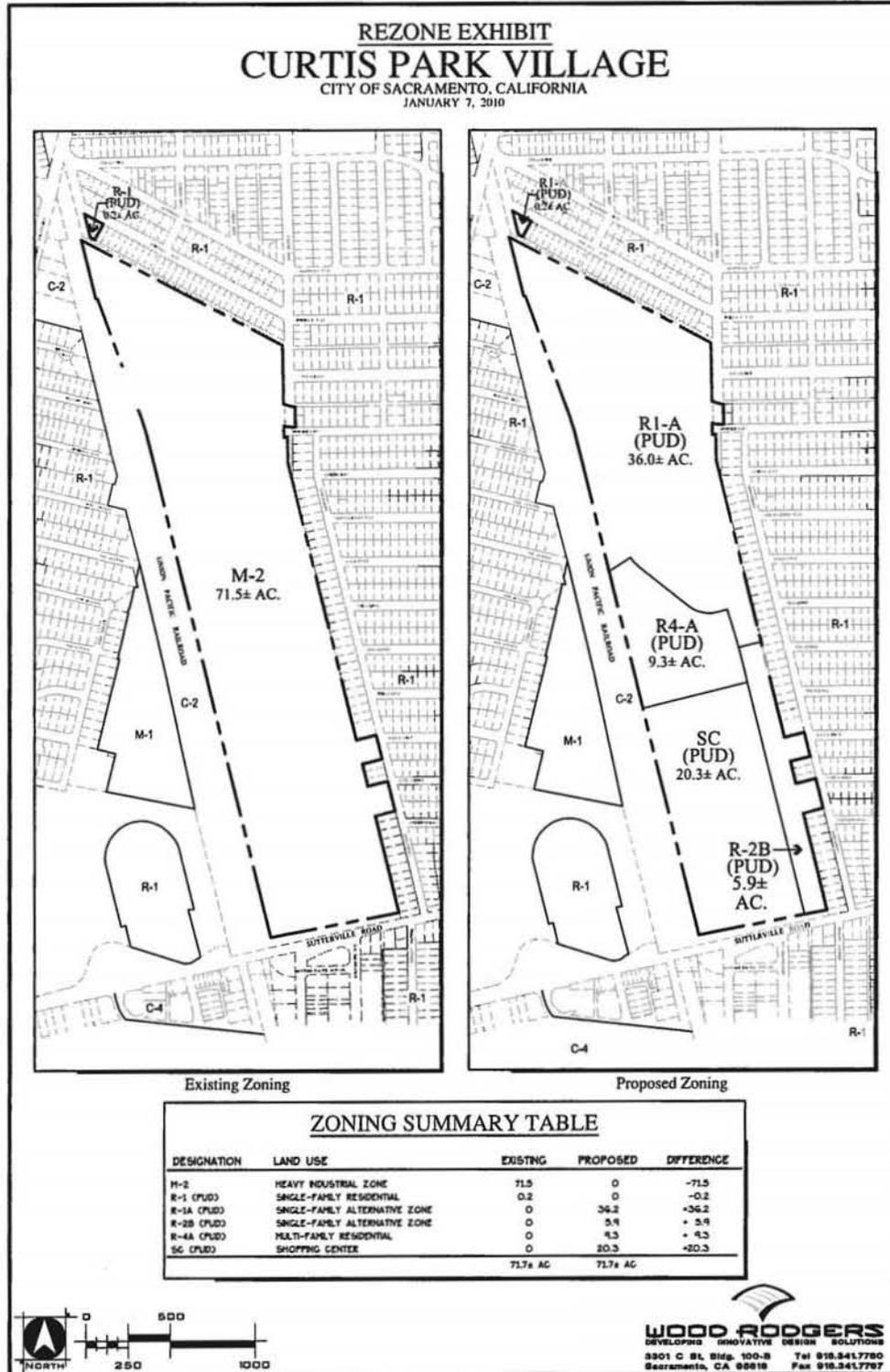
**AMENDING TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) BY REZONING CERTAIN REAL PROPERTY FROM HEAVY INDUSTRIAL (M-2) TO SHOPPING CENTER PUD (SC-PUD), SINGLE FAMILY ALTERNATIVE PUD (R-1A-PUD), MULTI-FAMILY RESIDENTIAL PUD (R-2B-PUD), AND MULTI-FAMILY RESIDENTIAL PUD (R-4A-PUD) FOR THE CURTIS PARK VILLAGE PUD (P04-109) (013-0010-008 & -009, 013-0010-021 through -028, and 013-0062-001 & -002) COUNCIL DISTRICT 5**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

- Section 1. Title 17 of the Sacramento City Code (the Zoning Code) is amended by rezoning the property shown in the attached Exhibit A, generally described, known, and referred to as Curtis Park Village (APN: 013-0010-008 & -009, 013-0010-021 through -028, and 013-0062-001 & -002) and consisting of 71.7± acres *from* Heavy Industrial (M-2) *to* Shopping Center PUD (SC-PUD), Single Family Alternative PUD (R-1A-PUD), Multi-Family Residential PUD (R-2B-PUD), and Multi-Family Residential PUD (R-4A-PUD).
- Section 2. Rezoning of the property described in the attached Exhibit A by the adoption of this Ordinance shall be deemed to be in compliance with the procedures for the rezoning of property described in the Comprehensive Zoning Ordinance, Title 17 of the City Code, as amended, as said procedures have been affected by recent court decisions.
- Section 3. The City Clerk of the City of Sacramento is hereby directed to amend the official zoning map, which is a part of said Comprehensive Zoning Ordinance, Title 17 of the City Code, to conform to the provisions of this Ordinance.
- Section 4. Exhibit A is a part of this Ordinance.

**Table of Contents:**

Exhibit A: Rezone Exhibit



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**Attachment 7 – Resolution for the Inclusionary Housing Plan**

**RESOLUTION NO. 2010-**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

**ADOPTING THE INCLUSIONARY HOUSING PLAN FOR THE CURTIS PARK VILLAGE PROJECT (P04-109)**

**BACKGROUND**

- A. The Mixed Income Housing Policy, adopted in the City of Sacramento Housing Element and required by the City’s Mixed Income Housing Ordinance, requires that ten percent of the units in a residential project be affordable to very low income households and five percent to low income households;
- B. The City Council conducted a public hearing on September 28, 2010 concerning the above Inclusionary Housing Plan, and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:

The proposed Plan is consistent with Chapter 17.190 of the City Code which requires an Inclusionary Housing Plan setting forth the number, unit mix, location, structure type, affordability and phasing of the Inclusionary Units in the residential development;

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

- Section 1. The City Council adopts the Inclusionary Housing Plan for Curtis Park Village, attached hereto as Exhibit A.
- Section 2. Exhibit A is a part of this Resolution.

**Table of Contents:**

Exhibit A: Inclusionary Housing Plan

Inclusionary Housing Plan #3  
Onsite Multifamily Rental

**City of Sacramento  
Inclusionary Housing Plan**

**Multifamily Rental Project  
Onsite Inclusionary Housing Component**

<b>Project Name:</b>	Curtis Park Village
<b>Project Location</b>	Sutterville Rd. (between 24 <sup>th</sup> and the Railroad)
<b>Developer Name</b>	Calvine & Elk Grove-Florin, LLC
<b>Developer Address And Phone Number</b>	5046 Sunrise Blvd., Fair Oaks, CA 95628 (916) 966-4600
<b>Gross Acreage</b>	71.7 acres
<b>Number of Units</b>	527

**Mixed Income Housing Policy**

The Project site is located in a new growth area and thus is subject to the City's Mixed Income Housing Policy. The Mixed Income Housing Policy adopted in the City of Sacramento Housing Element and required by the City's Mixed Income Housing Ordinance, City of Sacramento City Code Chapter 17.190.010 requires that residential projects in such area contain a defined percentage of housing affordable to low income and very low income households.

**Inclusionary Housing Plan**

Pursuant to the City Code Section 17.190.110 (B), an Inclusionary Housing Plan ("Plan") must be approved prior to or concurrent with the approval of legislative, or as applicable in this case, adjudicative entitlements for the Project. City Code Section 17.190.110 (A) sets forth the number, unit mix, location, structure type, affordability and phasing of the Inclusionary Units in the Project. This document constitutes the Plan, and, as supplemented and amended from time to time, is intended to begin implementation of the Inclusionary Requirement for the Project. All future approvals for the Project shall be consistent with this Plan.

Inclusionary Housing Plan #3  
 Onsite Multifamily Rental

The Inclusionary Requirement for the Project will be set forth in more detail in the Inclusionary Housing Agreement (Agreement) executed by the Developer and the Sacramento Housing and Redevelopment Agency (“SHRA”) and will be consistent with this Plan. The Agreement shall be executed and recorded against the entire development no later than the approval of the first final map.

**Number of Inclusionary Units**

The Developer, or its successors and assignees, shall construct or cause to be constructed a multifamily rental development affordable to Very Low Income Households (“Very Low Income Units”) and Low Income Households (“Low Income Units”) as defined in the Sacramento City Code Section 17.190.020, equal to ten percent (10%) and five percent (5%) of the total number of housing units approved for the Project, respectively. Based on the current Project proposal, the Inclusionary Requirement for the Project is presented in the table below.

Table 1: Number and Income Affordability of Inclusionary Units

Total Number of Units within the Project	527
Very Low Income Units (10% of units)	53
Low Income Units (5% of units)	26
Total Number of Inclusionary Units	79

If the Project approvals are amended to increase the number of units in the Project, this Plan will be amended to reflect a number of equal to ten percent (10%) of the increased total residential units in the amended entitlements for Very Low Income units and five percent (5%) for Low Income units. If the Project approvals are amended to decrease the number of residential units in the Project, this Plan will be amended to reflect a number equal to ten percent (10%) for the decreased total residential units in the amended entitlements for Very Low Income units and five percent (5%) for Low Income units. However, after a building permit has been issued for a structure to contain Inclusionary Units, those Units will be constructed and maintained as Inclusionary Units pursuant to the terms of Chapter 17.190 of the City Code regardless of any subsequent reduction in the number of approved total residential units in the Project.

**Location of Inclusionary Units within the Project**

The Inclusionary housing component shall accommodate diverse family sizes by including units with different numbers of bedrooms. Units should be dispersed to the maximum extent feasible, but may be located in a single building or complex. Multifamily buildings may contain any proportion of inclusionary units. The unit mix and sizes for the inclusionary units are presented in the table below.

Inclusionary Housing Plan #3  
Onsite Multifamily Rental

Table 2: Unit Mix, Unit Numbers, and Unit Size of Inclusionary Units

Number of Inclusionary Units	Level of Affordability	Unit Numbers	Number of Bedrooms	Square Footage
36	Very Low Income	TBD	1	600
17	Very Low Income	TBD	1 or 2	600-750
17	Low Income	TBD	1	600
9	Low Income	TBD	1 or 2	600-750

**Affordability Requirements**

Rents of the Inclusionary Units shall be restricted to households with incomes, at the time of initial occupancy, that do not exceed 50 percent (50%) of the median income for Sacramento County, adjusted for actual household size for Very Low Income households and 80 percent (80%) of the median income for Low Income households and shall be consistent with the SHRA guidelines. Median income figures are those published annually by the United States Department of Housing and Urban Development. The rents of the Inclusionary Units will be set in accordance with the Guidelines for the Sale of Inclusionary Housing and Section 17.190.090 of the Ordinance, where the renter shall not pay more than 30 percent (30%) of gross monthly income for rent adjusted for an appropriate allowance for utilities and services. The duration of affordability of the inclusionary units will be for a period of thirty (30) years.

**Phasing of Development of the Inclusionary Units**

The Inclusionary Units shall be developed concurrently with the development of the remaining units in the Project, as defined in Sacramento City Code Section 17.190.020. The nature of the concurrency is defined by a series of linkages between approvals of the market rate units and the development of the Inclusionary Units.

**Market Rate Housing/Inclusionary Unit Linkages**

The following describes the relationship of market rate development activity to the activity of inclusionary unit development activity. The milestones outlined below are to ensure that the development of affordable units occurs concurrently with the development of market rate units.

- The Inclusionary Housing Plan shall be approved concurrently with the approval of the Project's tentative map.
- The Inclusionary Housing Agreement shall be executed and recorded against the entire development concurrently with the recordation of the Project's first final map.
- No more than seventy-five percent (75%) of the building permits for market rate residential units may be pulled prior to the issuance of 100 percent (100%) of the building permits for the Inclusionary residential units.

Inclusionary Housing Plan #3  
Onsite Multifamily Rental

- A Release of Inclusionary Housing Agreement shall be recorded for the market rate residential lots when 100% of the building permits are pulled for the Inclusionary units.
- A Regulatory Agreement specifying rent restrictions for a period of no less than thirty (30) years shall be recorded against the Inclusionary units when building permits are pulled, or when multifamily housing financing is closed for the Inclusionary units.
- A Release of Inclusionary Housing Agreement shall be recorded for Inclusionary units concurrently with recordation of the Regulatory Agreement.
- Marketing of the inclusionary units within the Project shall occur as soon as the Inclusionary units are constructed.

**Fee Reductions**

The City of Sacramento may provide \$4,000 per unit in fee reductions for obligated very-low income inclusionary housing units and \$1,000 for obligated low income inclusionary housing units. Currently, no funding is available for the Low Income Housing Fee Waiver and Deferral Program, however, reductions depend on the availability of funding at the time of recordation of the Inclusionary Housing Agreement. The Planning Director shall approve fee reductions and approvals are valid for 18 months after the recordation of the Inclusionary Housing Agreement.

Fee reductions are being requested in the amount of \$238,000 as presented in the table below.

Table 3: Fee Reduction Request

Units	Income Affordability	Fee Reduction per Unit	Total Fee Reduction
53	Very-low income	\$4,000	\$ 212,000
26	Low income	\$1,000	\$ 26,000

**Amendment and Administration of the Inclusionary Housing Plan**

The Planning Director, with the advice of the Executive Director of SHRA, shall administer this Inclusionary Housing Plan. The Planning Director may make minor administrative amendments to the text of this Plan as provided in Sacramento City Code Section 17.190.110(B) (1).

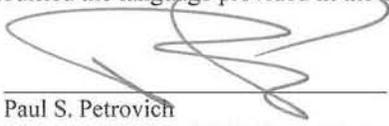
Minor amendments include modifications in total number and location of units and the unit size and mix necessary to reflect changes in the design of the underlying development project, including changes in unit size, on-site location and other similar changes may be approved by the Planning Director. Recordation of an amendment will not be required to be recorded against the entire project. Major amendments must be approved by the governing body approving the Project and a new Agreement shall be recorded against the entire development project.

Inclusionary Housing Plan #3  
Onsite Multifamily Rental

Developer Acknowledgement

I attest that I have prepared this Inclusionary Housing Plan to comply with the Mixed Income Housing cited above and that all information provided is accurate and complete to the best of my knowledge. Except for project-specific information requested in the template, I have not modified the language provided in the City-provided template.

Developer Signature  
Developer Name  
Title  
Phone Number

  
\_\_\_\_\_  
Paul S. Petrovich  
Manager, Calvine & Elk Grove-Florin, LLC  
916-966-4600

Date 1-6-10

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**Attachment 8 – Resolution for the PUD Guidelines and Schematic Plan**

**RESOLUTION NO. 2010-**

Adopted by the Sacramento City Council

**APPROVING THE CURTIS PARK VILLAGE PLANNED UNIT DEVELOPMENT (PUD) DEVELOPMENT GUIDELINES AND SCHEMATIC PLAN (P04-109)**

**BACKGROUND**

- A. On February 25, 2010, the Planning Commission conducted a public hearing on, and forwarded to the City Council the Curtis Park Village PUD Project a recommendation of approval; and
- B. On September 28, 2010, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code section 17.200.010(C)(2)(a) and (c) (publication and mail 500') and received and considered evidence concerning the Curtis Park Village PUD 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 Curtis Park Village PUD Project, the City Council approves the Curtis Park Village Development Guidelines and Schematic Plan for the Curtis Park Village PUD.
- Section 2. The City Council approves the Curtis Park Village PUD Development Guidelines and Schematic Plan based on the following Findings of Fact:
  - 1. The PUD conforms to the General Plan; and
  - 2. The PUD Development Guidelines and Schematic Plan meet the purposes and criteria stated in the City Zoning Ordinance in that the PUD facilitates mixed uses designed to assure that new development is healthy and of long-lasting benefit to the community and the City; and
  - 3. The PUD Development Guidelines and Schematic Plan will not be injurious to the public welfare, nor to other property in the vicinity of the development and will be in harmony with the general purposes and intent of the Zoning Ordinance in that the PUD ensures that

development be well-designed, and that the residential uses will not create a negative impact on adjacent uses.

Section 3. The Schematic Plan and Development Guidelines for the Curtis Park Village PUD are adopted as attached hereto as Exhibit A and Exhibit B, respectively, subject to the following Conditions of Approval:

1. Site access to individual parcels will be determined as part of future entitlement review processes. Good engineering practices will be utilized in the access review. Site access shall be at the discretion of the Department of Transportation.
2. All proposed PUD elements within public right-of-way (Street Cross-Sections, Landscaping etc) shall be to City Standards and at the discretion of the Department of Transportation.

Section 4. Exhibits A and B are a part of this Resolution.

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Exhibit A: Curtis Park Village PUD Guidelines

Exhibit B: Curtis Park Village PUD Schematic Plan

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**Exhibit A – Curtis Park Village PUD Guidelines**

**Curtis Park Village  
Planned Unit Development  
Schematic Plan and Development Guidelines**

**P04-109  
Approved (DATE)  
Sacramento City Council Resolution 2010-###**

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**Appendix A: Curtis Park Village Single Family Home Design Guidelines**

## 1.0 INTRODUCTION

- 1.1 Location, Context and Vision
- 1.2 Goals and Objectives
- 1.3 Purpose and Intent
- 1.4 Procedures for Approval and Amendment

### 1.1 LOCATION, CONTEXT AND VISION

On the site of a former Union Pacific railyard, the 72-acre Curtis Park Village Planned Unit Development (PUD) is located to the south of Sacramento's central city area, surrounded by neighborhoods established early in the 20th century and within walking distance of Sacramento City College, Curtis Park and Land Park. The project is bordered on the west by Union Pacific Railroad and Light Rail tracks, to the north and east by the existing Curtis Park neighborhood, and to the south by Sutterville Road. Also nearby are the Western Pacific Addition and Hollywood Park neighborhoods.

Curtis Park Village has been laid out using current City of Sacramento street standards, which emphasize vertical curbs and separated sidewalks with planters, and with convenient linkages to nearby public transportation. There are two light rail stations at opposite ends of the site's west side. It is envisioned that the bus routes currently running along nearby 24th Street will be re-routed to the main north-south road through Curtis Park Village. The design has been based on urban infill and sustainable design principles, as well as the strong community planning traditions of Sacramento's historic and long-established neighborhoods.

The vision for Curtis Park Village is of a vibrant mixed-use neighborhood developed at a pedestrian scale. Uses of the site include: detached brownstones, cluster-housing (cottages), single-family detached homes, affordable seniors and market-rate multi-family housing, a community shopping and retail/commercial development area, and a neighborhood park. These elements will combine into a truly vibrant mixed-use neighborhood. Curtis Park Village incorporates values of new urbanism and smart growth, including walkable neighborhoods with tree-lined streets, pedestrian-scaled architecture, and effective connections to surrounding communities.

### 1.2 GOALS AND OBJECTIVES

Curtis Park Village PUD strives to achieve four primary goals. Each of these goals will be pursued focusing on specific design objectives:

1. Create a visually interesting, pedestrian friendly mixed-use neighborhood that promotes smart growth principles
  - A. Emphasize the creation of spaces and places that encourage social interaction and foster community pride and support

Curtis Park Village Planned Unit Development  
Schematic Plan and Development Guidelines

- B. Maintain a high quality of life and create charm and character for the emerging neighborhood
  - C. Utilize a consistent set of design elements throughout the PUD to unify the area visually and to enhance people's lives and property values
2. Provide a vibrant and successful neighborhood retail center
    - A. Provide an integrated development theme while still permitting flexibility in the location and development of businesses to respond to changing market conditions
    - B. Implement design standards that encourage design innovation and flexibility
  3. Provide various housing choices including single-family and cluster, affordable senior, and market-rate multi-family residences
  4. Maximize opportunities for efficient transit provided by the public transportation and roadway corridors serving the site of the PUD
    - A. Encourage the use of public transportation through site design that emphasizes convenient transit access and use
    - B. Develop appropriate linkages to surrounding neighborhoods including pedestrian, bicycle, vehicle and alternative transportation modes.

**1.3 PURPOSE AND INTENT**

The Curtis Park Village Schematic Plan and Development Guidelines contain specific details, elements, conditions, and restrictions to carry out the vision of the Curtis Park PUD.

To achieve the goals and objectives of the Curtis Park Village PUD, the Guidelines are formulated in a flexible manner to provide for creative solutions to a variety of design situations.

These Guidelines are intended as a supplement to the development regulations in Title 17 of the Sacramento City and shall prevail when different from the regulations in Title 17 that are otherwise applicable to the project (see Sacramento City Code Section 17.180.050).

**1.4 PROCEDURES FOR APPROVAL AND AMENDMENT**

Curtis Park Village Planned Unit Development  
Schematic Plan and Development Guidelines

The procedures for approval of development under, as well as amendments to, these Guidelines are as set forth in Chapter 17.180 of Title 17 of the Sacramento City Code, and as it may be amended from time to time.

Curtis Park Village Planned Unit Development  
Schematic Plan and Development Guidelines

1.5 CURTIS PARK VILLAGE PUD SCHEMATIC PLAN



## 2.0 LAND USE DEVELOPMENT STANDARDS

- 2.1 Concept and Land Use
- 2.2 Southern Commercial Area: SC (PUD) Zone
- 2.3 Northern Commercial Area "Flex Zone": SC (PUD) Zone
- 2.3 Single Family Residential Uses: R-1A (PUD) and R-2B (PUD) Zones
- 2.4 Multi-Family Residential Uses: R-4A (PUD) Zone
- 2.5 Neighborhood Park and Open Space

### 2.1 CONCEPT AND LAND USE

Curtis Park Village is comprised of three predominate types of development for three predominate land uses linked by a network of pedestrian friendly streets, open spaces, and a neighborhood park.

1. **Southern & Northern (Flex Zone) Commercial Areas:** The commercial area of the plan is generally located in the southern portion of Curtis Park Village, extending north from Sutterville Road to the area south of the multi-family residential area, and west of Road "A". The Southern Commercial Area, between Sutterville Road and 10<sup>th</sup> Avenue, is a more defined neighborhood shopping area on the schematic plan. The building footprint of each tenant in this area shall be no greater than 60,000 square feet of sales floor area or 65,000 square feet of total ground floor area. The Northern Commercial Area, also known as the Flex Zone, is anticipated to be developed with a mix of residential, commercial (including recreational/entertainment uses) office and public/open space uses. The Flex Zone shall have a separate schematic plan prepared in the future for review and approval of the Planning Commission and City Council before development occurs. It is recognized that development is not expected to occur for a number of years in this area, and market conditions will likely change during this period of time. The street system and parcel layout in the commercial areas provide a grid pattern for pedestrian, bicycle, and vehicle circulation consistent with the "Traditional Center" for commercial uses and "Traditional Neighborhood High" residential requirements of the City of Sacramento 2030 General Plan policies on urban form and design. The eventual locations of all buildings will be further refined within the commercial use areas to be consistent with the 2030 General Plan policies on urban form and design, and Title 17 of the Sacramento City Code, and the requirements of these Design Guidelines. The commercial area will serve surrounding residential neighborhoods, creating destinations, convenient shopping and entertainment within walking/biking distance.
2. **Single-Family Housing Area:** The Single-Family Housing area of the plan is generally located in the northern half of Curtis Park Village, extending from the southern edge of the new neighborhood park to the private drives that forms the northern edge of the development. Within this area are single

Curtis Park Village Planned Unit Development  
Schematic Plan and Development Guidelines

family residential lots designated Traditional Neighborhood Low and zoned R-1A (PUD). The single family area complements the character and style of the surrounding Curtis Park community and like many historic Sacramento neighborhoods Curtis Park Village has at its heart the neighborhood park.

Higher density single-family housing is found along the east side of Collector Road "A" in the Curtis Park Village plan. This area is designed as Traditional Neighborhood Medium per the City of Sacramento 2030 General Plan and the zoning designation is R-2B(PUD). Single-family homes in this location can be described as the following two types:

- A. The Brownstone row, a slightly more urbanized residential area that acts as a transition between the existing Curtis Park single family uses to the east of Curtis Park Village.
- B. Cottage Homes infilling empty parcels along 24<sup>th</sup> Street in the existing Curtis Park neighborhood and activating the new private drive.

3. **Multi-Family Housing Area:** The area between the south of the new neighborhood park and the north edge of the commercial area can best be described as the multi-family/high-density housing area in the Curtis Park Village plan, allowing for the development of apartments and condominium multi-family housing. The high-density housing area acts as a transitional zone between the less intense single-family development to the north and the commercial area in the south of Curtis Park Village. Within this area are multi-family housing types with a Traditional Neighborhood High land use designations in the City of Sacramento 2030 General Plan. This area includes:

- A. Multi-Family Housing
- B. Affordable Senior Housing Apartments

## 2.2 SOUTHERN COMMERCIAL AREA: SC-PUD Zone

As an infill project, Curtis Park Village is bordered by already busy thoroughfares: Sutterville Road, the railroad and light rail lines, nearby Highway 99 and Freepoint Blvd. This location provides a unique opportunity for the commercial areas of Curtis Park Village to be both economically successful and an "active buffer" between both the new and existing residential neighborhoods and these large transportation corridors.

The Southern Commercial Area, the 14.5 acre area south of 10<sup>th</sup> Avenue, will strike a balance between serving the more intimate immediate local community with walkable destinations, and welcoming the greater community and larger customer base required to nourish a viable environment for thriving businesses.

Curtis Park Village Planned Unit Development  
Schematic Plan and Development Guidelines

Nearby light rail service will add to the synergy by providing convenient public transportation.

More than 20,000 students at adjacent Sacramento City College widen the customer base considerably. They will have access to services and destinations while contributing to the viability of this commercial area.

The character of the commercial area is to be sensitively informed by the adjacent pedestrian- and bicycle-friendly, urban-forested neighborhoods. The east-west Access Easement shown on the schematic plan in this area shall be constructed to look like and function as a "Main Street" with standard curbs, gutters, sidewalks and lights on both sides of the easement. The north-south connection from the park to the Southern Commercial Area shall be a minimum of eight feet in width, incorporating design features such as landscaping, art and arbors and facilitating maximum pedestrian connections.

The procedures for approval of development within the Southern Commercial Area shall be in compliance with Title 17 of the Sacramento City Code, and as it may be amended from time to time.

Exceptions to development standards set forth in Sacramento City Code Title 17 that would otherwise be applicable to development within Curtis Park Village include the following:

1. Building Heights may be increased up to 45' to allow for mixed use and multi-family housing attached to ground floor commercial and retail development.
2. Parking as indicated in 4.3 of the Development Guidelines.

Buildings in the Southern Commercial Area shall be constructed in locations in general compliance with the Schematic Plan. This includes that the footprint of each tenant space shall be no greater than 60,000 square feet of sales floor area or 65,000 square feet of total ground floor area.

Development standards for the Southern Commercial Area are found in Section 3.0, Land Use Development Standards: Commercial Areas.

Curtis Park Village Planned Unit Development  
Schematic Plan and Development Guidelines**2.3 NORTHERN COMMERCIAL AREA “FLEX ZONE”: SC-PUD Zone**

The five acre commercial area north of 10<sup>th</sup> Avenue is known as the Northern Commercial Area or Flex Zone. A detailed Schematic Plan for this area is required to be prepared for this area for the review and approval of the Planning Commission and City Council, and including any other necessary entitlements, prior to development of all or any portion of this area.

The Flex Zone shall include residential, commercial (including recreational/entertainment uses), office and public/open space uses. The Flex Zone was created in recognition that development in this area is not expected to occur for a number of years and market conditions will likely change during this period of time.

Development standards for the Northern Commercial Area “Flex Zone” are found in Section 3.0, Land Use Development Standards: Commercial Areas.

**2.4 SINGLE FAMILY RESIDENTIAL USES: R-1A PUD and R-2B PUD Zones**

Single Family Residential uses within the Curtis Park Village PUD consist of three housing types: Traditional Single Family Homes; Brownstone Homes; and Cottage Infill Homes.

1. Traditional Single-Family Homes: Traditional Neighborhood Low, R-1A PUD Zone
  - A. The Traditional Single Family Home Neighborhood of Curtis Park Village is intended to create a visual integration of the planning, architectural design, and style of the existing Curtis Park neighborhoods.
  - B. Design guidelines applicable to the Traditional Single Family Neighborhood sites are found in Appendix A: Curtis Park Village Single Family Home Design Guidelines. Project review for the detached single family dwellings shall be in accordance with Sacramento City Code Sections 17.24.020 and 17.180. Corner lot duplexes and halfplexes are also permitted per the above guidelines and standards.
  - C. It is anticipated, although not required, that many of the homes in the Traditional Single Family Home Neighborhood will be custom homes or built by a developer constructing homes on non-contiguous lots. If a home developer purchases 12 or more contiguous lots, a minimum of four housing types will be required. In no case shall the same model of a home be placed closer than five lots from each other (homes must be placed a minimum of five lots apart) or directly

Curtis Park Village Planned Unit Development  
Schematic Plan and Development Guidelines

across the street from each other and the homes must provide differences in architectural detailing as described in Appendix A: Curtis Park Village Single Family Home Design Guidelines.

- D. A second residential unit proposed on a parcel in the Traditional Single Family Home Neighborhood must meet the requirements of Sacramento City Code Section 17.24.020 and the applicable standards of Appendix A: Curtis Park Village Single Family Home Design Guidelines.
  - E. The setbacks of residences adjacent to the Union Pacific Railroad tracks shall also comply with the sound attenuation measures found in the Mitigation Monitoring Plan of the Curtis Park Village EIR (SCH 2004082020).
2. Brownstone Homes: Traditional Neighborhood Medium, R-2B PUD Zone
- A. The vertical stature of the homes in this neighborhood complements the architecture of the commercial area across the street, the main access to Curtis Park Village. The Brownstones provide transition between the existing and new residential neighborhood and the commercial areas of Curtis Park Village. The design intent for the Brownstone Neighborhood is that the homes constructed in this area of Curtis Park Village reflect the traditional brownstone homes found in cities such as Boston, New York, and Washington, D.C. The Brownstone Neighborhood homes shall be designed as an integrated neighborhood with a common design theme and a variety of street facades that are coordinated to present a traditional brownstone neighborhood.
  - B. Design guidelines applicable to the Brownstone Neighborhood are found in Appendix A: Curtis Park Village Single Family Home Design Guidelines. Project review for the Brownstone Homes, an alternative ownership housing type, shall be in accordance with Sacramento City Code Sections 17.24.020 and 17.180.
  - C. A second residential unit proposed on a parcel in the Brownstone Neighborhood must meet the requirements of Sacramento City Code Section 17.24.020 and the applicable standards of Appendix A: Curtis Park Village Single Family Home Design Guidelines.
3. Cottage Infill Homes: Traditional Neighborhood Medium, R-2B PUD Zone
- A. Cottage infill sites occur along the west side of 24th Street. The Cottage Infill Homes should be integrated into the existing Curtis Park

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neighborhood fabric by means of architectural character, continuity, mass, scale, details and rhythm.

- B. Design guidelines applicable to the Cottage housing sites are found in Appendix A: Curtis Park Village Single Family Design Home Guidelines.. Project review for the Cottage Infill Homes, an alternative ownership housing type, shall be in accordance with Sacramento City Code Sections 17.24.020 and 17.180.
- C. A second residential unit proposed on a parcel in the Cottage Infill Neighborhood must meet the requirements of Sacramento City Code Section 17.24.020 and the applicable standards of Appendix A: Curtis Park Village Single Family Home Design Guidelines.

## **2.5 MULTI-FAMILY RESIDENTIAL: R-4A (PUD) Zone**

Multi-family residential uses shall consist of affordable senior housing and market rate multi-family housing. These developments shall respect the special character of Curtis Park Village as set forth in this document, in addition to any other applicable City-adopted residential design guidelines.

- 1. Maximum Building Height: Forty-five feet (45') to the top of the plate on the highest floor.
- 2. Affordable Housing for Seniors
  - A. Acts as transitional land use bridging Curtis Park market rate non-age restricted multi-family housing and commercial areas within Curtis Park Village.
  - B. Fulfills affordable housing element for Curtis Park Village
  - C. Integrates senior housing with the general community.
  - D. Provide a minimum parking ratio of 0.50 parking spaces per dwelling unit.
  - E. Provide the following minimum setbacks:
    - 1. Front yard setback from back edge of sidewalk (east): 12'-6"
    - 2. Side yard setback (north and south): 20'-0"
    - 3. Rear setback (west): 50'-0"
    - 4. Setbacks of multi-family residences adjacent to the Union Pacific Railroad tracks shall also comply with the sound attenuation measures found in the Mitigation Monitoring Plan of the Curtis Park Village EIR (SCH 2004082020).

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- F. The design of the building for the affordable housing for seniors should incorporate design features and elements found in Appendix A: Single Family Home Design Guidelines for Curtis Park Village. Elements such as roof lines, building materials, finishes, and windows will provide a residential design to the affordable senior housing building(s) that will integrate the affordable housing for seniors component into the overall Curtis Park Village residential community. It should be recognized, however, that the massing and scale of the affordable housing for seniors building(s) will be larger than single-family home structures and the design elements and materials should appropriate to the scale, mass, and character of buildings for affordable housing for senior adults.
  - G. Project review for the building(s) for the Affordable Housing for Seniors within the Curtis Park Village PUD shall be per Sections 17.24.020 and 17.180 of the Sacramento City Code.
3. Market-Rate Multi-Family Housing
- A. Provides additional pedestrian links through Curtis Park Village
  - B. Acts as a buffer between Curtis Park Village single family residential and Curtis Park Village commercial areas
  - C. Provides an alternative type of housing for the neighborhood
  - D. Neighborhood Park will provide shared recreational, open space, and tot lot facilities
  - E. Provide a parking ratio of 1.50 parking spaces per dwelling unit. This ratio includes visitor parking
  - F. Achieve variety in exterior architectural forms through the use of various building materials and colors
  - G. Shared common open space space may be substituted for private patios and balconies
  - H. Provide the following minimum setbacks:
    - 1. Front yard setback from back edge of public sidewalk: 15'-0"
    - 2. From property line of nearest existing Curtis Park single family residential housing: 45'-0"
    - 3. From property line of nearest commercial use: 20'-0"
    - 4. From Union Pacific Railroad property line: 50'-0"

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5. From accessory structures and property line of Union Pacific Railroad property: 5'-0"
  6. From accessory structures and property line of nearest new Curtis Park single family residential housing: 15'-0".
  7. Setbacks of multi-family residences adjacent to the Union Pacific Railroad tracks shall also comply with the sound attenuation measures found in the Mitigation Monitoring Plan of the Curtis Park Village EIR (SCH 2004082020).
  8. Other building setbacks shall be determined as part of multi-family housing project review.
- I. The design of the buildings for the market rate multi-family housing should incorporate design features and elements found in Appendix A: Single Family Home Design Guidelines for Curtis Park Village. Elements such as roof lines, building materials, finishes, windows, etc. will provide a residential design character to the market rate multi-family housing buildings and will integrate the multi-family housing buildings into the overall Curtis Park Village residential community. It should be recognized, however, that the massing and scale of the market rate multi-family housing buildings will be larger and different than those of the single family home structures. The design elements from the Single Family Home Design Guidelines should be appropriate to the scale, mass, and nature of the multi-family housing buildings.
  - J. Project Review for the building(s) for the Market Rate Multi-Family Housing buildings within the Curtis Park Village PUD shall be per Sections 17.24.020 and 17.180 of the Sacramento City Code.

**2.5 NEIGHBORHOOD PARK AND OPEN SPACE LOTS**

An approximately 6.1 acre neighborhood park is located near the center of the single-family residential area. A park preserves open space for outdoor recreation, provides for public health and safety, and is a visual amenity. Park design shall be in compliance with the City of Sacramento Department of Parks and Recreation design guidelines and the approved Park Master Plan.

There are also open space lots designated on the Schematic Plan. These will be developed and maintained as part of the project's Homeowner's Association.

**3.0 LAND USE STANDARDS: COMMERCIAL AREAS**

- 3.1 Site Design and Building Orientation
- 3.2 Building Design Principles & Building Forms
- 3.3 Building Details

- 3.4 Building Utilities
- 3.5 Sustainability
- 3.6 Security

### **3.1 SITE DESIGN AND BUILDING ORIENTATION**

Site planning and design are vital in creating usable, successful outdoor spaces. The arrangement and siting of buildings, the scale and location of spaces and landscaping, and the way these elements relate to each other, will determine the vitality of the neighborhood.

It is the intent of the Curtis Park Village PUD Guidelines to encourage the following:

1. The development of individual site plans to positively relate with neighboring properties
2. Design for lively pedestrian use
3. A continuous network of safe, convenient, comfortable and interesting walkways and sidewalks
4. Pedestrian paths that connect Curtis Park Village to the surrounding neighborhoods along transportation connections
5. Carefully planned outdoor spaces with defined edges, lighting and enhanced paving
6. Spaces designed at a pedestrian scale
7. Spaces enriched with seating and landscaping, fountains, public art, and trellises
8. Plazas, courtyards, pocket parks, and outdoor cafes designed to encourage pedestrian activity
9. Destinations that attract people and activity
10. Focal points created as placemaking landmarks
11. Whenever possible place buildings at the edge of pedestrian walks
12. Consideration of view corridors when siting buildings

### **3.2 BUILDING DESIGN PRINCIPLES AND BUILDING FORMS**

Key concepts direct the feel of a neighborhood, and determine community identity, economic vitality and levels of activity and use. Individual building forms and

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facades influence cohesiveness, comfort and aesthetic pride and at the same time can invite usage, increase a sense of security, and generate pedestrian activity.

It is the intent of the Curtis Park Village PUD Guidelines to encourage design within the following principles:

1. **Architectural Character:** Consider building type, materials, form and design, the relationship to other buildings in the neighborhood, and the overall effect on the viewer. No particular architectural theme or style is being recommended; rather a variety of styles with consideration of appropriateness for the surrounding area should be used.
2. **Continuity:** a connection or harmony among buildings in form, scale and proportions
3. **Mass:** The volume defined by a building relative to its surroundings and to its solidity and weight. Details, such as window size and placement, or open spaces in the forms, can change the visual perception of mass and make a building more interesting
4. **Scale:** the proportion of one element to another. The overall scale is determined by the size and proportions of the elements, their relationship to each other and to the building itself, as well as the spaces and buildings in view.
5. **Rhythm:** the relationship of building components, the relationship of buildings to each other, and the spaces in between, form a visual rhythm. This contributes to the excitement, comfort and charm of the area.
6. **“360 degree” architecture:** buildings, especially those on corner lots or with high visibility, should be aesthetically pleasing from all angles and sides. Details on each side of the building complement and enhance the primary street view
7. **Building Articulation:** 40 feet is an ideal width for storefronts. Pedestrians react positively to well-designed storefront variations at increments that do not exceed about 40 feet. This scale provides an intimacy to the neighborhood experience.
8. **Building Facades**
  - A. Clearly organize facades to have a base (bottom), street wall (middle), and cornice (top)
  - B. Design proportions of façade elements to be in harmony within the context of the street
  - C. Design facades to be pedestrian-friendly
  - D. Design roof lines to be varied in height

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- E. Allow for architectural treatments and heights of up to 45'-0". 45'-0" provides height to place housing over retail uses. This is how vibrant neighborhoods are created.
9. Building Base
- A. Visually anchor the building through good base design using wainscoting or other architectural elements
  - B. Provide visual interest and variety
  - C. Design in a scale complementary to human scale
  - D. The use of durable materials such as cast concrete, masonry and stone is encouraged
10. Building Street Wall
- A. Reflect the patterns of the neighborhood
  - B. Structure meaningful urban massing using good street wall design
  - C. Use color and texture to provide visual interest
  - D. Provide visual interest using windows, balconies, arcades, colonnades, awnings, reveals, step backs, moldings, and other changes in the vertical plane
  - E. Provide clear-glazed fenestration on approximately 50% of each building façade that abuts a pedestrian way
11. Building Cornice
- A. Design parapets and roof elements with decorative treatments that clearly define the top of the building
  - B. Design roof lines to be varied in height
  - C. Consider the special articulation in the cornice above entries and building corners
  - E. The use of projecting cornices, lentils, caps, and other elements are encouraged
  - F. Finish the interior sides of parapets that are visible to be similar to the front sides
12. Building Entrances
- A. Consider micro-climatic conditions such as solar orientation, wind and shadows when siting buildings and locating building entrances
  - B. Orient building main entrances to streets or public spaces wherever possible or practical
  - C. Multiple entrances or corner entrances are encouraged at street corners to activate both street frontages
  - D. Locate sidewalk entrances to accommodate ease of pedestrian movement

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- E. Articulate building entrances with canopies, awnings, special lighting and other features
  - F. Locate service entrances away from pedestrian entrances
13. Building Corners
- A. Design buildings to be in compliance with City of Sacramento required visibility triangles
  - B. Use building corners to emphasize street intersections
  - C. Consider increased pedestrian activity in the design of building corners
14. Tower Elements
- A. The inclusion of tower elements is encouraged at corners and at view corridor terminuses
  - B. Integrate tower elements with the lower elements of the building
15. Roofs
- A. Consider the aesthetics of rooftops as viewed from other buildings.
  - B. Screen rooftop mechanical equipment from public view

**3.3 BUILDING DETAILS**

Building details enhance buildings by promoting visual vitality through the use of interesting forms, textures, patterns, colors and shadows.

It is the intent of the Curtis Park Village Planned Unit Development Guidelines to encourage the following:

- 1. General Guidelines
  - A. Finished building materials applied to all sides of a building
  - B. A consistency of style maintained by using building materials, textures, colors, roof treatment and landscaping
  - C. Maintaining compatibility with exterior building materials in screening utility equipment
  - D. Blank walls on visible facades are strongly discouraged
- 2. Building entrances
  - A. Use of distinctive architectural elements and materials
- 3. Doors and windows

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- A. Organized to present a unified appearance except where variations are an integral and necessary part of the exterior design
4. Transparent glazing
  - A. Use of transparent glazing wherever practical
  - B. Dark tinted glazing is acceptable only when required to screen views into a building
  - C. The use of simulated, reflective, mirrored or dark tinted glazing is strongly discouraged
5. Awnings
  - A. Awnings of translucent glazing, metal or canvas
  - B. The use of awnings to articulate the tops of doors and windows
  - C. Lighting used to highlight awnings
6. Wall transitions
  - A. The use of columns and pilasters to articulate wall transitions is strongly encouraged
7. Cornice details
  - A. Offsets and jogs in cornices and parapets
  - B. Parapets of sufficient height to screen roof-mounted equipment from public view
8. Exterior Decorative Elements
  - A. The use of wall pattern treatments, changes in materials, building pop-outs and recessed areas are encouraged to create shadow patterns and depth on wall surfaces
  - B. Different portions of the building façade articulated to create images of buildings that have been developed over time
  - C. Display cases which may be considered to add interest to large blank wall surfaces
9. Exterior Building Materials
  - A. Use of materials, roofing, color and lighting that is compatible with other buildings within Curtis Park Village
  - B. Use of materials that hold up well under public use
  - C. The use of masonry, concrete and cement plaster is encouraged
  - D. Provide a continuous (360 degree) treatment on all building facades.
10. Building Color

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- A. Use of colors that are harmonious with other colors within Curtis Park Village
  - B. The use of color is encouraged to create interest, focus, unity and compatibility for building surfaces and details
  - C. Provide a continuous (360 degree) color treatment on all building facades.
11. Gutters and downspouts
- A. Painted to integrate with the building design
12. Sheet metal vents, pipe stacks and flashing
- A. Painted to match adjacent materials

**3.4 BUILDING UTILITIES**

Utility service areas are building components or features that are necessary for a building's function. It is the intent of the Curtis Park Village Planned Unit Development Guidelines to encourage the following:

1. Loading and delivery areas
  - A. Locate in less conspicuous places
  - B. Delivery areas designed so as not to impede traffic flow
  - C. Delivery areas clearly distinguished from parking and driveway areas
2. Recycling and trash enclosures
  - A. Designed using similar materials and colors as the surrounding buildings
  - B. Screened with a surrounding wall at least 6-feet high and with landscaping
  - C. The use of landscaping to cover screen walls is encouraged
  - D. Gated pedestrian entrance to the enclosure located to facilitate ease of access into the enclosure
4. Electrical service panels
  - A. Placed within enclosures that are architecturally integrated into the building design wherever possible
  - B. Consider placing electrical and communication equipment within buildings whenever possible
  - C. Utility company access provided as required.
5. Roof access

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- A. Roof access from the interior of the building
  - B. Exterior roof access ladders are strongly discouraged
6. Rooftop equipment
- A. All roof-top equipment screened from public view if visible from the street and/or positioned to be invisible to the passerby
  - B. Mechanical equipment located below the highest vertical element of the building

**3.5 SUSTAINABILITY**

As a mixed-use infill project making use of a formerly brownfield site near the heart of the city, Curtis Park Village is by its nature improving the environmental footprint of the community. The impact can be further mitigated through architectural, construction and landscaping techniques.

It is the intent of the Curtis Park Village Planned Unit Development Guidelines to encourage the following:

1. Preparation of a 'Green Development Plan' is strongly encouraged
2. Siting and neighborhood fabric
  - A. Buildings sited to take advantage of passive solar design and to utilize natural breezes to assist heating and cooling systems when possible
  - B. Provision of pedestrian and bicycle linkages
  - C. Provision of preferred parking for vanpools, carpools, car sharing services and bicycles
3. Site improvements
  - A. A storm water management plan developed for any new commercial structure
  - B. Landscaping used to shade and cool buildings and spaces and reduce the 'urban heat island' effect (the temperature increase due to development)
4. Water conservation
  - A. Use of water conserving appliances and fixtures
  - B. Provision of an efficient landscape irrigation system
5. Energy efficiency

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- A. All buildings shall meet or exceed California Building Code Title 24 requirements
  - B. Provision of energy-efficient lighting
  - C. Utilization of daylighting strategies
  - D. The use of photovoltaic (PV) systems or PV-ready structures is encouraged
6. Utilize materials beneficial to the environment wherever possible including:
- A. The use of regional building materials and products is encouraged
  - B. Preparation of a construction waste management plan to reduce impact on landfills, emphasize recycling and reuse of materials
  - C. Use of recycled materials is encouraged
  - D. Roofing, paving and plantings designed to reduce Heat Island Effect
7. Healthy living environment
- A. Use of construction materials with no or low volatile organic compounds (VOC's)
  - B. Use of healthy and energy efficient HVAC systems and water heaters

**3.6 SECURITY**

A lively pedestrian streetscape is an important component in security and is enhanced by a feeling of safety and comfort. Appropriately arranged spaces, entries and buildings, and proper lighting can create safer, 'defensible' spaces. Safeguard property and promote public welfare and safety by providing minimum security standards to be used in the design, construction, alteration, and maintenance of buildings and facilities and the quality of materials used therein.

It is the intent of the Curtis Park Village Planned Unit Development Guidelines to encourage the following:

- 1. Visual corridors established by limiting dense landscaping near structures and at the periphery of parking areas
- 2. Each building shall display its well lit street number in a prominent location on the street side of the building so as to be easily visible and readable from the street
- 3. Building entrances should be enlivened and well-lighted
- 4. Possible crime risk areas, such as automatic teller machines, should be located in highly visible and well-lighted areas
- 5. Provide wide-angle door viewer at all exterior doors used to the side or rear

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6. Operable windows constructed so that when they are locked, they cannot be lifted from the frame
7. Plants selected, trimmed, spaced and irrigated in a way that hampers the spread of fire and minimizes available fuel
8. Visibility of parking area entrances maximized from adjacent uses and public streets
9. Park designed to include Crime Prevention Through Environmental Design concepts

## 4.0 CIRCULATION AND PARKING

- 4.1 Streetscape and Circulation
- 4.2 Bicycle and Pedestrian Circulation
- 4.3 Parking Area Design
- 4.4 Street Sections

### 4.1 STREETScape AND CIRCULATION

The character and feel of a community are in large part determined by its streetscape. Curtis Park Village streetscape will respect and build on the distinctive identity of the Curtis Park neighborhood while allowing for innovation and enhancement.

The streetscape should provide visual continuity and be welcoming and engaging. Streetscape elements should combine to provide an environment that is walkable, sustainable, safe, and attractive.

Curtis Park Village will have an intimacy of scale and a sense of community that will invite pedestrian use and interaction. This will contribute to the richness of the Curtis Park Village experience for residents and visitors.

It is the intent of the Curtis Park Village Planned Unit Development Guidelines to encourage the following:

1. Visual continuity of streetscape elements, such as parking, planters, landscaping, sidewalks, building scale and setbacks along each street
2. Sidewalks in conformance with the City of Sacramento standards and often exceeding minimum width requirements
3. Tree canopy that is consistent and generous
4. Public areas well lighted without causing glare or light spill

5. Utilization of traffic calming curb extensions, such as bulb-outs and neck-downs, and wide, well marked crosswalks, to promote safety of pedestrian-vehicle interface and as required by City of Sacramento street standards

#### **4.2 BICYCLE AND PEDESTRIAN CIRCULATION**

The success of Curtis Park Village as a community will be strongly linked to its success as a pedestrian- and bicycle-friendly community. Creative design solutions which further enhance the walkability and connectivity of the area are strongly encouraged.

It is the intent of the Curtis Park Village Planned Unit Development Guidelines to encourage the following:

1. Pedestrians and bicyclists given the same importance as motor vehicles, and buffer them from the street where possible, according to City of Sacramento standards
2. Sidewalks and bicycle paths perceived as safe, clean and well-lit
3. Pedestrian-transit linkages intended to facilitate direct access to light rail stations and bus stops
4. Pedestrian paths and walkways
  - A. Convenient walkway access between uses and neighborhoods
  - B. Clearly defined building entry zones through the use or combined use of elements such as accent paving, planting, potted plants, and bollards
  - C. Enhanced paving, striping or other distinguishing design features to emphasize special areas
5. Sidewalks will be separated from the street using vertical curbs, decorative bollards, parked cars, and/or street trees in order to provide a sense of protection for the pedestrian per City of Sacramento standards
6. Bicycle paths
  - A. Adequate and secure bicycle parking
  - B. Bicycle storage is encouraged at parking lots and places of employment
  - C. Clearly marked bicycle storage
7. Signed bicycle lanes will be located along Road A and Road C within the commercial zone per City of Sacramento standards

**4.3 PARKING AREA DESIGN**

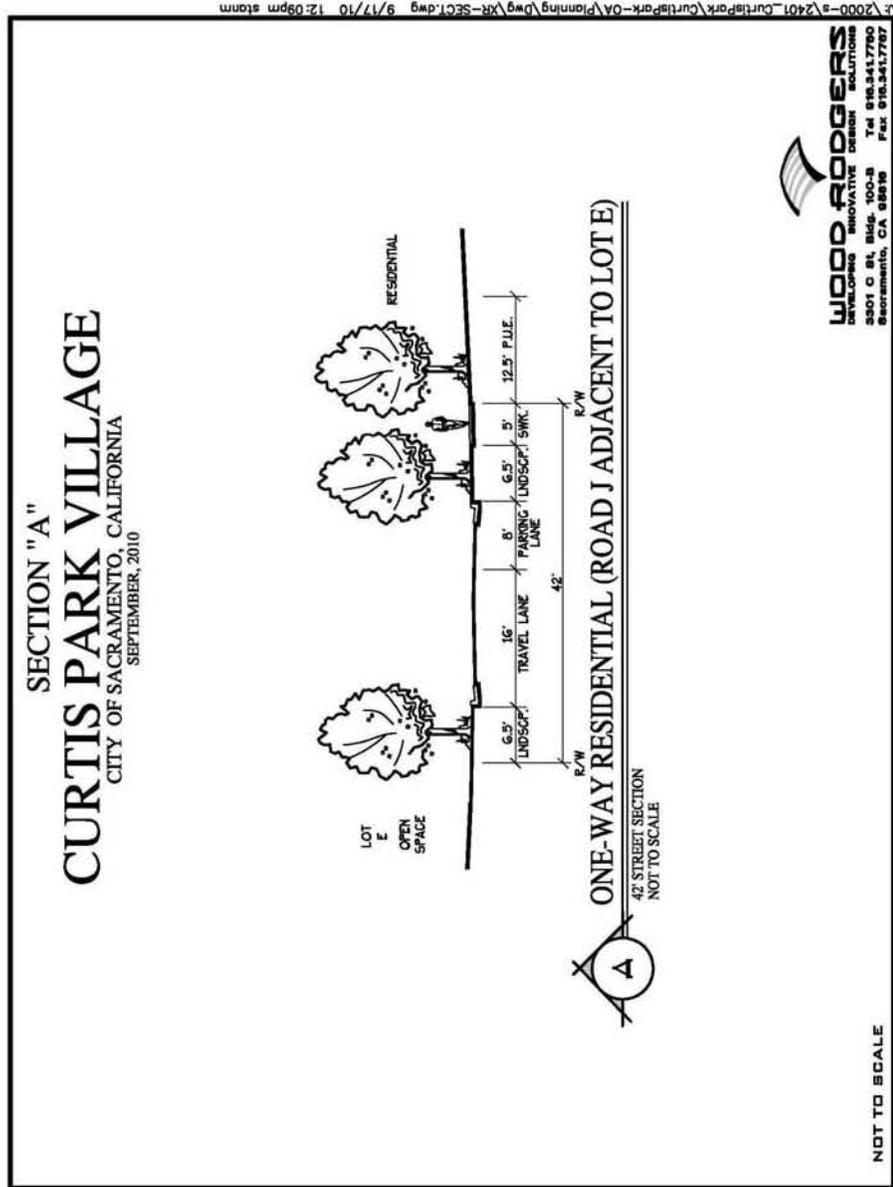
Well designed parking areas can be comfortable to use, aesthetically pleasing and provide a sense of security to the user. Make parking areas easy for vehicles and pedestrians to access and navigate. Aesthetically blend parking areas into site plans. It is the intent of the Curtis Park Village Planned Unit Development Guidelines to encourage the following:

1. Parking areas should be functional and efficient
2. Parking areas designed as well-defined spaces with landscaping, decorative lighting, and pedestrian walkways
3. Generously landscaped parking areas with shade trees to meet or exceed City of Sacramento parking lot shade requirements
5. Strong pedestrian linkage to parking areas.
6. Convenient and attractive areas for bicycle parking
7. Public perception of delivery areas limited or obscured
8. One or more of the following shall be used to buffer each parking area from a public sidewalk or street:
  - A A minimum 6' wide planter planted with a combination of trees and shrubs
  - B A fence shall be open with a minimum of at least 4' of landscaping in front
  - C Trellis structures with vines
  - D A site wall, maximum height of 4', with decorative finish and details.
9. Shopping cart return areas within the retail developments shall be provided as needed.
10. Required Parking:

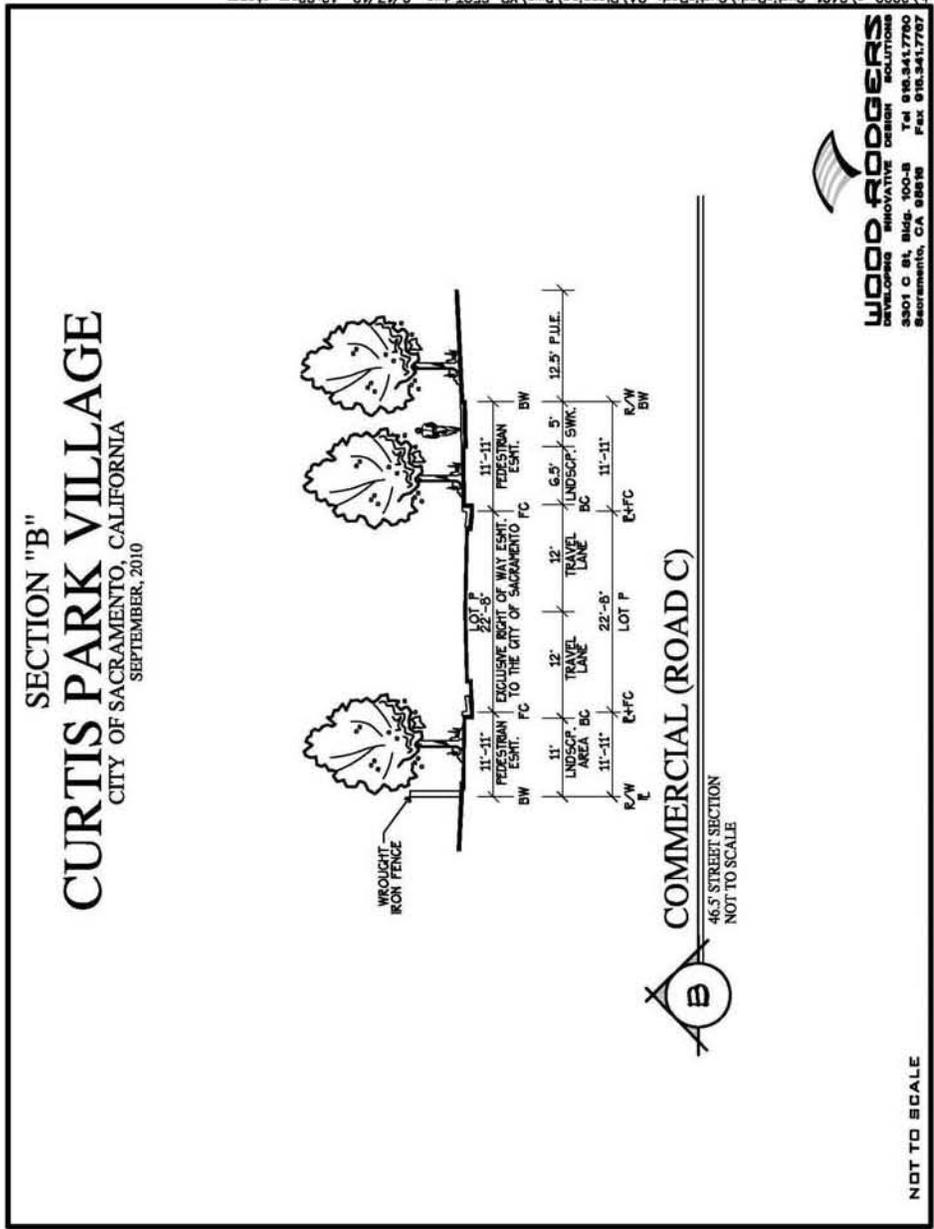
USE	MINIMUM PARKING REQUIRED
Retail Commercial Use	3.5 spaces / 1000 sq. ft.
Hotel	1 space / 3 rooms
Fitness Center	1 space / 200 sq. ft.
Dinner Theater	1 space / 200 sq. ft.
Restaurant	1 space / 3 seats
Single Family Housing	1 off street space / dwelling unit
Seniors' Housing	0.5 space / dwelling unit
Multi-Family Housing	1.5 space / dwelling unit

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4.4 STREET SECTIONS



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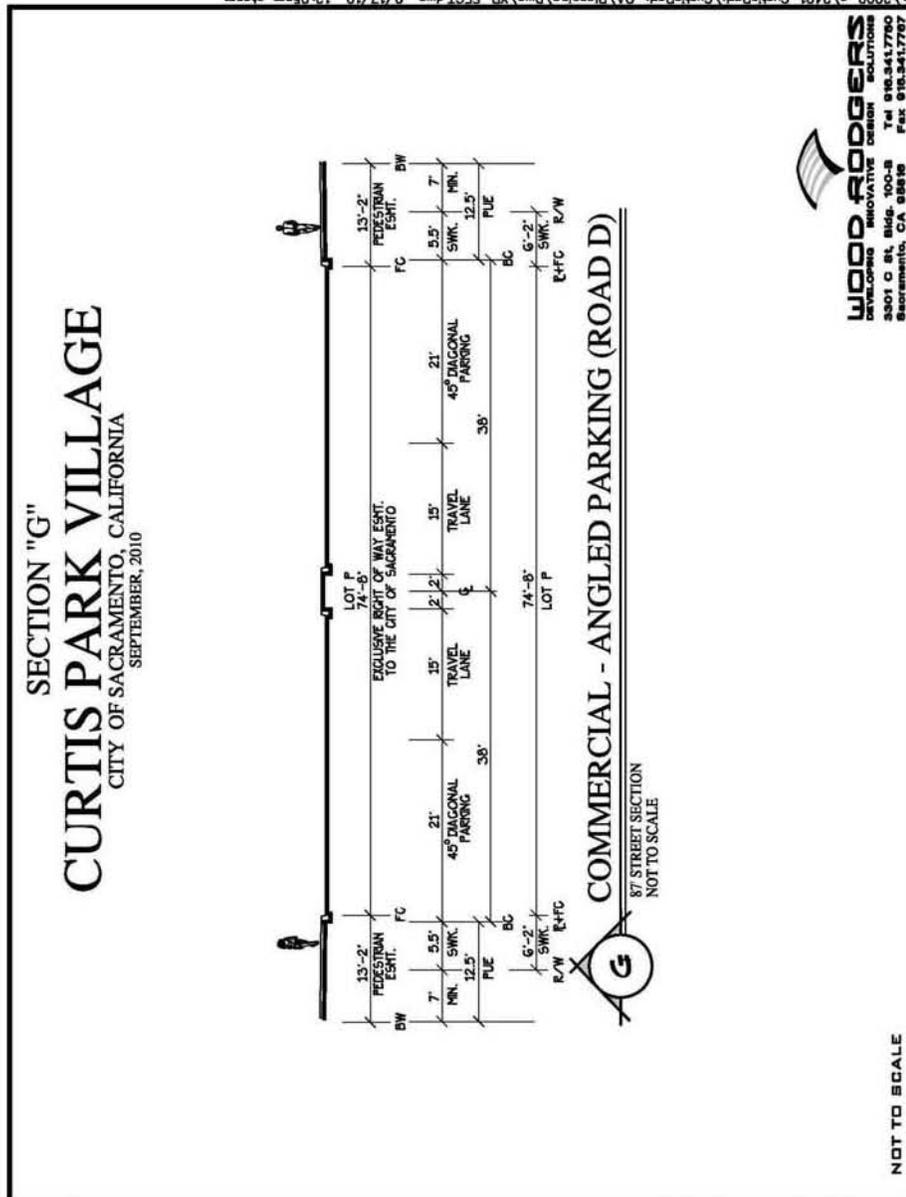




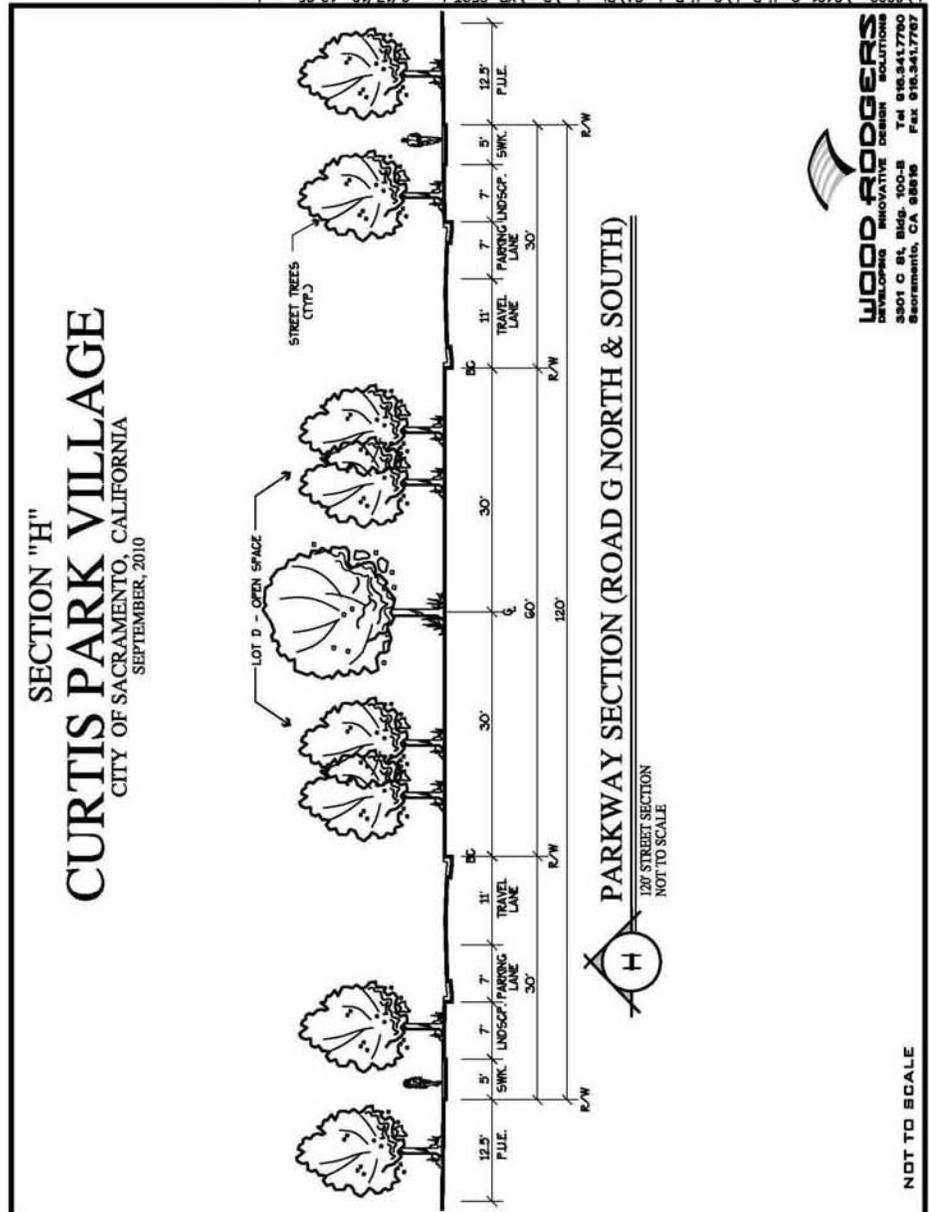




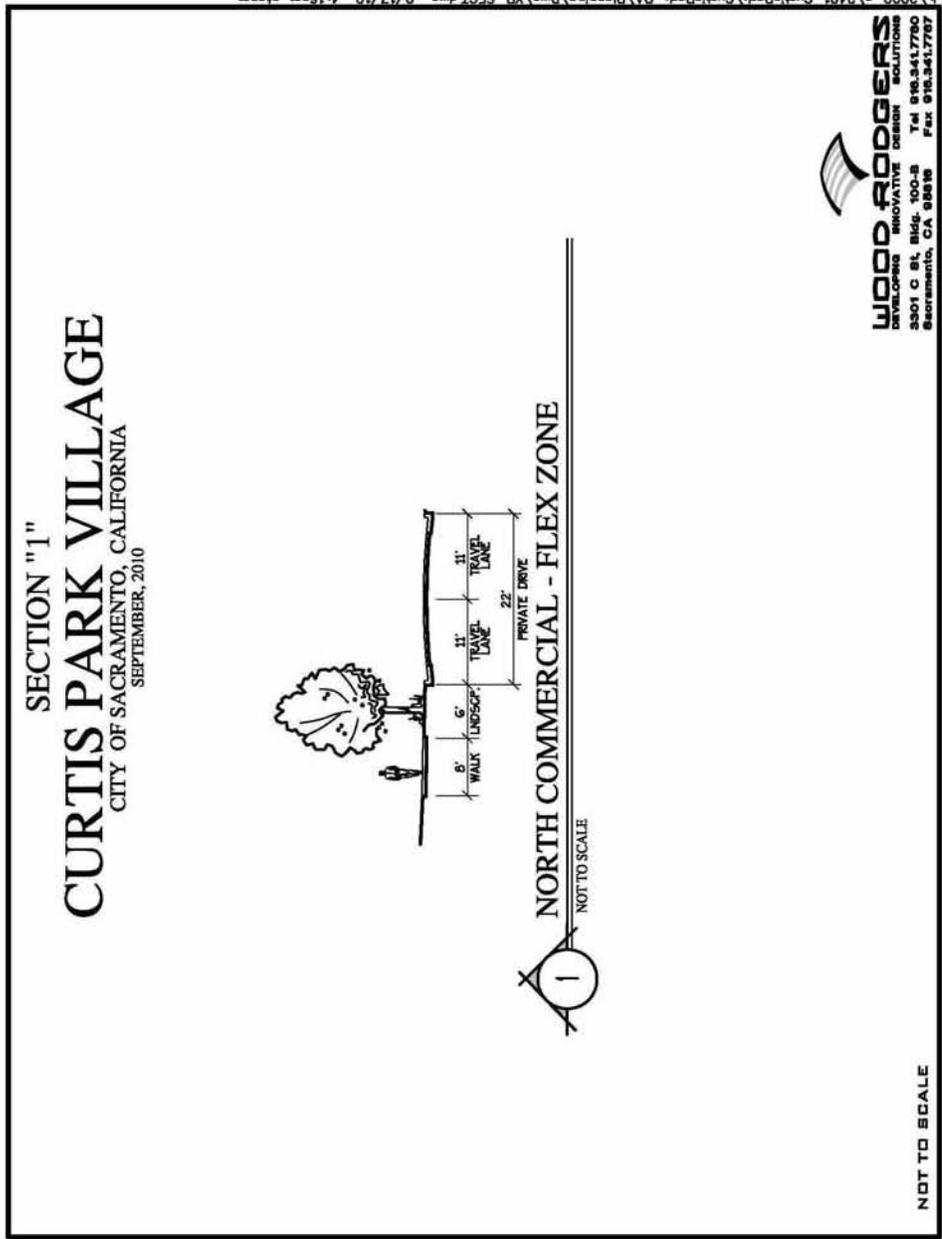
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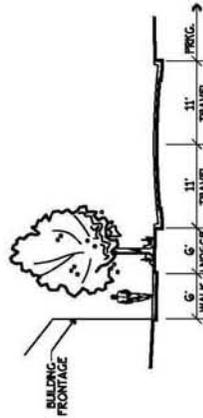


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SECTION "2"  
**CURTIS PARK VILLAGE**  
CITY OF SACRAMENTO, CALIFORNIA  
SEPTEMBER, 2010



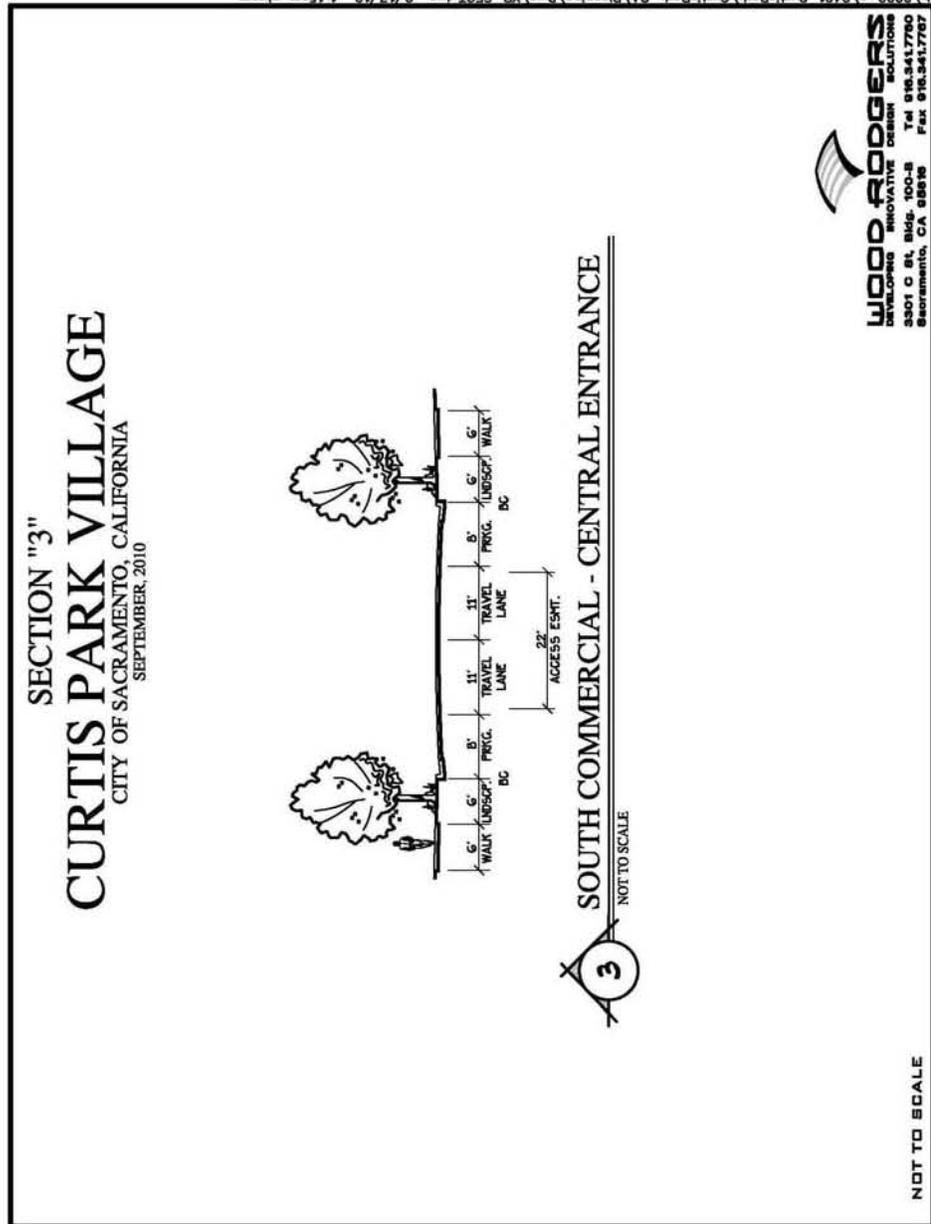
**2**  
SOUTH COMMERCIAL - PRIVATE DRIVE  
NOT TO SCALE

**WOOD ROGERS**  
 DEVELOPER INNOVATIVE DESIGN SOLUTIONS  
 3301 O St, Suite 100-B  
 Sacramento, CA 95819  
 Tel 916.341.7760  
 Fax 916.341.7767

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## 5.0 LANDSCAPE AND STREETScape

- 5.1 Monument Features
- 5.2 Public Amenities Within Commercial Areas
- 5.3 Hardscape Materials and Treatments
- 5.4 Landscaping
- 5.5 Fencing and Walls
- 5.6 Private Art on Private Property

### 5.1 MONUMENT FEATURES

Monument features, strategically placed, provide unity throughout an entire neighborhood and create a "sense of place" within the community. Curtis Park Village shall have a hierarchy of monument features that announce a sense of arrival and create a sense of place upon entry. Scale of monumentation should be attuned with the size and use of the space. Each monument will highlight and strengthen the project's design theme with consistent materials and landscape palette. Use landscape plantings and trees to complement project monumentation.

#### 1. Major entry monument

A major entry monument feature may be placed at the entrance to Curtis Park Village on Road "A" north of the Sutterville Road/Road "A" intersection. This entry monument may include an arch and/or pylon entry monument subject to the final review and approval of the City Department of Transportation. The intent of the major entry monument is to:

- A. Provide signature monumentation for the development that exemplifies an overriding design theme
- B. Provide a major entry monument at the major entry to the project from Sutterville Road.

#### 2. Minor entry monuments

Minor entry monument features may be placed at the entrances to residential villages, multi-family housing developments, or commercial areas within Curtis Park Village to differentiate one area from others. These entry monuments may include pylon entry monuments and should have a consistent design throughout the project site with appropriate lettering designating the area. The intent of the minor entry monuments are to:

- A. Provide minor entry monuments as a secondary level of signature for the development and in keeping with the design theme
- B. Make minor entry monuments smaller than the major entry monument.
- C. Locate minor entry monuments at the transition between the single family neighborhood zone and the mixed-use neighborhood zone

3. Minor entry monuments shall be constructed out of quality materials which are durable and long-lasting such as stone, brick, and metal in order to reduce the maintenance of monument features.

## 5.2 PUBLIC AMENITIES WITHIN COMMERCIAL AREAS

Public amenities may consist of seating, bollard, trash and recycling receptacles, bicycle racks, and information kiosks. The goal for the use of elements is to create enjoyable outdoor spaces and to provide comfortable amenities for relaxation and leisure. Street furniture is encouraged in outdoor areas to harmonize style, design and materials with surrounding buildings.

It is the intent of the Curtis Park Village Planned Unit Development Guidelines to encourage the following:

1. Seating
  - A. Provide a variety of seating alternatives such as benches and seat walls in outdoor spaces and walkways
  - B. Design spaces at a pedestrian scale
  - C. Enrich outdoor seating areas with landscaping, fountains, public art, and trellises
2. Bollards
  - A. Decorative bollards may be used to define edges of pedestrian and vehicle interfaces
  - B. Use to protect utilities and vulnerable elements from vehicle traffic
  - C. Use of decorative bollards is encouraged whenever a bollard is necessary
3. Pedestrian trash and recycling receptacles
  - A. Place near benches and at regular intervals throughout area
  - B. Details of the receptacles are to be sympathetic to the design of the buildings they serve and are to be visually pleasing within the streetscape
4. Bicycle racks
  - A. Place in easily accessible locations in clear public view
  - B. Locate such that use of surrounding spaces is unimpeded
5. Trellises

- A. Provide trellises to define outdoor spaces and seating areas
- B. Independently or combined with landscaping, trellises may be used to screen undesirable views
- C. Use to contrast scale and mass of buildings
- D. Trellises are to be constructed of durable materials to maintain the aesthetics of the trellis and reduce maintenance requirements

### 5.3 HARDSCAPE MATERIALS AND TREATMENTS

Good paving design enhances the cohesiveness of a neighborhood and provides visual cues about the purpose of spaces. Use a hierarchy of hardscape materials, textures and treatments to distinguish vehicle, bicycle and pedestrian pathways and linkages. Landscape materials should be consistent with City of Sacramento standards.

It is the intent of the Curtis Park Village Planned Unit Development Guidelines to encourage the following:

1. Sidewalks
  - A. Maintain consistency with historic sidewalk patterns of the City of Sacramento
  - B. Distance between scorelines to match sidewalk patterns found in the existing Curtis Park neighborhood
  - C. Scorelines to create 6" strip at each side of sidewalk parallel to street
  - D. Scorelines ¼" wide by ¼" deep
  - E. Lamp black is to be used in the concrete mix to provide color consistency among separate pours consistent with City of Sacramento standards
  - F. Specialty stamped paving associated with a building may be used to interrupt the standard sidewalk color and pattern at certain special locations, such as building entrances
2. Crosswalks
  - A. At selected paved crosswalks within the commercial areas of Curtis Park Village, stamped colored asphaltic concrete paving or other suitable material in durability and quality shall be used
  - B. Paving at crosswalks enhanced to be 15' in width, with 2' wide bands at edges per City of Sacramento standards
3. Enhanced street paving
  - A. Enhanced street paving shall be used at medians with turning lanes or tapered ends where the median is too narrow to support plant life or to be efficiently irrigated

**5.4 LANDSCAPING**

Thoughtful landscaping design in Curtis Park Village should complement the long-established neighboring area, noted for its "urban forest" of shady old-growth trees and gracious plantings. Use landscaping to enhance architectural character, to define exterior spaces, and to promote a comfortable pedestrian experience.

It is the intent of the Curtis Park Village Planned Unit Development Guidelines to encourage the following:

1. Street trees
  - A. Plant a consistent network of street trees along travel corridors to establish shade, beauty, and human scale
  - B. Maintain visual order by planting street trees of the same genus and species along the length of any street per City of Sacramento standards
  - C. Enhance identity of individual streets by varying genus or species
  - D. Select trees on a performance basis with the objective of minimizing water use, providing shade, minimizing hazardous litter, minimizing root intrusion, and providing color and contrast
  - E. Select evergreen and deciduous or flowering trees in combination to create visual interest and a dynamic landscape
  - F. Plant street trees at approximately 30' on center
  - G. Locate trees to allow for mature and long-term growth
2. Site landscaping
  - A. Select accent planting for entrances and key activity hubs
  - B. Select planting to screen or separate less desirable areas from public view, such as dumpster enclosures, parking areas, storage areas, loading areas, and public utilities
  - C. Plant vines where appropriate along solid walls and screen fences
  - D. Avoid short-lived plants, plants susceptible to disease, and large expanses of single plant varieties
  - E. Group plants in high- and low-maintenance zones as well as traffic zones, and hydrozones
  - F. Landscaping may be used to bio-filtrate storm water runoff
3. Irrigation and water conservation
  - A. Design irrigation systems to ensure the efficient use of water and to discourage vandalism
  - B. The use of low-water native plants is highly encouraged
  - C. Control all automatic irrigation systems with a timer
  - D. Use rain shutoff valves and moisture sensors to minimize overwatering

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- E. Use plant materials or other attractive site elements to screen irrigation controls and pedestals from view
- F. The use of drip or bubbler-type irrigation is encouraged to promote water conservation
- G. Use conventional spray irrigation systems with head-to-head coverage for turf areas
- H. Cover all exposed soil in planter areas with bark mulch to reduce moisture evaporation and to help control weeds
- I. Comply with local water use standards

**5.5 FENCING AND WALLS**

Fences and walls provide security, privacy, visual screening and sound attenuation as well as separation between uses of differing intensities. If used in excess, fences and walls can discourage pedestrian movement between residential, commercial, and public use areas, and therefore should be used only where necessary.

It is the intent of the Curtis Park Village Planned Unit Development Guidelines to encourage the following:

1. Use of aesthetically pleasing, high-quality fencing and wall materials to complement the character of the unique areas within Curtis Park Village
2. Fencing and walls coordinated with the architecture with which they are associated
3. Consideration of graffiti control when selecting fence and wall materials
4. Chain link fencing is not allowed.
5. All private drive gates shall be placed a maximum of 20 feet behind the right-of-way to the satisfaction of the Department of Transportation. All gates shall swing inward, not outward, and shall be equipped with a Knox Box.

**5.6 PRIVATE ART ON PRIVATE PROPERTY**

Art placed where it can be viewed by people can enhance the personality and character of a community. Art adds visual interest, engages community members and visitors and creates a sense of place.

It is the intent of the Curtis Park Village Planned Unit Development Guidelines to encourage the following:

1. The integration of art into the design of buildings and site.

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2. Art located where it can be enjoyed by a large number of people: at sidewalks, intersections, plazas, and building entrances
  - A. Art can be created in small elements, such as tile banding on a stair riser, or in larger pieces, such as interpretive sculptures and functional art
  - B. Art can be an interactive media, such as video projections, fountains or water elements
  - C. Art can be used as a wayfinding feature to attract pedestrians to key locations such as a plaza, or can be developed as murals
  - D. Art can take the form of decorative detail on benches, walls, stairs and entries
3. Art that is responsive to the environment (eg: clocks, benches, bicycle racks)
4. Art may consist of both permanent and temporary installations
5. Coordination in the placement of art with other streetscape improvements to ensure a coherent character for the neighborhood
6. Consideration of safety and visibility in placement and size of art

## 6.0 SIGNAGE AND GRAPHICS

- 6.1 General Guidelines for Signs
- 6.2 Lighted Signs
- 6.3 Projecting Signage
- 6.4 Awnings
- 6.5 Window Signage

### 6.1 General Guidelines for Signs

Signs attract attention and provide information and directions. In Curtis Park Village signs are to enhance the visual quality of the space, have a consistent and aesthetically pleasing look, and assist wayfinding by pedestrian, bicycle and motor traffic. All signage must comply with the Sign Ordinance of the City of Sacramento.

In general, signs within Curtis Park Village should:

- A. Be easy to read and decipher
- B. Be simple in design
- C. Enhance aesthetic environment through design consistency and quality
- D. Use colors that are compatible with those used throughout Curtis Park Village

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- E. Highlight the unique character of the neighborhood
- F. Assist in wayfinding - the ability of a person to find his or her way to a given destination - in a safe and clear manner
- G. Be designed to be vandal-resistant
- H. Be designed so that electrical connections will not be visible on signs

**6.2 Lighted Signs**

Lighted signs at Curtis Park Village should be designed such that:

- A. Lighted from a concealed light source, nonintrusive to vehicular or pedestrian traffic, or to neighbors
- B. The light for a sign originates from an indirect source
- C. Light is directed at the sign from an external, shielded lamp. Internal illumination of a sign is inappropriate
- D. Halo and silhouette signs are encouraged
- E. The sign is not illuminated by fluorescent light or backlighting
- F. No sign or part of a sign may move, rotate, flash or change its brightness
- G. A warm light, similar to daylight, is appropriate
- H. The use of neon and/or incandescent bulbs may be considered
- I. Use neon in limited amounts so it does not become visually obtrusive
- J. Plastic internally illuminated sign cabinets are prohibited unless the sign is a plastic "punch-through" sign
- K. Internal illumination of an entire sign panel is prohibited

**6.3 Projecting Signage**

Projecting signage is a building mounted sign with the faces of the sign perpendicular to the building fascia.

- A. Projecting signage (sometimes referred to as "blade" signs) are encouraged along pedestrian paths
- B. Design with maximum dimensions of 36-inches in width by 24-inches in height
- C. Install with bottom edge of sign at approximately 8-feet above the pedestrian way

**6.4 Awning signage**

A sign painted or placed on an awning, canopy, structural projection or cover over a door, window, storefront, or outdoor service area, typically non-illuminated

- A. Use a simple text or logo design that will not detract from the overall streetscape

## 6.5 Window signage

Any sign or painting on a window, intended to be viewed from the outside.

- A. Subtle in size and design
- B. Use to cover no more than 15% - 30% of display window space
- C. Attractive lettering and graphics shall be used such that window signage does not appear cluttered or non-professional

## 7.0 LIGHTING

- 7.1 Building Lighting
- 7.2 Parking Lot Lighting
- 7.3 Pedestrian Area Lighting

Well-designed outdoor lighting is an integral component in the creation of an active, walkable neighborhood for use when natural light is not sufficient. Lighting in Curtis Park Village serves to illuminate buildings, spaces and signage, to provide an adequate level of personal safety while enhancing the appearance of the area and is to be based upon sustainable neighbor-friendly principles.

It is the intent of the Curtis Park Village Planned Unit Development Guidelines to encourage the following:

1. Lighting designed to provide ambiance, safety, and security without unnecessary spillover or glare onto adjacent properties
2. Use of current energy efficient fixtures and technology
3. Adequately lighted pedestrian areas, plazas, sidewalks and building entrances to provide safety and security
4. Light pole heights scaled to complement adjacent areas
5. When security lighting is needed, lighting design is used to prevent offsite glare and light trespass
6. Addressing special circumstances such as 'areas in shadow'
7. Utilization of vandal-resistant fixtures
8. Lighting that meets IESNA standards

### **7.1 Building Lighting**

- A. Building light fixtures that are architecturally compatible with buildings and to complement the theme of the surrounding area
- B. Good lighting provided at building entrances
- C. Use architectural lighting to provide for the safety of pedestrian movement
- D. The use of lighting to wash primary walls and to highlight architectural features or detailing of building facades is encouraged
- E. No use of blinking, flashing lights, or exposed neon lighting to illuminate building facades or to outline buildings. Exception: temporary decorative lights, such as holiday lighting, may be allowed for temporary periods during the calendar year
- F. No use of wall pack lighting on facades facing streets, parking or publicly accessible areas

### **7.2 Parking Lot Lighting**

- A. Human scaled lighting to illuminate pedestrian walkways within parking areas
- B. Light standards that do not exceed 30' in height for parking areas
- C. The ratio between maximum and minimum lighting levels shall not exceed 4:1
- D. Fully integrated and coordinated lighting and tree plans to avoid conflicts
- E. Light standards and fixtures that meet minimum City of Sacramento illumination requirements

### **7.3 Pedestrian Area Lighting**

- A. In pedestrian areas, light fixtures compatible with other light fixtures in Curtis Park Village
- B. Building facades fronting on public streets illuminated with a minimum of 3 foot-candles
- C. Light standards for pedestrian areas shall not exceed 12' in height
- D. Decorative free-standing or bollard-type fixtures used to provide lower intensity lighting where appropriate

## **8.0 SITE REMEDIATION STRATEGY**

### **8.1 BACKGROUND**

The Curtis Park Village site once housed railyard operations. In the early 1980's, the site became surplus and was subsequently closed. The applicant purchased the property in 2003.

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In 1995, the California State Department of Toxic Substances Control (DTSC) identified the Curtis Park Village site as contaminated with hazardous wastes from the railroad era operations. The hazardous wastes identified are common to former railroad operation areas and include, but are not limited to: Arsenic, Lead, Chromium, Nickel, Petroleum Hydrocarbons, and Chlorinated Volatile Compounds. The site was characterized as a State Superfund site (a classification that is no longer in use), and as part of the clean-up process a Remedial Action Plan (RAP) and associated Mitigated Negative Declaration (MND) were approved by the DTSC in 1995. Soil remediation activities on the site have been on-going.

**8.2 STRATEGY TO COMPLETE REMAINING SOIL REMEDIATION AND ACHIEVE CERTIFICATION**

By letter dated June 30, 2010, the Curtis Park Village owner submitted a "Proposed Excavation and Remediation Strategy" to the State Department of Toxic Substances Control (DTSC), outlining a strategy to complete remediation of the Curtis Park Village site under the 1995 RAP, with certain modifications. The elements of the strategy as they affect the proposed development of the site are summarized as follows:

**1. Categorization of Remaining Impacted Soil and Disposition**

All remaining impacted soil at the Curtis Park Village site will be excavated, stockpiled, profiled, and designated as one of six proposed categories (A through F) based on detected constituents. The proposed categories, and their intended disposition, are as follows:

- A. Category A (unrestricted use) – Place as fill material within the commercial zone;
- B. Category B (commercial use) – Place as fill material within arterial and commercial area streets;
- C. Category C (metals exceeding commercial standards) – Off-site disposal via rail or truck, or eligible for placement into a soil containment cell (if constructed);
- D. Category D (TPH exceeding cleanup standards) – Off-site disposal via rail or truck;
- E. Category E (metals and TPH exceeding commercial standards) – Off-site disposal via rail or truck; and
- F. Category F (asbestos-containing material) – Off-site disposal via rail or truck.

On anticipation of approval of the proposed strategy, the Curtis Park Village project entitlements are conditioned to allow use of Category B soil as fill material within Road A (to the northern tip of the neighborhood park) and Road C and D that surround the Southern Commercial Area, as shown on the Tentative Map (Lot P).

## 2. Re-evaluation of Remedy

The new strategy intends to manage all impacted soil through on-site and off-site approaches that would not include an on-site containment cell. However, if Category C soil (as described above) exceeds 20,000 cubic yards, the cost of off-site disposal may be prohibitive, and an alternative approach to management and disposal would need to be evaluated. The Curtis Park Village owner will have the option to re-evaluate the soil remediation remedy and consider an on-site containment cell for retention of "Category C" soil that exceeds commercial cleanup standards. If and when re-evaluation is required and an on-site containment cell is considered, the Curtis Park Village owner expects that an amendment to the 1995 RAP or equivalent document will be prepared for submission to, and hearing and action by, DTSC.

## 3. Resolution 2010-176: Location Priorities for Placing Containment Cell in Curtis Park Village Site

City Council Resolution No. 2010-176, adopted April 1, 2010, provides policy direction on, among other issues, the Curtis Park Village site remediation and, if considered as a remedy by the Curtis Park Village owner, the placement of a containment cell in the proposed neighborhood park site. Consistent with this policy direction, priorities for location of a containment cell on the Curtis Park Village project site shall be as follows:

- A. First, two acres in the Flex Zone under parking;
- B. Second, under a hard surface in the Village Green;
- C. Third, under hard surface uses in the neighborhood park;

**Provided, that the Curtis Park Village owner is required to return to the City Council to ask for approval to place a containment cell in the park.**

### 8.3 PROCEDURE FOR REQUESTING APPROVAL OF USE OF PARK SITE FOR A CONTAINMENT CELL

The Curtis Park Village owner may apply for a modification to the conditions of approval of the Curtis Park Village project entitlements to allow for the placement of a containment cell under hard surfaces within the project's proposed neighborhood park site if the amount of "Category C" soils in the project site exceeds 20,000 cubic yards and the cost of off-site disposal is found to be prohibitive. The application for modification of affected conditions shall be heard by the City Council concurrently with the master plan for the park, after hearing by the Planning Commission and the Parks and Recreation Commission.

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## **Appendix A:**

# **Curtis Park Village Single Family Home Design Guidelines**

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## INTRODUCTION

### Purpose of the Design Guidelines

The Curtis Park Village Single Family Home Design Guidelines have been specifically developed for the Curtis Park Village Planned Unit Development. They are intended to provide consistent design principles for single family residential structures that contribute to the creation of neighborhoods with a strong, cohesive sense of place and improve the overall character of neighborhoods by making them attractive, safe and inviting places to live.

These Design Guidelines have been created for use by residents, developers, design professionals, City of Sacramento planning staff and appropriate City hearing bodies. They are intended to facilitate the review process outlined in the Curtis Park Village Planned Unit Development Guidelines and Title 17 of the Sacramento City Code by helping applicants and City planning staff identify major design issues and devise solutions early in the application process. In summary, these Design Guidelines are intended to:

- Create a positive sense of place and enhance community identity;
- Promote neighborhood pride;
- Encourage high-quality development and provide creative design solutions and options;
- Provide clear and usable design direction to project applicants, developers, designers, and City planning staff;
- Protect and enhance property values and community economic viability; and
- Facilitate a clear and expeditious project review process.

Projects will be reviewed for compliance with the design principles identified in this document. Although it is understood that not all design principles will be applicable to all proposed projects, conformance with relevant principles is required.

Overall, these Design Guidelines are intended to encourage consistent designs while allowing for variety and innovation. City planning staff will review all applications on the basis of the guidelines in this document.

### The City's Commitment to Sustainability

In 2006, the Sacramento City Council adopted a vision for the city reflecting the Council's commitment to "sustainability and livability." Based on the council's vision, the City continues to develop and refine standards and guidelines intended to influence a sustainable and livable design of future development in Sacramento.

In the meantime, these Design Guidelines include a number of specific guidelines that promote environmentally responsive site, building and landscaping design.

## How to Use the Design Guidelines

Each subsection in the Design Guidelines is organized to include some or all of the following elements:

### Design Principle

The *design principle* is a general concept that must be met by all projects and forms the basis for individual design guidelines.

### Rationale

The *rationale* explains the key features of a design principle and how it relates to the neighborhood context.

### General Design Standards and Guidelines

The *general design standards and guidelines* provide suggestions for high performance building and landscape design in accordance with stated design principles and rationale.

### Sustainability Guidelines

The *sustainability guidelines* give suggestions for providing environmentally responsive site, building and landscape design.

## Project Review Process

The design of single family residences in the Curtis Park Village Planned Unit Development (PUD) is subject to City review as noted in the PUD Guidelines and as required by Title 17 of the Sacramento City Code (The Zoning Code). In most cases, staff level review will be required, but Zoning Administrator or Planning Commission review may be required for some projects. Applicants for development should expect to communicate with planning staff at several key junctures in the application process. Once a project has been approved by City staff or the appropriate City hearing body an application for a building permit may be submitted.

## **HISTORY AND CHARACTER OF THE CURTIS PARK VILLAGE NEIGHBORHOOD**

### **Residential History and Neighborhood Context**

These Design Guidelines are intended to result in the development of singlefamily residential areas in Curtis Park Village that reflect the quality and design of the existing Curtis Park neighborhood that surrounds the project site to the north and east. Now one of the most mature and desirable neighborhoods in Sacramento, Curtis Park was originally developed from ranch and farm land and is one of the city's early suburbs. The development of Curtis Park can be traced back to October 1887 when an auction was held to sell lots in "Highland Park", an early subdivision in the City of Sacramento, followed by West Curtis Oaks, Curtis Oaks, South Curtis Oaks and East Curtis Oaks subdivisions to become the Curtis Park neighborhood that we know today. Curtis Park continued to develop during the early 20<sup>th</sup> century as one of the "streetcar neighborhoods". Curtis Oaks and West Curtis Oaks, in addition to the Highland Park subdivision all became part of the growing residential community of Curtis Park. In 1907 and 1909 right-of-way and land was deeded to the Western Pacific Railroad on the west side of the Curtis Park neighborhood. The railroad site was to be used for the shops and railyards to serve the needs of the Western Pacific in Sacramento. This is the area that contains the 72 acres of the Curtis Park Village site.

Home designs in Curtis Park Village are intended to reflect the design and pattern of homes found in the existing Curtis Park neighborhoods. These houses tend to be predominately bungalows, both single and two story, in a variety of eclectic styles including California Mission, Arts and Crafts, English/Storybook cottage and Tudor Revival, among others. Newer infill homes and remodels of existing homes throughout Curtis Park reflect both tradition and contemporary influences. Many infill and remodeled homes are two stories in height in response to the challenge of building larger homes on smaller lots to accommodate changing lifestyles. While cement plaster is a common exterior cladding material, a variety of exterior finishes including wood lap siding, brick, and some stone can also be seen with new construction generally reflective of the quality and detail of the original homes in the neighborhood.

## **Residential Character Area of Curtis Park Village**

The designs to be emulated in the single family homes within Curtis Park Village can be found in the established neighborhoods of Curtis Park and Land Park. The Residential Character Area of these design guidelines can be described as north of Sutterville Road, south of 2<sup>nd</sup> Avenue, west of Franklin Boulevard, and east of Land Park Drive. The homes within the described Residential Character Area represent a variety of eclectic architectural styles, including Victorian, Queen Ann, Craftsman, Bungalow, Sacramento Highwater, California Mission, English Country Cottage (Storybook Cottage), Tudor Revival, Curtis Park vernacular, and various period revival styles. Although a few streets represent a mixture of styles, many blocks and streets have some consistency of style and materials, representing the numerous small subdivisions constructed by the firms developing the area at the time.

Of the many styles represented, Craftsman, Mediterranean and California Mission influences are perhaps the most common. These homes tend to be one, one-and-a-half and two stores in height with gable roofs and front porches with sturdy, square or round support columns particular to the Craftsman style. Common building materials include wood, brick, and plaster.

# SINGLE FAMILY RESIDENTIAL DESIGN GUIDELINES

## Site Design

Site design addresses a home's location on the lot, its orientation toward the street and adjacent buildings, and its overall layout relative to the site. The site design of infill homes and additions to existing homes should emphasize respect for the context of established structures. In addition, new homes, infill homes, and additions, where appropriate, should:

- reflect the scale of existing homes on the block and the Curtis Park Village Residential Character Area;
- in most cases, the home should be located toward the front of the lot with minimal setbacks;
- provide an entry facing the street or easily identifiable from the street to create a welcoming appearance and to give homes "curb appeal";
- minimize the appearance of the garage by locating it at the side or rear of the home; and
- minimize the appearance of mass in two-story homes with an articulated façade.

## 1 Setbacks and Orientation

### Design Principle

The front setback and the placement of the home on the lot shall correspond to setbacks as defined in this document.

### Rationale

Setbacks may be slightly varied to create interest but should contribute to the established assemblage of homes on the block and help to form a "streetwall" on the public right-of-way. Front yard setbacks shall conform to the setback standards stated below.

### General Design Standards and Guidelines

- 1.1 Homes should be oriented toward the front of the lot with front entries facing the street or easily identifiable from the street to encourage an active visual relationship with the street. Homes adjacent to private drives should have garages accessed from the private drives.
- 1.2 Construction should generally be parallel to lot lines.

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- 1.3 Infill structures should reinforce the existing rhythm of building widths and setbacks.
- 1.4 The front setback shall be measured from the back of sidewalk, all other setbacks shall be measured from the property line. Minimum setbacks shall be consistent with the following:

**Lots Adjacent to Private Drives**

Front: 12.5' to 20'  
 Side: 3'  
 Corner Lot Side (45' wide typical): 10'  
 Rear (Garage along private drive): 3'-6"  
 Rear (Main structure): 10'

**Traditional Single Family** (50' x 100' typical)

Front: 12.5' to 20'  
 Side: 5'  
 Corner Lot Side (55' typical): 10'  
 Rear: 10'

**Deep Lots** (lots deeper than 100 feet)

Front: 15' to 20'  
 Side: 5'  
 Corner Lot Side (55' typical): 10'  
 Rear: 15'

**Brownstone Lots** (30'x 80' typical, zero lot line to minimal side setback)

Front: 12'-6"  
 Side: 0' or 5', depending on placement of home on adjacent lot  
 Rear (Garage along private drive): 3'-6"

**Cottage Infill Lots** (zero lot line to minimal side setback)

Front: - 12' along public ROW, 5' to 10' on private drive  
 Side - 0' to 5'  
 Rear - 0'

**Sustainability Guidelines**

- 1.5 Homes should be designed and oriented on the lot to maximize solar access on southern exposures so that such features as photovoltaic solar panes and daylight can be incorporated into the design of the home, when feasible.

**2 Scale and Mass**

**Design Principle**

Although one and one-and-one-half story homes are allowed, most homes within Curtis Park Village are anticipated to be two to two-and-one-half stories in height. Homes shall be compatible with the overall scale and mass of other homes on the block and in Curtis Park Village and the Residential Character Area.

**Rationale**

The scale and mass of homes within Curtis Park Village are intended to be exemplary in engaging the diversity of the existing Curtis Park neighborhood. The establishment of a "streetwall" along public rights-of-way and a consistency of scale and mass are desirable in the neighborhoods of Curtis Park Village. Homes and additions to existing homes should respect each other and earlier established homes by minimizing the appearance of building and mass through site layout and architectural design.

**General Design Standards and Guidelines**

- 2.1 Homes should be oriented perpendicular to the street to minimize the appearance of mass.
- 2.2 The mass of a larger structure should be broken down into smaller components that are similar in scale to other buildings in the neighborhood.
- 2.3 The garage shall be located to the rear of the primary residence (See also Section 4, Garages)
- 2.4 Contemporary homes are typically constructed as concrete slab-on-grade. The concrete slab of the newer home should be treated in one or more of the following ways:
  - The height of the slab could be increased to match established/typical floor levels relative to the street.
  - The soil under the slab could be graded so that it is above the grade of the surrounding yard.
  - The home could be constructed with raised wooden subfloor. In this case, the home could also have a raised entry that steps down to the ground level.

**General Design Standards and Guidelines for Additions**

- 2.5 Additions should respect the massing, scale, and height of the primary structure.

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- 2.6 Additions should not visually interfere with but complement the original structure.
- 2.7 Additions that are taller than the original building should be located at the rear of the building so that the new addition does not visually overpower the original structure.
- 2.8 Large additions should be broken down into smaller, varied components that relate to the scale and massing of the original structure

**Sustainability Guidelines**

- 2.9 Solar access for daylighting and solar panels should be considered in massing design. Glazing should be located predominantly on the north and south sides of the home. Glazing on the west side of the home should be minimized unless the west side of the structure is the street side.

**3 Number of Stories****Design Principle**

One to three story homes are acceptable in Curtis Park Village. The structures should be designed to minimize the appearance of mass of the third story. All homes shall meet the height requirements of the zone as stated in Sacramento City Code Title 17 (The Zoning Code).

**Rationale**

Although there are many two-story homes in Curtis Park, the majority of homes are one story. Because two and three story homes have the capacity to appear out of scale with other homes on a block they should be carefully designed so as not to overwhelm adjacent one-story homes.

**General Design Standards and Guidelines**

- 3.1 The front of the home should not present an unbroken two or three story wall to the street. Facades should be articulated to break up the surface, add interest and minimize the appearance of mass. Articulation should include at least two of the following features:
  - protruding or recessed façade surfaces
  - bow, bay, or dormer windows
  - horizontal elements such as cornices, window lintels, or horizontal bands:

- porches or porticoes
- 3.2 All sides of the homes should be given visual interest through the careful placement of windows, while also protecting the privacy of the adjacent home. No side of a multi-story home should present an entirely blank façade. Finishes and materials shall be consistent on all sides of the structure.
  - 3.3 Porches and porticoes in multi-story homes should be one story to maintain the proportion and context of the surrounding homes on the block and provide an inviting entry with pedestrian scale to the street. (See also Section 8, Entry Features)
  - 3.4 Architectural elements, such as dormers, multiple gables, and windows, should be added to the upper stories to create articulation and break up the façade.

## 4 Garages

### Design Principles

The garage shall be placed at the rear of the primary residence to minimize its visibility from the street, and shall match the character and materials of the residence.

### Rationale

To emphasize the front entryway and porch and minimize the prominence of the garage, the garage should be placed at the rear of the home. The garage can be placed along the side of the residential lot provided that the garage is recessed well behind (i.e. 18') the front façade of the house.

### General Design Standards and Guidelines

- 4.1 Garages shall conform to all relevant City of Sacramento regulations and guidelines.
- 4.2 On-site parking may be an attached or a detached garage. Attached garages should be recessed a minimum of 18 feet behind the front façade (the main front wall) of the home.
- 4.3 Detached garages are recommended when feasible. If private drive access is available, detached garages shall be placed in the rear yard. When private drive access is not feasible, front access is acceptable.

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- 4.4 Garage design, siding, roofing, trim, and window materials should match the material used on the home.
- 4.5 Garage doors facing the private drives shall have remote control opening.
- 4.6 Many older homes in Curtis Park have Porte-cocheres along the side of the home with detached garages at the rear of the lot. Porte-cocheres are allowed provided they meet City Code requirements. The Porte-cochere should be designed to the same standard as the residential structure or a front porch and compatible with the overall design of the structure.

**Sustainability Guidelines**

- 4.7 Single-car garages or tandem garages are encouraged to reduce the extent of paved driveway areas.
- 4.8 Reduced private drive aprons are encouraged to decrease pavement runoff.
- 4.9 Garage doors should include clear top panels for natural lighting.

**5 Additional On-Site Parking and Driveways****Design Principle**

Any additional on-site parking shall be located at the side or rear of the lot, whenever feasible, to minimize parking along the façade facing the street and afford an unobstructed and attractive view of the home.

**Rationale**

In many of the city's older neighborhoods, over time, extensive driveway paving and parking has occurred in the front setbacks, taking away from the original character of the neighborhood. Development should place driveways and parking pads toward the side of the lot so that the front yard is visually attractive and can be landscaped.

**General Design Standards and Guidelines**

- 5.2 Unless specifically allowed in the Curtis Park Village PUD Development Guidelines, parking shall conform to all relevant City of Sacramento regulations and guidelines.
- 5.3 Private drive access is preferred in areas where it is feasible within Curtis Park Village.
- 5.4 Concrete is the typical residential driveway paving material. Alternative driveway paving surfaces, such as mortared brick or concrete pavers, and

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tinted concrete, are encouraged to minimize the appearance of monotonous paved front yards. Permeable materials, such as pavers, cobblestone, or similar treatments, are also recommended paving materials for driveways. Driveway strips with turf between the strips are another desirable alternative. Alternative treatments must be approved by the relevant reviewing agencies per City development standards for paving surfaces.

- 5.5 Shared driveways shall be encouraged, where feasible, to minimize the paved area in front of the homes.

## ARCHITECTURE

Architecture addresses the built form of the home, along with its detailing. Homes and additions to homes should respect the architectural style of established homes on the block, while also reflecting contemporary construction methods.

Curtis Park has experienced decades of infill development which lends interest and variety to the neighborhood. The new homes in Curtis Park Village can continue this trend by bringing fresh new style while still emphasizing respect for the overall scale of the existing Curtis Park neighborhood.

All architectural elements should be constructed of high-quality materials to promote longevity and a pleasing appearance. Variety of design and materials is desirable within the single-family home area of Curtis Park Village if complementary to the existing Curtis Park neighborhood context.

### 6 Architectural Character and Detailing

#### Design Principle

Homes shall be designed in an architectural style that complements the best examples of existing residential development in the Curtis Park neighborhood.

#### Rationale

Structures that are compatible with the existing Curtis Park neighborhood will contribute to a sense of place and add to the character of the area helping to knit the former railyards back into the urban environment and the neighborhood. Use of stylistically cohesive, character-defining features, such as porches, columns, balustrades, brackets, rafters ends, and decorative trim enhances visual compatibility.

#### General Design Standards and Guidelines

- 6.1 Architectural design should complement the architectural styles of the existing homes in the Curtis Park neighborhood.
- 6.2 New stylistic interpretations of traditional architecture are encouraged. Contemporary concepts should follow fundamental design principles without copying them. Architectural features and detailing should be proportional to the scale of the home, as well as to other homes on the block of a similar architectural style.
- 6.3 Additions should be designed with architectural details that are similar to those of the existing structure.

- 6.4 Individual elements in a structure should be consistent with that structure's overall design or style.
- 6.5 All elevations should be given equal design treatment and architectural consideration including the use of consistent materials on all facades of the structure.

## **7 Roof Styles**

### **Design Principle**

The design of a roof shall correspond to the prevailing designs of roofs on homes in the existing Curtis Park neighborhood and the roof design shall be compatible with the overall design and architectural style of the home. The design of the roof on additions and renovations shall correspond to the roof style and pitch of the existing structure.

### **Rationale**

The pitch, style, and orientation of the roof on a home should be similar but not necessarily identical to the roof styles of the surrounding homes on the block. Roofs pitches and materials should be complementary from home to home but should also be in keeping with the architectural style and design of the individual home. However, the pitch, style, and orientation of the roof on a renovation or addition should be identical to that of the existing home. Any crossing gables should match the established pitch and style of the existing roof.

### **General Design Standards and Guidelines**

- 7.1 The roof pitch, overhang and exposed rafter tails on structures should be compatible with the architectural style of the home.
- 7.2 Whenever possible the roof pitch, overhang and exposed rafter tails should be similar to those of existing homes on the block and in the Curtis Park Village Residential Character Area.
- 7.3 Flat roofs are discouraged and should only be used when appropriate for the architectural style of the structure.
- 7.4 Infill homes should respect the primary gable orientation of the majority of existing homes on the block.
- 7.5 The roof forms and slope of additions should be similar to those of the original structure. The roof of additions should be subordinate to that of the primary building. Gable, hip, and shed roofs are appropriate for additions.

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- 7.6 A dormer should be compatible with the scale of the primary structure. The number and size of dormers should not be visually overwhelming. Dormers should be placed at least 18 inches below the ridgeline of the primary roof.
- 7.7 Roof overhang ranging from 18 to 36 inches are encouraged to promote window shading and building longevity when appropriate to the architectural design of the home.

## 8 Entry Features

### Design Principle

Homes shall have an entry feature such as a porch, overhang feature, or stoop that faces the street and defines the entry to the home from the street.

### Rationale

Entry features accent the front façade of a home and add visual interest. Entry features and their components, such as columns and steps, should be proportional to the overall scale of the home.

Porches and other entry features are common architectural elements in homes in Curtis Park Village Residential Character Area. Porch elements in these older homes differ greatly, ranging from solid, square columns of Craftsman homes, to the deep recesses and covered walkways of California Mission Revival homes, to the delicate turned balusters in Queen Anne homes. Entry features should be consistent in design and scale with the architectural style of the home and the predominant style of the block while providing diversity and interest to the home and the block from the street.

### General Design Standards and Guidelines

- 8.1 Clearly distinguished entry features are encouraged on all homes.
- 8.2 Entry porches and porticoes in two and three story homes should be one story to minimize the appearance of bulk and offer an appropriately scaled pedestrian entry to the home.
- 8.3 Entry features should be built to a minimum depth of 6 feet from the front of the entry feature to the front façade of the home: however, shallower entry features will be considered on a case-by-case basis.
- 8.4 The scale and style of porch and portico elements should be consistent with the scale and style of the home.

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- 8.5 Porches and portico columns should be given some form of detailing, such as a defined plinth and capital, as appropriate to the architectural style of the home.
- 8.6 Porch columns and railings should be constructed of high-quality materials that complement the materials used in the overall exterior of the home.

## 9 Doors

### Design Principle

Doors shall be made of high-quality materials and include decorative elements such as raised panels, sidelights, and transoms that are appropriate to the overall design of the home.

### Rationale

Doors are an important architectural feature that offers security and visual appeal. For this reason, doors should be made of high-quality materials that protect the home, while also offering aesthetic appeal through decorative elements that correspond to the style of the home.

### General Design Standards and Guidelines

- 9.1 Doors are character-defining features of a home and should be appropriately designed to contribute to the overall composition of the house.
- 9.2 Doors should not be flat surfaces, but should include raised panels, glass, or other forms of detailing and articulation appropriate to the architectural style of the home.
- 9.3 Doors should be of high-quality material, such as solid-core wood or metal. High-quality metal framing can afford enhanced security and fire protection and should be considered. Whether wood or metal, door framing should be slightly recessed or extended to lend interest and definition to the entry.
- 9.4 Horizontal sliding doors are highly discouraged on the public side(s) of the home.

## 10 Windows

### Design Principle

Windows shall be constructed of high-quality materials and designed to complement the style of the home.

**Rationale**

High-quality materials and construction techniques ensure the longevity of windows and enhance their aesthetic appeal.

**General Design Standards and Guidelines**

- 10.1 Windows should complement the style of the home.
- 10.2 Single or double hung windows as well as casement windows are encouraged. Horizontal sliding windows are discouraged.
- 10.3 Windows with multiple panes provide interest and definition to a home's façade and are encouraged.
- 10.4 Window frames, sash, trim, and sills may be wood, vinyl, or a paintable fiberglass composite. Other compositions will be considered on a case by case basis.
- 10.5 A consistent window treatment should be used on all sides of the building.
- 10.6 Reflective or tinted glass and opaque plastic skylights are discouraged.
- 10.7 Windows should have decorative trim and projecting sills consistent with the architectural style of the home.
- 10.8 Windows used in additions and renovations should be similar to those in the primary structure.

**Sustainability Guidelines**

- 10.9 The use of insulating or energy efficient glazing is encouraged to increase energy efficiency.
- 10.10 Prismatic glazing is encouraged to increase the energy efficiency of skylights.
- 10.11 Daylighting should be incorporated into the architectural design of the home, to increase energy efficiency.

**11 Siding****Design Principle**

The siding used on a home or addition shall be durable, consistent with the style and character of the home, and complement the siding material used on other homes on the block.

**Rationale**

Siding should not only complement the style of a new home but should be consistent with siding materials commonly used on other homes in the neighborhood and consistent with the architectural style of the structure to avoid appearing out of context. Siding materials in additions and renovations should match the siding on the existing home to the greatest extent possible.

Common siding materials used on homes in the Curtis Park Village Residential Character Area include brick, stone, wood lap siding, wood shingles, and cement plaster. The predominant material depends on the predominant architectural style of the home.

**General Design Standards and Guidelines**

- 11.1 Wood lap siding, wood shingles, brick, stone, and cement plaster (stucco) are acceptable materials. The siding should always reflect the architectural style of the house and be appropriate for the design.
- 11.2 Wood lap siding should be applied horizontally and should be similar in scale, proportion, texture, and finish used on other homes on the block and appropriate to the architectural style of the home.
- 11.3 Several lap siding materials are available with some recommended over others. Lap siding of wood or cement fiber is recommended. Lap siding of vinyl, grooved plywood, and aluminum are not recommended.
- 11.4 Cement plaster (stucco) must be smooth or imperfect smooth troweled texture. Spray-on stucco is not allowed and foam trim sprayed with stucco should be avoided.
- 11.5 The use of two materials, with one employed as wainscoting, should be considered in order to add to the interest of the home. Change of materials in upper gables is recommended to break-up the overall mass of the home.
- 11.6 Avoid highly reflective siding materials such as metal, glass, plastic, and vinyl.
- 11.7 The color, texture, bonding pattern, and grout profile of brick should be similar to established uses of brick on the buildings in the Residential Character Area.

**12 Roofing****Design Principle**

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Roofing on homes in Curtis Park Village shall be durable and complement the architectural style of the home. Roofing on an addition or renovation shall be durable and complement the roofing on the existing home.

**Rationale**

Roofing materials should be durable to ensure their attractiveness and continued functionality for many years. Roofing materials should also be suitable for context. For example, high-quality metal roofing may be appropriate in some rural or resort settings but is uncommon in the Curtis Park neighborhood and therefore may be considered inappropriate.

**General Design Standards and Guidelines**

- 12.1 Roofing materials must have a minimum 30 year guarantee. Roofing with a 40 year guarantee or greater is encouraged.
- 12.2 The color and materials used for roofing should complement the color and architectural style of the home. Accent colors may be used but they should not overwhelm the home or clash with other homes on the block.
- 12.3 The following materials are recommended: laminated dimensional (asphalt) shingles, wood shingles/shakes, laminated dimensional fiberglass shingles, lightweight concrete shingles, terra cotta tile or lightweight concrete tile, or slate shingles.
- 12.4 Metal roofing is typically inappropriate and is discouraged.
- 12.5 Composition shingles should only be rolled over side barge boards when appropriate to the overall design of the structure.
- 12.6 Ogee gutters should be used on structures with a traditional style of architecture. Fascia gutters are more appropriate to ranch style and more contemporary homes.

**Sustainability Guidelines**

- 12.7 Photovoltaic solar panels or solar shingles such as "solar slate" are encouraged to reduce the home's use of energy from conventional sources.
- 12.8 Homeowners are encouraged to consider roofing options that include recycled content.
- 12.9 The use of "cool roof" options, including lighter colored roofing and reflective coatings, is encouraged to achieve energy efficiency.

**13 Lighting and Addresses**

**Design Principle**

Exterior light fixtures shall be consistent with the architectural style of the home and shall provide adequate illumination of the front entry and address(es) so that both are clearly visible from the street.

**Rationale**

To assist emergency vehicles and contribute to the safety of the home, address lettering should be affixed near the door and should be large enough to be seen from the street. Lighting fixtures should be adequate to illuminate the address(es) and the front entryway to the home.

**General Design Standards and Guidelines**

- 13.1 Light contributes to the security of the home and is required for the front entryway, walkways, and garage area. Recessed entryways should be clearly lit.
- 13.2 Lighting fixtures should be designed for exterior use and should be weather resistant.
- 13.3 The address should be illuminated and clearly visible at night.
- 13.4 The address numbers should be 4 to 8 inches high.
- 13.5 The preferred location to display the address is affixed to the front of the home, adjacent to the front door. If structural considerations preclude affixing the address adjacent to the front door then the address may be attached on the front of the home as long as it is still clearly visible from the street and illuminated at night.
- 13.6 Lighting fixtures should be directed away from adjacent areas to minimize light pollution.
- 13.7 Light fixtures and address numbers style and design are to be consistent with the architectural style of the house.

**Sustainability Guidelines**

- 13.8 Compact fluorescent bulbs and photocell sensors are encouraged to achieve energy efficiency.

## **SITE ELEMENTS**

Site elements include those features that are auxiliary to the home, such as landscaping, fencing, and paving. Site elements are typically used to enhance the appearance and functionality of the home.

High-quality site elements can increase the beauty and value of the home and, when carefully selected, can also contribute to the visual continuity of the street and the neighborhood.

## **14 Landscaping**

### **Design Principle**

Landscaping shall be used around the home to positively contribute to its' appearance and give a sense of visual continuity along the street. The front yard shall be planted with landscaping materials that may include a mixture of turf, groundcover, and decorative shrubs.

### **Rationale**

A variety of landscaping plants and materials can contribute to a positive sense of place in a neighborhood. Trees provide shade, reduce energy consumption in the summer, help to filter air pollution, and provide visual interest along the street. The neighborhoods surrounding Curtis Park Village have many mature trees that contribute to the positive character of the area. Curtis Park Village will include planting of many trees that, in time, will reflect the surrounding neighborhoods and contribute to the urban forest of the City of Sacramento.

### **General Design Standards and Guidelines**

- 14.1 Landscaping shall conform to all relevant City regulations and guidelines, including Sacramento City Code Chapter 17.68.010, "Landscaping Requirements".
- 14.2 Alternatives to turf, such as groundcovers that can tolerate foot traffic and native grasses, are encouraged.
- 14.3 Bare soil should be planted or mulched with bark, stone, or other suitable materials to avoid unnecessary runoff.
- 14.4 A minimum of one tree shall be planted in the front yard setback of the Traditional Single Family homes. A minimum of two trees should be planted at homes on corner lots where the size of the yard permits full canopy growth. Trees for the Brownstones and Cottage Infill homes shall be

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determined at the time of project review as required by Title 17 of the Sacramento City Code.

- 14.5 Street trees should be provided at a maximum of 30 feet apart in the street tree planter between the curb and the sidewalk subject to the final approval of the City Department of Transportation, Urban Forest Division. Consult the City Urban Forest Division for questions regarding the selection and care of street trees. Private tree services are available for consultation before trimming or removal of mature trees on private lots.
- 14.6 Refer to the following lists for more information about recommended species:
- **Sacramento Tree Foundation**  
[www.sactree.com/treeinfor/treesWeOffer.html](http://www.sactree.com/treeinfor/treesWeOffer.html)
  - **Municipal Utility District (SMUD)**  
[www.smud.org/residential/saving/trees/index.html](http://www.smud.org/residential/saving/trees/index.html)
  - **City of Sacramento Department of Transportation, Urban Forestry Division**  
[www.cityofsacramento.org/transportation/urbanforest/index.html](http://www.cityofsacramento.org/transportation/urbanforest/index.html)
- 14.7 Plant species should be suitable for the Sacramento climate. Low-water landscaping materials are encouraged to conserve water.
- 14.8 Trees species should be selected so that the canopy of each tree at full growth can be accommodated by the site. A variety of tree species representing a range of sizes will contribute to the visual interest of the yard and is recommended.

### **Sustainability Guidelines**

- 14.9 Homeowners are particularly encouraged to plant deciduous shade trees and shrubs that shade the east, south, and west sides of the home to minimize solar heat gain and increase energy efficiency. Shade trees should be planted to shade paved areas to reduce heat island effects and increased energy consumption.

## **15 Irrigation**

### **Design Principle**

Irrigation is essential to maintain the health and beauty of a home's landscaping.

### **Rationale**

The seasonal extremes of the Sacramento climate make regular irrigation of planted areas mandatory to maintain the integrity of landscaping. Automatic

irrigation ensures regular and consistent watering and promotes healthy landscaping.

### **General Design Standards and Guidelines**

- 15.1 An automatic irrigation system shall be installed in the front yard to provide consistent coverage of all planted areas. A home on a corner lot should have an automatic irrigation system that covers the yard fronting both streets. Automatic controllers with rain shut-off valves provide greater water conservation.
- 15.2 The homeowner is responsible for the irrigation of and the maintenance of the irrigation system and landscaping in the front planter strip between the curb and the sidewalk along the street.
- 15.3 Turf and groundcover are more effectively irrigated with a conventional spray system. Head-to-head spray coverage is recommended. Avoid overspray onto sidewalks and adjacent properties.
- 15.4 A drip irrigation system is recommended for shrubs and trees to provide deeper, more even watering. Drip irrigation also permits greater water conservation than a conventional spray system.
- 15.5 Irrigation controls must be screened from view by landscaping or other attractive site materials.

### **Sustainability Guidelines**

- 15.6 Development shall comply with the Water Efficient Landscape Requirements of the Sacramento City Code, Chapter 15.92.

## **16 Fencing**

### **Design Principle**

Fencing must be of high quality materials that are consistent with the style of the home to enhance the overall character of the home and contribute to the positive appearance of the neighborhood.

### **Rationale**

Fencing should be selected for its decorative qualities and should complement the character of the home as well as the overall character of the neighborhood.

### **General Design Standards and Guidelines**

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- 16.1 Fencing shall be located and constructed in conformance with the Sacramento City Code Chapter 5.156, "Fences", and Chapter 17.76, "Wall, Fence, and Gate Requirements".
- 16.2 Fencing must allow unobstructed visibility of the main entrance including, in the case of corner lots, any main entrance off of the street side yard setback.
- 16.3 Front yard fencing should have a minimum of 50 percent transparency.
- 16.4 The style, materials, and color of the fencing should complement the style, materials, and color of the home.
- 16.5 High-quality materials, including wood, metal, cement plaster (stucco), and some forms of appropriately designed vinyl fencing, are acceptable fencing materials. Cement plaster must be smooth or imperfect smooth texture consistent with the design of the house.
- 16.6 Chain link fencing is not allowed as a front yard or street side yard fence.

**Sustainability Guidelines**

- 16.7 The use of chlorine-based vinyl fencing is discouraged.

**17 Paving/Hardscape Surfaces****Design Principles**

The paving materials selected shall contribute to the overall appearance of the home. Impervious paving surfaces shall be minimized and limited to the driveway, walkways, and patios.

**Rationale**

Large areas of impervious paving surfaces made up of materials such as concrete and asphalt should be minimized at the front of the home. Instead, alternatives surfaces such as brick, stone, concrete pavers, and patterned concrete should be used as appropriate. Some of these alternative forms of paving can offer the added benefit of minimizing storm water runoff and the need for supplementary irrigation, as water is able to percolate down through the spaces between paving units.

**General Design Standards and Guidelines**

- 17.1 Paved areas shall not exceed those defined by Sacramento City Code Chapter 17.68.010, "Landscaping Requirements".

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- 17.2 Alternative paving surfaces such as concrete pavers, brick, or stone are encouraged for driveway surfaces to reduce the appearance of large paved areas.
- 17.3 Alternative paving surfaces that help to keep stormwater runoff on-site are encouraged.

## 18 Utilities and Storage Facilities

### Design Principle

The visibility of utilities and storage facilities shall be minimized by placing them at the side or rear of the home and screening them from view from the street. When utility equipment must be located at the front of the home every attempt shall be made to minimize the visual intrusion of the equipment into the home, yard, and street.

### Rationale

Utilities and storage facilities are less attractive but necessary features of a home. These features should be placed at the side or rear of the home and screened by fences and landscaping. Private drive access can facilitate placement of and access to these features at the rear of the home whenever possible or appropriate.

### General Design Standards and Guidelines

- 18.1 Trash receptacles, if kept outside, should be placed in the side or rear yard and adequately screened by landscaping or a side yard fence.
- 18.2 Storage sheds shall be placed in the yard area behind the home and shall follow Accessory Structure regulations found in Sacramento City Code Chapter 17.80.
- 18.3 Accessory structures should be similar in character and materials to the main building but subordinate in massing, scale, and height.
- 18.4 Antennae should be mounted at the rear of the home. Satellite dishes should be mounted on the home to minimize their visibility from neighbors or the public right-of-way.
- 18.5 Heating and cooling units should not be roof-mounted or placed at the front the home. Heating and cooling units should be placed in the attic or at the side or rear of the home and screened by a side yard fence or landscaping. Solar panels do not need to be screened but should be placed to minimize visual impact.

### Sustainability Guidelines

- 18.6 Where feasible heating, ventilation, and air conditioning units should be placed on the north side of the primary structure or garage (preferably not the street side unless screened by a fence or wall) to shade the units and minimize energy consumption.

## **19 Access Ramps**

### **Design principle**

Ramps that provide access to the front or side of the home shall be safe, designed to match the style of the home, and constructed of durable materials that complement those used on the home.

### **Rationale**

Ramps that provide universal access to single-family homes should be designed so that they look like they are a part of the home to the greatest extent possible. The ramp should be designed to minimize its size and bulk without compromising safety and ease of access. Materials used should complement those used on the home, i.e., a concrete ramp with brick facing could be used on a brick home, while a wooden ramp might be more suitable for a home with wood lap siding.

### **Design Guidelines**

- 19.1 Any ramp providing access to a single family residence shall be designed to meet applicable standards of the California Building Code Chapter 11A (as adopted by the City), or in Sacramento City Code Chapter 15.154.
- 19.2 Ramps should be designed so that it does not detract from existing architectural elements at the front of the home. The specific location and angle of the ramp may vary, depending on the design of the home and its location on the lot.
- 19.3 Ramps should be constructed of sturdy, long-lasting materials. Ramp materials should complement those used on the home. Where appropriate, facing materials used on the home may be affixed to the side of the ramp.
- 19.4 Modular aluminum ramps at the front of the home are discouraged.

Exhibit B – Curtis Park Village PUD Schematic Plan



**RESOLUTION NO. 2010-**

Adopted by the Sacramento City Council

**APPROVING THE CURTIS PARK VILLAGE PUD PROJECT ENTITLEMENTS (P04-109)**

**BACKGROUND**

- A. On February 25, 2010, the Planning Commission conducted a public hearing on, and forwarded to the City Council its recommendation for approval of the Curtis Park Village PUD Project, and
- B. On September 28, 2010, the City Council conducted a public hearing, for which notice was given pursuant to 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 Curtis Park Village PUD 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 Curtis Park Village Project, 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. The **Large Lot Tentative Map** to subdivide 71.7 acres into twelve (12) large lot commercial/office, single-family residential I, and multi-family residential parcels **is approved** based on the following Findings of Fact:
    - 1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), 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 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 Large Lot 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).
- B. The Tentative Subdivision Map** to subdivide 71.7+ acres into commercial/office, single-family residential, and multi-family residential parcels **is approved** based on the following Findings of Fact:
1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), 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 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. The Subdivision Modifications to allow non-standard street sections is approved based on the following Findings of Fact:**

1. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;
2. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;

3. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;
4. That granting the modifications is in accord with the intent and purpose of these regulations and is consistent with the general plan and with all other applicable specific plans of the city.

Section 3. The City Council approves the Project entitlements based on the following Conditions of Approval:

- A.** The **Large Lot Tentative Map** to subdivide 71.7 acres into twelve (12) large lot commercial/office, single-family residential, and multi-family residential parcels **is approved** subject to the following Conditions of Approval:

**CONDITIONS: TENTATIVE LARGE LOT MAP**

**NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map or any contradictory provisions in the PUD guidelines approved for this project (P04-109). The design of any improvement not covered by these conditions or the PUD Guidelines shall be to City standard.**

The applicant shall satisfy each of the following conditions prior to filing the Final 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 Department of Transportation.

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 Parcel 5, Parcel 6 and Parcel 7 at no cost, at the time of sale or other conveyance of either parcel.

3. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P04-109);
4. Meet all conditions of the PUD (P04-109) unless the condition is superseded by a Tentative Map condition;
5. Show all continuing and proposed/required easements on the Final Map;
6. Multiple Final Maps may be recorded. Prior to recordation of any Final Map all infrastructure/improvements necessary for the respective Final Map must be in place to the satisfaction of the Departments of Utilities, and Department of Transportation;
7. 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;

**DOT:** Streets (Anis Ghobril, Department of Transportation, 808-5367)

8. Submit a Geotechnical Analysis prepared by a registered engineer to be used in street design. The analysis shall identify and recommend solutions for groundwater related problems, which may occur within both the subdivision lots and public right-of-way. Construct appropriate facilities to alleviate those problems. As a result of the analysis street sections shall be designed to provide for stabilized subgrades and pavement sections under high groundwater conditions;
9. 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 Department of Transportation. Improvements required shall be determined by the city. The City shall determine improvements required for each phase prior to recordation of each phase. 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 per City standards to the satisfaction of the Department of Transportation;
10. The applicant shall insure that the roadway construction materials including the

roadway base and sub-base are free and clear from all contaminated materials to the satisfaction of the Department of Transportation;

11. At its discretion, the City may require the applicant to construct on-site traffic calming devices along residential streets, to be constructed as part of the public improvements. These devices may include, but are not limited to, traffic circles, undulations, additional 4-way intersections, bulbouts, etc. Undulations will be required on certain streets adjacent to school/park combinations, as determined by the Department of Transportation;
12. Place a 2 inch (minimum) sleeve(s) under the sidewalks for each single family lot along each separated sidewalk Street Section, adjacent to single family residences in order to allow for landscaping and irrigation of the required landscape planter. Sleeves shall be placed at the time sidewalks are constructed. Landscaping may be deferred until construction of the homes
13. 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 Department of Transportation;
14. Construct traffic signals at the following intersections when warranted, or when required by the Department of Transportation (if not already in place):
  - a. Sutterville Road and Road A
  - b. Road A and Commercial Main driveway
  - c. Road A and 10<sup>th</sup> Street

**NOTE:** The Development Division shall determine the need for signals, based on CalTrans signal warrants and known pending development projects prior to the Issuance of any building permit. If required, signals shall be constructed as part of the public improvements for the Final Map. Signal design and construction shall be to the satisfaction of the Department of Transportation. The applicant shall provide all on-site easements and right-of-way needed for turn lanes, signal facilities and related appurtenances. The applicant shall install CCTV cameras (for the Sutterville Road/Road A signal) and all necessary appurtenances if deemed necessary by and to the satisfaction of Traffic Engineering Services;

15. The applicant shall submit a signal design concept report (SDCR) per section 15.18 of the Cities Design and Procedures Manual to the Department of Transportation for review and approval prior to the submittal of any improvement plans involving traffic signal work. The SDCR provides crucial geometric information for signal design and should be started as early as possible to avoid delays during the plan check process;

16. The applicant shall dedicate and construct full frontage improvements along Sutterville Road within the project's frontage to the satisfaction of the Department of Transportation. This shall include any needed street lighting;
17. The applicant shall construct an advance warning flasher on Sutterville Road at a location west of Road A to the satisfaction of the Department of Transportation. The design of the advance flasher shall be included in SDCR report for the planned signal at Road A and Sutterville Road;
18. The applicant shall remove the existing signal & signal related equipment at Sutterville Road and 24<sup>th</sup> street and return the equipment to the Department of Transportation. The applicant may be able to reuse some of the old signal equipment at other signalized locations within the project area if deemed acceptable and feasible to the Department of Transportation. The applicant shall be responsible for modifying/constructing the median at 24<sup>th</sup> street to prohibit certain movements from 24<sup>th</sup> street to the satisfaction of the Department of Transportation and consistent with the recommendations of the Traffic Study. This shall also include any needed reconstruction of the round corners at that intersection, providing the necessary turn lanes and any needed signage or markings;
19. The applicant shall construct a new signal at the intersection of Road A and Sutterville Road. The applicant shall provide for all the turn lanes needed and any signage and markings consistent with the traffic study. If possible, the applicant shall provide for a U-turn (West bound to east Bound on Sutterville Road) as part of the signal design and the required SDCR report for that signal;
20. The applicant shall successfully abandon the existing Loop Road that provides access to south Sutterville Road to the satisfaction of the Department of Transportation. This shall include any needed signage or markings for truck routes;
21. The proposed extension of the alley north of road J must be gated or constructed with removable bollards to allow pedestrian crossings only and not vehicular access. The gating could occur at the new subdivision or at the existing alley from Portola way and shall be equipped with a Knox lock to the satisfaction of the Department of Transportation and the Fire Department;
22. Except as provided in condition "23" for Lot "13", for all dedications, the applicant shall provide written certification from the State Department of Toxic Substances Control (DTSC), or other documentation issued by DTSC which is acceptable to City, that the remediation of hazardous substances has been completed at the site in accordance with standards that comply with all requirements of DTSC's approved Remedial Design Implementation Plan (RDIP) and all soil placed in and/or located within the areas to be dedicated is unrestricted and there are no special soil handling requirements or residual contamination because the

23. Notwithstanding the requirements of Condition "22", the applicant may place in Lot P restricted soil described as "Category B (commercial level)" soil in the Applicant's June 30, 2010 letter to the State Department of Toxic Substances Control (DTSC) Re Proposed Excavation and Remediation Strategy, a copy of which is attached as Attachment 21, Proposed Excavation and Remediation Strategy Letter to DTSC from Applicant, and as acknowledged by the City Council in Resolution No. 2010-176. With respect to Lot "13" and the "Category B" fill material:
- a. Provide written proof acceptable to City that Applicant is fully and solely responsible for annual reporting and all other requirements and actions as specified by DTSC by deed restriction or order, and shall remain fully and solely responsible for these obligations after City records acceptance of the exclusive right-of-way easement.
  - b. Provide written certification from DTSC or other documentation issued by DTSC which is acceptable to City that the disposal of "Category B" soils at the site in Lot "13" has been completed in accordance with the DTSC approved Remedial Action Plan and Remedial Design Implementation Plan (RDIP); that the DTSC deed restrictions have been recorded; and that DTSC's land use controls and/or land use specific remediation approaches approved or required for Lot "13" will allow for the development and continued use of Lot "13" as a public right-of-way.
24. Prior to submittal of improvement plans to the Department of Transportation, provide a DTSC approved RDIP that specifically authorizes placement of the "Category B" soils as fill in Lot 13 or provide a written document from DTSC certifying such placement of the soil as fill material is acceptable based on its adopted DTSC rules and regulations;
25. Enter into an agreement with the City under which Applicant shall:
- a. Indemnify, defend, and hold harmless the City in the event any further remediation or investigation of hazardous substances is required in the future due to the hazardous substances that were permitted by DTSC to be used as fill in Lot "13" and any claims alleging personal injury or damages due to the presence of hazardous substances on Lot "13" that may be filed against the City of Sacramento.
  - b. Name the City as an additional insured on Applicant's pollution and public liability insurance policy, and such policy shall have a minimum ten year term and be in an amount not less than \$5 million per occurrence.
  - c. The applicant's obligations to indemnify the City for claims caused by or arising from hazardous substances shall be limited to the coverages under

- the Applicant's pollution insurance policy. If Applicant is unable to obtain an insurance endorsement to protect the City from liability for further remediation or investigation of hazardous substances, then the Applicant's liability for such costs is not limited.
26. Prior to issuance of any grading permit, provide a DTSC approved Soil Management Plan and Health and Safety Plan;
  27. The applicant shall dedicate to the City of Sacramento an **exclusive right of way easement** over Lot "13" of the Tentative Large Lot Map. Lot "13" and the exclusive right-of-way easement shall be from face of curb to face of curb only, where Category B soils may be placed. The applicant shall also dedicate a pedestrian easement for the curb, planter and sidewalk adjacent to either side of Lot "13" and provide a 12.5-foot public utility easement as shown on the Tentative map street sections. The applicant shall construct Road A , Road D and Road C per City standards and to the satisfaction of the Department of Transportation. Road A will have several signalized intersections and shall be constructed with expanded intersections at those locations to accommodate turn lanes consistent with the requirements of the traffic study;
  28. Prior to submittal of improvement plans to the Department of Transportation, submit a technical memorandum from Applicant's remediation consultant specifying the type of contaminants, the level of contamination, and the depth of contamination that was placed in Lot "13", the restrictions on exposure of the public or construction workers to said soil, the need for any special soil handling (i.e., soil management plan to be submitted to DTSC), especially if there are excess soils that must be removed from the site, and any other pertinent safety or regulatory information for future reference by City and others who may undertake construction or maintenance work in said parcels;
  29. The applicant shall insure that no impacted soils are placed within the curb, planter, sidewalk and public utility easements adjacent to either side of "Lot 13";
  30. Dedicate and construct the planned 10<sup>th</sup> Avenue connection consistent with the tentative map and to the satisfaction of the Department of Transportation. The connection to 10<sup>th</sup> Avenue shall be constructed as a standard street section with full improvements. At the direction of the Department of Transportation, the applicant shall also construct bollards or any other mechanism acceptable to the Department of Transportation to accommodate a pedestrian and bike connection only at 10<sup>th</sup> Avenue. If planter boxes are included in the vehicular restriction design, the applicant shall include the costs of maintaining such planter boxes with either the Homeowners Association or the Business Owners Association. This condition shall not limit the authority of the Department of Transportation to change the use and design of the 10<sup>th</sup> Avenue connection in the future, including opening the connection to vehicular traffic;
  31. The applicant shall coordinate with the City of Sacramento, Department of

Transportation, and dedicate sufficient easements to accommodate the future planned pedestrian bridge landing areas to the satisfaction of the Department of Transportation. The easements shall be sized sufficiently and consistent with the city's pedestrian bridge design documents;

32. The applicant shall provide a 24-foot Roadway easement across Commercial Lot A as shown on the Tentative Map to the satisfaction of the Department of Transportation. The easement shall be large enough at the intersection of both Roadway A and Roadway C to insure an adequate turning template to accommodate a WB-65 design vehicle. The applicant or Business Association shall maintain this roadway easement in perpetuity;
33. All proposed street elbows shall be constructed to City standards and to the satisfaction of the Department of Transportation, and shall accommodate a turning radius for a WB-65 design vehicle;
34. All proposed landscaping on the west side of the project next to the existing tracks shall be maintained by either a Home Owners Association, Business Association or City Landscape Maintenance District to the satisfaction of the Department of Transportation and Special Districts. The Landscape Maintenance District will be formed in any event. The Landscape Maintenance District will fund shares of the landscape maintenance to the extent the Associations are not formed for this purpose or default on this responsibility. Assessments will be \$0 until such time as funding is required;
35. The applicant may construct or reconstruct any existing or planned private drives in asphaltic concrete to the satisfaction of the Department of Transportation. All private drives shall be maintained by the Home Owner's Association in perpetuity. If there are any proposed gates to the Public alleys, they must go through the City's alley closure procedures and obtain City Council approval to make them gated and private. Any proposed gates must be 20-feet behind the right of way and shall be equipped with a Knox Lock and automated gate opener;
36. All proposed private drive Guest parking shall be maintained by the HOA;
37. On-street parking shall be restricted on the segment of Road B connecting to the exiting 10<sup>th</sup> Avenue (From Road A to 10<sup>th</sup> Avenue) to the satisfaction of the Department of Transportation;
38. The Home Owner's Association shall maintain all landscaping proposed in Parcel 11 (Parkway) or it shall be annexed into a landscaping maintenance district to the satisfaction of the Department of Transportation;
39. The applicant shall provide all the required signage and markings at the proposed Roadway G (North and South) couplet to the satisfaction of the Department of Transportation;

40. The applicant shall construct new or repair any existing improvements at all planned connections (5<sup>th</sup> Avenue, Donner Way and 10<sup>th</sup> Avenue) to insure a safe connection and roadway transitions to the satisfaction of the Department of Transportation. The limit of work shall only be at the connection locations;
41. The applicant shall construct the proposed angled parking along Roadway D with back-in angled parking or as otherwise approved by the Department of Transportation;
42. The applicant shall connect the sidewalk from the proposed Road J all the way to Portola Way to the satisfaction of the Department of Transportation;
43. The applicant shall record the Final Map, which creates the lot pattern shown on the proposed site plan prior to obtaining any Building Permits;
44. 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 Department of Transportation. The center lines of such streets shall be aligned.
45. The applicant shall make provisions for bus stops, shelters, etc within the project area. and shall coordinate with Regional Transit on appropriate locations to the satisfaction of the City of Sacramento;

#### **PUBLIC/PRIVATE UTILITIES**

46. Dedicate a standard 12.5 foot public utility easement (PUE) for underground facilities and appurtenances adjacent to all public street right of ways;
47. Dedicate the east 5-feet of the large Lot map as a public utility easement for overhead facilities and appurtenances;
48. The owner or developer must disclose to future or potential owners the existing 115KV electrical facilities west of the project;

#### **FIRE (King Tunson, Fire Department, 808-1358)**

49. Due to limited access needed to serve parcels 37-42, developer shall provide a minimum 20-foot access drive from 24<sup>th</sup> Street to serve these parcels. The access driveway shall be marked "No Parking Fire Lane" on both sides;
50. 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. *Street sections A and H are acceptable. The 4 foot median in street section G shall be provided with a mountable curb;*
51. Emergency Vehicle Access to alley shall be provided with minimum 20'. Vehicle

52. Fire Apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. CFC 503.2.3;
53. Provide the required fire hydrants in accordance with CFC 508 and Appendix C, Section C105;

**CITY UTILITIES (Inthira Mendoza, Department of Utilities, 808-1473)**

54. Dedicate on the final map, or provide on City's form an Irrevocable Offer of Dedication (IOD), as determined by DOU, for all easements, rights-of-way, and fee title property, required to implement the approved drainage, water and sewer studies. Easements shall be dedicated for off-site water, sewer and storm drain main extensions as necessary. Street right-of-way shall be dedicated for common water, drainage and sanitary sewer pipes and appurtenances identified in the water, drainage and sewer studies. All dedications shall be at no cost to the City unless otherwise approved by DOU in its sole discretion. Dedications shall be to the satisfaction of the DOU, and shall be free and clear of all encumbrances and liens, provided that applicant shall not be required to remove encumbrances of record that will not interfere with the use or uses for which the easement, right-of-way or fee title property is being dedicated and that are approved as title exceptions by the City, which approval shall not be unreasonably withheld;
55. A note stating the following shall be placed on the Final Map: "Where necessary private reciprocal easement for ingress/egress, utilities, drainage, water and sanitary sewer facilities, and surface storm drainage, shall be granted and reserved, as necessary and at no cost, at or before the time of sale or conveyance of any parcel shown in this map.";
56. If required by DOU, the applicant shall dedicate a water and sewer easement to the satisfaction of the DOU pursuant to City Standards for the existing water and sewer lines that lie adjacent to the south property line of Parcel 4. The dedication shall be at no cost to the City, and shall be free and clear of all encumbrances and liens, provided that applicant shall not be required to remove encumbrances of record that will not interfere with the use or uses for which the easement is being dedicated and that are approved as title exceptions by the City, which approval shall not be unreasonably withheld;
57. All existing easements and all existing right-of-ways shall be shown on the Final Map;
58. The applicant shall dedicate an IOD in fee for Parcel 10 (Detention Basin), the proposed detention basin and all soil placed on Parcel 10 shall be unrestricted as

verified by DTSC. The dedication shall be to the satisfaction of the City Attorney and the DOU pursuant to City Standards. The dedication shall be at no cost to the City, and shall be free and clear of all encumbrances and liens, provided that applicant shall not be required to remove encumbrances of record that will not interfere with the use or uses for which the easement is being dedicated and that are approved as title exceptions by the City, which approval shall not be unreasonably withheld. Parcel 10 shall be sized to accommodate the detention volume per the approved drainage study, service roads, ramps, drainage structures and all appurtenances;

59. If required by the DOU, the applicant shall dedicate an easement for the sewer's electrical building for a maximum area of 100 square feet as specified by DOU within the Donner Trunk easement adjacent to the project's western property line to the satisfaction of the DOU. The dedication shall be at no cost to the City, and shall be free and clear of all encumbrances and liens, provided that applicant shall not be required to remove encumbrances of record that will not interfere with the use or uses for which the easement is being dedicated and that are approved as title exceptions by the City, which approval shall not be unreasonably withheld. The applicant, at their expense, may upgrade the design of the building subject to DOU approval which approval shall not be unreasonably withheld;
60. Applicant shall dedicate an IOD for public service easement for water, sewer and drainage facilities over Parcel 13. The dedication shall be at no cost to the City and to the satisfaction of the City Attorney and the DOU pursuant to the City Standards. The City will accept the IOD only after all public improvements have been completed per the approved public works improvement plans;

#### Annexation and Agreements

61. The applicant shall execute an agreement with the City for the construction of common water, drainage and common sanitary sewer facilities serving Curtis Park Village per the approved drainage and sewer studies. The agreement shall be to the satisfaction of the DOU and the City Attorney. Common water facilities shall include, but not limited to, water pipes serving all large lot and associated appurtenances. Common drainage facilities shall include, but are not limited to, storm drain pipes serving all large lot and discharge pipes, detention basins, outfall structures, pump stations, weir structures, and associated appurtenances. Common sanitary sewer facilities shall include, but not limited to, sewer pipes serving all large lot, discharge pipes, pump stations and associated appurtenances;
62. The applicant shall execute a recordable agreement, in a form acceptable to DOU and the City Attorney, to indemnify, defend and hold harmless the City against any and all claims, actions, penalties, fines, costs (including but not limited to any costs of investigation and/or remediation, and reasonable attorney fees) or other liabilities of any kind arising if any hazardous substance or other

contaminant arising anywhere on the project site enters the City's Combined Sewer System or water system (collectively the "Environmental Claims"), but only to the extent that the Environmental Claims are covered under the applicant's environmental insurance policy. If the applicant is unable to obtain an insurance endorsement to protect the City from liability for further remediation or investigation of hazardous substances, then the applicant's liability for such costs is not limited. The applicant shall name the City as an additional insured on Applicant's pollution and public liability insurance policy, and such policy shall have a minimum ten year term from the date of the Notice to Proceed (NTP) for the construction of the public improvements and be in an amount not less than \$5 million per occurrence;

#### Hazardous Material Clean-Up Standards

63. Applicant shall perform all hazardous material clean-up and remediation as required by the DTSC for the design and construction of the underground utilities and the detention basin in accordance with standards that comply with all requirements of the Department of Toxic Substances Control's (DTSC) approved Remedial Design Implementation Plan (RDIP). The applicant shall provide written letters from DTSC for the approval of the RDIP and verification by DTSC that the remediation has been completed in accordance with the RDIP;
64. Prior to issuance of any grading permit, the applicant shall provide a DTSC approved Soil Management Plan and Health and Safety Plan;
65. Prior to submittal of the public works improvement plans, applicant shall provide a DTSC approved RDIP that specifically authorize placement and operation of public utilities (water, sewer, and drainage systems) within the street parcel (Parcel 13) with restricted soil or provide a written document from DTSC certifying such placement and operation of public utilities within the parcel with restricted soil are acceptable based on its adopted rules and regulations;
66. Prior to submittal of the public works improvement plans, Applicant shall also submit a technical memorandum from its remediation consultant to specify the type of contaminants, the level of contamination, and the depth of contamination that was placed in the street parcel (Parcel 13), the restrictions on exposure of the public or construction workers to said soil, the need for any special soil handling (i.e., soil management plan to be submitted to DTSC), especially if there are excess soils that must be removed from the site, and any other pertinent safety or regulatory information for future reference by City and others who may undertake construction or maintenance work in said parcels;
67. Prior to submittal of the public works improvement plans, applicant shall provide a certification from the Public Health Department that placement and operation of public utilities within the street parcel (Parcel 13) with restricted soil are acceptable based on its adopted rules and regulations;

68. Prior to submittal of the public works improvement plans, applicant shall provide a certification from the Water Quality Control Board that placement and operation of public utilities within the street parcel (Parcel 13) with restricted soil are acceptable based on its adopted rules and regulations;
69. The two conditions above (# 67 and # 68) shall be deemed satisfied if DTSC certifies that it's approved RDIP has been reviewed and approved by the two named agencies;

### Studies

70. A water study for this project shall be completed by the applicant and shall be approved by the DOU. This study shall also determine if the proposed water distribution system infrastructure is adequate to supply fire flow demands resulting from developing this project;
71. Applicant shall submit the water and sewer study and the proposed conceptual water and sewer plan (alignment, size, type and material of pipes, joints, etc.) to DTSC prior to DTSC's approval of the RDIP;
72. This project is served by the Combined Sewer System (CSS). Without mitigation the project will have an impact on the CSS. Therefore, impacts from the project to the CSS must be mitigated. Pursuant to Sacramento City Code section 13.08.490, applicant is required to mitigate these impacts by paying the City's combined sewer development fee as a condition of receiving sewer service; provided that in lieu of paying all or a portion of the fee, the DOU may authorize applicant to mitigate these impacts either by designing and constructing, or contributing the applicant's fair share toward the design and construction of, a project or projects that mitigate the impact on the CSS of combined wastewater flows from the project;
73. If, in lieu of paying all or a portion of the combined sewer development fee, applicant elects to design and construct or contribute the applicant's fair share toward the design and construction of a project or projects that mitigate the impact on the CSS of combined wastewater flows from the project, and DOU authorizes applicant to do so, applicant shall enter into such agreement(s) and provide such security as may be required by City to assure applicant's performance and/or payment to the satisfaction of the DOU;
74. A sewer study for this project must be completed by the applicant and approved by the DOU. Sewer flows from the project shall discharge to the Donner Interceptor. The design and construction of the sewer system shall be to the satisfaction of the DOU pursuant to City Standards;
75. A drainage study for the project shall be completed by the applicant and shall be approved by the DOU. The 10-year and 100-year HGL's for this study shall be calculated using the City's SWMM model or equivalent model approved by the

DOU pursuant to City Standards. The study shall include existing offsite drainage which drains through the site and it shall identify all existing off-site flows that are blocked by the proposed development. The storm drainage pipes shall ultimately connect to the Donner Interceptor with a maximum flow of approximately 8.49 cfs;

76. Excess storm drainage flow shall be stored onsite in the proposed detention basin and/or in oversize pipes. The detention basin shall be designed to hold the larger of a 100 year 24 hour storm or a 100 year 10 day storm drainage volume until the hydraulic capacity in the Donner Interceptor becomes available;
77. The drainage study shall include an overland flow release map for the entire project;
78. The project site shall be mass graded to overland release to the detention basin. Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff;
79. The 10-year and 100-year HGL's shall be shown on the improvement plans;
80. The applicant shall submit the drainage study and the proposed conceptual drainage plan (alignment, size, type and material of pipes, joints, type of manholes, etc.) and the proposed conceptual detention basin plan (showing location, size and depth, proximity and clearances to cap areas, type and thickness of seepage control, clearances to ground water, etc.) to DTSC prior to DTSC's approval of the RDIP;

#### Construction and Design Standards

81. Design and construct the detention basin to the satisfaction of the DOU and Parks and Recreation Department pursuant to City Standards;
82. The design of the basin shall include automatic flow sensors and control system, SCADA system, other electrically controlled pumps, valves and controls, as necessary, to ensure that discharge into the Donner Interceptor does not exceed approximately 8.49 cfs maximum flow when Donner Interceptor has reached its capacity;
83. The applicant shall design and construct the public roads with driveways to allow access to the detention basin to the satisfaction of the DOU pursuant to City Standards;
84. The applicant shall design and construct standard detention landscaping (i.e. hydroseed the sides of the basin with no irrigation) to the satisfaction of the DOU. If the landscape is above and beyond the standard, the design and construction shall be to the satisfaction of DOU and Parks and Recreation Department. Irrigation of the sides and bottom of the basin shall be allowed;

85. A separate set of improvement plans shall be prepared for the detention basin;
86. An as-built survey of the drainage basin is required prior to issuance of a notice of completion for the subdivision;
87. If required by DOU, the applicant shall provide separate landscaping and metered irrigation systems for Parcel 9 (Park), Parcel 10 (Detention Basin), and Parcel 11 (Parkway) to the satisfaction of DOU. An HOA or other legal entity acceptable to the DOU shall be responsible for the payment of Parcel 11. If required by DOU, one or more standard Utility Service Agreements shall be executed;
88. The applicant shall be responsible for obtaining all necessary permits and approvals from federal, state, local or other approving agencies having jurisdiction over this project prior to the construction of the project improvements;
89. All onsite drainage, water and sewer systems in Parcel 4 through Parcel 8 shall be private systems maintained by the property owner and/or an HOA or other legal entity acceptable to the DOU pursuant to City Standards;
90. Public storm drain, water and sanitary sewer mains shall be designed and constructed within the asphalt section of public street right-of-ways as per the City's Design and Procedures Manual, unless otherwise approved by the DOU;
91. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development in the area. Since the project is in the combined sewer area, only source controls are required. Storm drain public notice message is required at all drain inlets. Improvement plans must include the source controls measures selected for the site. Refer to the "Stormwater Quality Design Manual for the Sacramento and South Placer Regions", dated May 2007 for appropriate source controls measures;

**SPECIAL DISTRICTS:** Assessment Districts

92. Dedicate to the City those areas identified on the Tentative Subdivision Map as Landscape Corridors and Open Space areas. Annex the project area to the appropriate Landscape Maintenance District, or other financing mechanism acceptable to the City, prior to recordation of the Final Map. Design and construct landscaping, irrigation and masonry walls (or wood fences) in dedicated easements or rights of way, to the satisfaction of the Community Development Department and the Department of Transportation. Design review and acceptance of the required landscaping, irrigation and walls or fences by the City into the Landscape Maintenance District shall be coordinated internally between the above departments and the Public Improvement Financing Division (Special Districts). The Developer shall maintain the landscaping, irrigation and

walls for two years or until acceptance by the City into the District (whichever is less). The two year period shall begin following the issuance of a notice of completion by the City for the landscaping, irrigation and walls or fences;

93. Maintenance District: The Applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district) to fully fund the maintenance costs of the neighborhood park on Parcels 9 and 10, but not including the inlet and outlet structures and associated drainage appurtenances on Parcel 10. The Applicant shall pay all city fees for formation of a parks maintenance district. (Contact Finance Department, Public Improvements Financing Division, Special Districts Project Manager.) In assessment districts, the cost of neighborhood park maintenance is equitably spread on the basis of special benefit. In special tax districts, the cost of neighborhood park maintenance is spread based upon the hearing report, which specifies the tax rate and method of apportionment;

**PPDS:** Parks (Mary deBeauvieres, Parks Department, 808-8722)

**As stated in the Applicant's June 30, 2010 letter to the State Department of Toxic Substances Control (DTSC) Re Proposed Excavation and Remediation Strategy, a copy of which is attached as Attachment 21, Proposed Excavation and Remediation Strategy Letter to DTSC from Applicant, and as acknowledged by the City Council in Resolution No. 2010-176, the Applicant may apply for a modification to the conditions of approval of the tentative maps set forth in this Resolution to allow for the placement of a containment cell within the park (Parcel 9) if the amount of "Category C" soils (as defined in Applicant's June 30, 2010 letter to DTSC) in the Project site exceeds 20,000 cubic yards and the cost of offsite disposal is found to be prohibitive. The conditions requiring modification would include, but not necessarily be limited to, Conditions under the Headings "PPDS" and "Department of Utilities" relating to Parcel 9 (Park) and Parcel 10 (Detention Basin). The application for modification of these conditions would be heard by the City Council concurrently with the master plan for the park, after hearing by the Planning Commission and the Parks and Recreation Commission.**

94. Park Dedication – IOD: Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall provide on City's form an irrevocable offer of dedication (IOD) of the park site identified on the tentative large lot map as Parcel 9, comprising 5.5± (net) acres. At the time of delivery of the IOD, the applicant shall:
- a. For Parcel 9, provide written certification from the State Department of Toxic Substances Control (DTSC), or other documentation issued by DTSC which is acceptable to City, that the remediation of hazardous substances has been completed at the site in accordance with standards that comply with all requirements of DTSC's approved Remedial Design Implementation Plan (RDIP) and all soil placed on Parcel 9 is unrestricted and there are no special soil handling requirements or residual

contamination because the hazardous substances previously located thereon have been full remediated.

- b. Provide to City a title report demonstrating that it holds full and clear title to Parcel 9, including all interests necessary for maintenance and access.
  - c. Take all actions necessary to ensure that Parcel 9 is free and clear of any wetland mitigation, endangered or threatened animal or plant species, sensitive habitat or other development restrictions (mitigation measures) that would unreasonably interfere with or prevent the intended park use. The applicant shall be solely responsible, and at its sole cost, for any required mitigation costs or measures associated with Parcel 9.
95. Grading Plan: Applicant shall provide to Departments of Utilities and Parks and Recreation, Park Planning and Development Services (PPDS), a grading plan for the detention basin proposed for Parcel 10. The grading plan shall identify the depth of excavation and the location and type of the liner. The grading plan shall be subject to approval by both departments;
96. Joint Use Park-Drainage Facility: The Applicant shall provide an exhibit to show the location of the drainage facility and the limit of the 100-year flood plain within Parcel 10. The net acreage of the drainage facility and the area surrounding the facility shall be noted on the exhibit. The exhibit shall be subject to the review and approval of the Departments of Utilities and Parks and Recreation, PPDS. The area surrounding the drainage facility may be eligible for park dedication credit if it can be developed with recreation amenities in conjunction with the development of Parcel 9; the determination for Quimby eligibility shall be at the sole discretion of PPDS. The area within the 100-year flood plain and all other detention related facilities, including any access easement, shall not count towards meeting the project's parkland dedication requirement;
97. Park Site Net Acreage: The net acreage eligible for parkland dedication credit for Parcels 9 and 10 shall be shown on the first final map. Parcel 9 shall be labeled as a Park and Parcel 10 labeled as Detention Basin. The net acreage eligible for the parkland dedication requirements pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) shall be determined and approved by PPDS. Those portions of Parcel 9 and/or Parcel 10 that are subject to 100-year flood, access easements, or contain detention related infrastructure shall not count towards meeting the project's parkland dedication requirement;
98. Payment of In-lieu Park Fee: Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication), the Applicant shall pay to City an in-lieu park fee in the amount determined under SCC §§16.64.040 and 16.64.050 equal to the value of land prescribed for dedication in fee under 16.64.030 and not satisfied by dedication;

99. Turn Key Park Development: If the Applicant desires to construct a turnkey park, the Applicant shall notify PPDS in writing no later than approval of the first final map for the project and shall enter into a City Reimbursement / Credit Agreement Relating to Design and Construction of Park Improvements to construct the park and detention basin improvements on Parcels 9 and 10 to the satisfaction of the City's PPDS and DOU:

The Turnkey Agreement shall address:

- a. The preparation and approval of the design and improvement plans consistent with the approved Park Master Plan;
- b. Time for completion of the park and detention basin improvements (or of each phase if the improvements will not be completed in one phase) as a function of build-out of the Tentative Subdivision Map or issuance of building permits;
- c. Any credits to be awarded to the Applicant against the City's Park Development Impact Fee (PIF) that would be payable as a condition of issuance of building permits for the dwelling units to be constructed in the Tentative Subdivision Map. Applicant shall not receive credit for costs associated with construction of the detention basin, inlet and outlet structures, associated drainage appurtenances and basic landscaping costs typically associated with detention basin construction;
- d. Maintenance of all improvements to be accepted into the park maintenance financing district for a minimum of one year and until a minimum of 50% of the residential units to be served by the park have received occupancy permits, unless the City agrees to accept park maintenance into the District at an earlier date. The one-year maintenance period shall begin following the issuance by the City of a notice of completion for the improvements;
- e. Provision of as-built drawings of the completed park.

100. Park Master Plan: If the Applicant chooses to construct a turnkey park under a Reimbursement / Credit Agreement with the City, the park master plan shall include Parcels 9 and 10. Inclusion of Parcel 10 shall occur after acceptance of the Joint Use Facility Park / Detention Basin by the Departments of Utilities and Parks and Recreation. The Park Master Plan shall be prepared to the satisfaction of PPDS and shall be submitted for review and shall be approved by the PPDS, Department of Utilities (for detention related facilities), Parks and Recreation Commission, and City Council. The park shall be designed to neighborhood park standards, as outlined in Table 18 of the City of Sacramento Parks and Recreation Master Plan 2005-2010. Park design shall comply with Crime Prevention through Environmental Design (CPTED) principles;

101. Improvements: The Applicant shall construct the following public improvements

- a. Full street improvements for Parcel 9 and for Parcel 10 (if applicable) including but not limited to curbs, gutters, accessible ramps, street paving, streetlights, and sidewalks; and improved surface drainage through the site.
- b. A concrete sidewalk and vertical curb along all street frontages that open onto Parcel 9. The sidewalk shall be contiguous to the curb (attached) for neighborhood parks unless otherwise approved by PPDS.
- c. A twelve inch (12") storm drain stub and six inch (6") sanitary sewer stub to the back of the sidewalk at Parcel 9 or as sized and located per approved park master plan for future service. Number of stubs and locations are to be approved by PPDS. Storm Drain and Sewer stubs are to be marked with a 3' high, white 4" x 4" post indicating stub or service location.
- d. One water tap for irrigation, one water tap for domestic water, and electrical and telephone service to Parcel 9. The irrigation water tap shall be 4 inches for parkland 4 acres and over, and 2-1/2 inches for parkland less than 4 acres; and the domestic water tap shall be 1 inch. Water taps and telephone and electrical services shall be marked with a 3' high, white 4" x 4" post indicating stub or service location.
- e. A ten-foot (10') wide driveway into Parcel 9 at a location approved by PPDS. The driveway shall not enter park from Road A. The driveway is to provide future maintenance access to the park.
- f. The Applicant shall rough grade Parcel 9 as required by City Code to provide positive drainage as approved by PPDS.

102. Design Coordination for PUE's and Facilities: If a 12.5 foot public utility easement (PUE) for underground facilities and appurtenances currently exists or is required to be dedicated adjacent to a public street right-of-way contiguous to Parcel 9 and Parcel 10 (if applicable), the Applicant shall coordinate with PPDS and SMUD regarding the location of appurtenances within the PUE to minimize visual obstruction in relation to the park(s) and to best accommodate future park improvements. The Applicant shall facilitate a meeting(s) with SMUD and PPDS prior to SMUD's facilities coordinating meeting for the project. The Applicant shall submit a site plan and electronic file showing the location of all utilities on the park site to the PPDS for review and approval;

103. Site Plan: The Applicant shall submit a site plan and electronic file showing the location of all utilities on Parcels 9 and 10 to the PPDS and DOU for review and approval. The Applicant shall: (1) design and install grading and drainage improvements reflective of the approved Park Master Plan; and (2) deliver as-

built drawings of said grading and drainage to PPDS and DOU – all to the satisfaction of PPDS and DOU;

## MISCELLANEOUS

104. 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;
105. Form a Homeowner's Association (HOA). CC&R's shall be approved by the City and recorded assuring maintenance of private roadway(s) and alleys. The Homeowner's Association shall maintain all private streets, alleys, common lighting, common landscaping and common areas;
106. Form a Business Association (BOA) for the commercial areas. CC&R's shall be approved by the City and recorded assuring maintenance of private roadway(s). The BOA shall maintain all private streets, common landscaping and common areas;

### **ADVISORY NOTES (Tentative Large Lot Map):**

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

107. The proposed development is located adjacent to a Sacramento Regional Transit (RT) facility and the Union Pacific Railroad (UPRR). Satisfy all RT and UPRR requirements;
108. The proposed project is located in the Flood zone designated as **X** zone and **Shaded 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 and Shaded X zone, there are no requirements to elevate or flood proof; (Utilities)
109. Location of the wet utilities in the street without center medians shall be as follows: drainage mains shall be placed in the centerline of the street, water mains shall be placed north and west of the centerline and the sewer main shall be placed south and east of the centerline. The location of wet utilities in streets

with medians shall be approved by the DOU prior to design; (Utilities)

110. "As stated in the Applicant's June 30, 2010 letter to the State Department of Toxic Substances Control (DTSC) Re Proposed Excavation and Remediation Strategy, a copy of which is attached as Attachment 21, Proposed Excavation and Remediation Strategy Letter to DTSC from Applicant, and as acknowledged by the City Council in Resolution No. 2010-176, the Applicant may apply for a modification to the conditions of approval of the tentative maps set forth in this Resolution to allow for the placement of a containment cell within the park (Parcel 9) if the amount of "Category C" soils (as defined in Applicant's June 30, 2010 letter to DTSC) in the Project site exceeds 20,000 cubic yards and the cost of offsite disposal is found to be prohibitive. The conditions requiring modification would include, but not necessarily be limited to, Conditions under the heading "PPDS" and "Department of Utilities" relating to Parcel 9 (Park) and Parcel 10 (Detention Basin). The application for modification of these conditions would be heard by the City Council concurrently with the master plan for the park, after hearing by the Planning Commission and the Parks and Recreation Commission; (Utilities)
111. As per City Code, qualified parkland must be "a typical acre of the subdivision, with a slope less than ten (10) percent, and located in other than an area on which building is excluded because of flooding, public rights-of-way, easements, or other restrictions". Acreage within an existing or proposed drainage area, access easement, public right-of-way, or areas with 10% and greater slopes shall not receive parkland dedication credit. Quimby parkland credit can be granted only to "buildable acres"; (Parks)
112. The Applicant shall be responsible for maintenance (weed abatement) of Parcels 9 and 10 conveyed as an IOD until the time that the City records acceptance of the IOD; (Parks)
113. As per City Code, the Applicant will be responsible to meet his/her obligations regarding:
- a. Title 16, 16.64 Park Dedication / In Lieu (Quimby) Fees, due prior to approval of the first final map. Parcel 9 will be dedicated in fee title and portions of Parcel 10 may be eligible for parkland dedication credit. The Quimby parkland dedication requirement is 5.791± net acres; based on 189 single family and 338 multi-family residential units. In the event the area eligible for Quimby credit falls below 5.791± acres; the Quimby in lieu fee shall be required to comprise the remainder. The Tentative Large Lot Map currently identifies Parcel 9 at 5.5± net acres and Parcel 10 at 1.3± net acres.  
Any change in the residential unit count or type will change the amount of Quimby land dedication or in lieu fee due and may require additional parkland dedication or in lieu fee obligations under Sacramento City Code Chapter 16.64. Any change in these factors will change the amount of the

Quimby fee due. The final fee is calculated using factors at the time of payment.

- b. Title 18, 18.44 Park Development Impact Fee, due at the time of issuance of building permit. The Park Development Impact Fee (PIF) due for this project is estimated at \$2,110,183. This is based on 189 single family units at \$5,191 each, 338 multi-family units at \$3,058 each, 16,000 square feet of commercial office space at \$0.50 per square foot, and 243,000 square feet of retail / commercial space at \$0.36 per square foot. 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. (Please note: these fees are subject to change on July 1 of each year; the fees quoted herein are the fees in effect between July 1, 2010 and June 30, 2011).
- c. Neighborhood Park Maintenance CFD Formation. (Parks)

114. The City Department of Parks and Recreation bears no responsibility for acceptance of or maintenance of Open Space or Parkway Parcel 11 as shown on the Tentative Large Lot Map. (Parks)

**B. The Tentative Subdivision Map** to subdivide 71.7± acres into commercial/office, single-family residential, and multi-family residential parcels **is approved** based on the following Conditions of Approval:

**CONDITIONS: TENTATIVE SUBDIVISION MAP**

**NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map or any contradictory provisions in the PUD guidelines approved for this project (P04-109). The design of any improvement not covered by these conditions or the PUD Guidelines shall be to City standard.**

The applicant shall satisfy each of the following conditions prior to filing the Final 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 Department of Transportation.

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. Pursuant to City Code Section 16.40.190, indicate easements on the Final Map to allow for the placement of centralized mail delivery units. The specific locations for such easements shall be subject to review and approval of the Department of Transportation after consultation with the U.S. Postal Service;
3. 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 Lot B, Village 4 and Village 5 at no cost, at the time of sale or other conveyance of either parcel.;
4. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P04-109);
5. Meet all conditions of the PUD (P04-109) unless the condition is superseded by a Tentative Map condition;
6. Show all continuing and proposed/required easements on the Final Map;
7. Multiple Final Maps may be recorded. Prior to recordation of any Final Map all infrastructure/improvements or improvement security necessary for the respective Final Map must be in place to the satisfaction of the Departments of Utilities, and Department of Transportation;
8. 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;

**DOT:** Streets (Anis Ghobril, Department of Transportation, 808-5367)

9. Submit a Geotechnical Analysis prepared by a registered engineer to be used in street design. The analysis shall identify and recommend solutions for groundwater related problems, which may occur within both the subdivision lots and public right-of-way. Construct appropriate facilities to alleviate those problems. As a result of the analysis street sections shall be designed to provide for stabilized subgrades and pavement sections under high groundwater

conditions;

10. 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 Department of Transportation. Improvements required shall be determined by the city. The City shall determine improvements required for each phase prior to recordation of each phase. 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 per City standards to the satisfaction of the Department of Transportation;
11. The applicant shall insure that the roadway construction materials including the roadway base and sub-base are free and clear from all contaminated materials to the satisfaction of the Department of Transportation;
12. At its discretion, the City may require the applicant to construct on-site traffic calming devices along residential streets, to be constructed as part of the public improvements. These devices may include, but are not limited to, traffic circles, undulations, additional 4-way intersections, bulbouts, etc. Undulations will be required on certain streets adjacent to school/park combinations, as determined by the Department of Transportation;
13. Place a 2 inch (minimum) sleeve(s) under the sidewalks for each single family lot along each separated sidewalk Street Section, adjacent to single family residences in order to allow for landscaping and irrigation of the required landscape planter. Sleeves shall be placed at the time sidewalks are constructed. Landscaping may be deferred until construction of the homes;
14. 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 Department of Transportation;
15. Construct traffic signals at the following intersections when warranted, or when required by the Department of Transportation (if not already in place):
  - a. Sutterville Road and Road A
  - b. Road A and Commercial Main driveway
  - c. Road A and 10<sup>th</sup> Avenue

**NOTE:** The Department of Transportation shall determine the need for signals, based on CalTrans signal warrants and known pending development projects

prior to the Issuance of any building permit. If required, signals shall be constructed as part of the public improvements for the Final Map. Signal design and construction shall be to the satisfaction of the Department of Transportation.

The applicant shall provide all on-site easements and right-of-way needed for turn lanes, signal facilities and related appurtenances. The applicant shall install CCTV cameras (for the Sutterville Road/Road A signal) and all necessary appurtenances if deemed necessary by and to the satisfaction of Traffic Engineering Services.

16. The applicant shall submit a signal design concept report (SDCR) per section 15.18 of the City's Design and Procedures Manual to the Department of Transportation for review and approval prior to the submittal of any improvement plans involving traffic signal work. The SDCR provides crucial geometric information for signal design and should be started as early as possible to avoid delays during the plan check process;
17. The applicant shall dedicate and construct full frontage improvements along Sutterville Road within the project's frontage to the satisfaction of the Department of Transportation. This shall include any needed street lighting;
18. The applicant shall construct an advance warning flasher on Sutterville Road at a location west of Road A to the satisfaction of the Department of Transportation. The design of the advance flasher shall be included in SDCR report for the planned signal at Road A and Sutterville Road;
19. The applicant shall remove the existing signal & signal related equipment at Sutterville Road and 24<sup>th</sup> street and return the equipment to the Department of Transportation. The applicant may be able to reuse some of the old signal equipment at other signalized locations within the project area if deemed acceptable and feasible to the Department of Transportation. The applicant shall be responsible for modifying/constructing the median at 24<sup>th</sup> street to prohibit certain movements from 24<sup>th</sup> street to the satisfaction of the Department of Transportation and consistent with the recommendations of the Traffic Study. This shall also include any needed reconstruction of the round corners at that intersection, providing the necessary turn lanes and any needed signage or markings;
20. The applicant shall construct a new signal at the intersection of Road A and Sutterville Road. The applicant shall provide for all the turn lanes needed and any signage and markings consistent with the traffic study. If possible, the applicant shall provide for a U-turn (West bound to east Bound on Sutterville Road) as part of the signal design and the required SDCR report for that signal;
21. The applicant shall successfully abandon the existing Loop Road that provides access to south Sutterville Road to the satisfaction of the Department of Transportation. This shall include any needed signage or markings for truck routes;

22. The proposed extension of the alley north of road J must be gated or constructed with removable bollards to allow pedestrian crossings only and not vehicular access. The gating could occur at the new subdivision or at the existing alley from Portola way and shall be equipped with a Knox lock to the satisfaction of the Department of Transportation and the Fire Department;
23. Except as provided in condition "24" for Lot "P", for all dedications, the applicant shall provide written certification from the State Department of Toxic Substances Control (DTSC), or other documentation issued by DTSC which is acceptable to City, that the remediation of hazardous substances has been completed at the site in accordance with standards that comply with all requirements of DTSC's approved Remedial Design Implementation Plan (RDIP) and all soil placed in and/or located within the areas to be dedicated is unrestricted and there are no special soil handling requirements or residual contamination because the hazardous substances previously located thereon have been fully remediated;
24. Notwithstanding the requirements of Condition "23", the applicant may place in Lot P restricted soil described as "Category B (commercial level)" soil in the Applicant's June 30, 2010 letter to the State Department of Toxic Substances Control (DTSC) Re Proposed Excavation and Remediation Strategy, a copy of which is attached as Attachment 21, Proposed Excavation and Remediation Strategy Letter to DTSC from Applicant, and as acknowledged by the City Council in Resolution No. 2010-176. With respect to Lot P and the "Category B" fill material:
  - a. Provide written proof acceptable to City that Applicant is fully and solely responsible for annual reporting and all other requirements and actions as specified by DTSC by deed restriction or order, and shall remain fully and solely responsible for these obligations after City records acceptance of the exclusive right-of-way easement.
  - b. Provide written certification from DTSC or other documentation issued by DTSC which is acceptable to City that the disposal of "Category B" soils at the site in Lot P has been completed in accordance with the DTSC approved Remedial Action Plan and Remedial Design Implementation Plan (RDIP); that the DTSC deed restrictions have been recorded; and that DTSC's land use controls and/or land use specific remediation approaches approved or required for Lot P will allow for the development and continued use of Lot P as a public right-of-way.
25. Prior to submittal of improvement plans to the Department of Transportation, provide a DTSC approved RDIP that specifically authorizes placement of the "Category B" soils as fill in Lot P or provide a written document from DTSC certifying such placement of the soil as fill material is acceptable based on its adopted DTSC rules and regulations;

26. Enter into an agreement with the City under which Applicant shall:
- a. Indemnify, defend, and hold harmless the City in the event any further remediation or investigation of hazardous substances is required in the future due to the hazardous substances that were permitted by DTSC to be used as fill in Lot P and any claims alleging personal injury or damages due to the presence of hazardous substances on Lot P that may be filed against the City of Sacramento.
  - b. Name the City as an additional insured on Applicant's pollution and public liability insurance policy, and such policy shall have a minimum ten year term and be in an amount not less than \$5 million per occurrence.
  - c. The applicant's obligations to indemnify the City for claims caused by or arising from hazardous substances shall be limited to the coverages under the Applicant's pollution insurance policy. If Applicant is unable to obtain an insurance endorsement to protect the City from liability for further remediation or investigation of hazardous substances, then the Applicant's liability for such costs is not limited.
27. Prior to issuance of any grading permit, provide a DTSC approved Soil Management Plan and Health and Safety Plan;
28. The applicant shall dedicate to the City of Sacramento an **exclusive right of way easement** over Lot P of the Tentative Subdivision Map. Lot P and the exclusive right-of-way easement shall be from face of curb to face of curb only, where Category B soils may be placed. The applicant shall also dedicate a pedestrian easement for the curb, planter and sidewalk adjacent to either side of Lot P and provide a 12.5-foot public utility easement as shown on the Tentative map street sections. The applicant shall construct Road A , Road D and Road C per City standards and to the satisfaction of the Department of Transportation. Road A will have several signalized intersections and shall be constructed with expanded intersections at those locations to accommodate turn lanes consistent with the requirements of the traffic study;
29. Prior to submittal of improvement plans to the Department of Transportation, submit a technical memorandum from Applicant's remediation consultant specifying the type of contaminants, the level of contamination, and the depth of contamination that was placed in Lot P, the restrictions on exposure of the public or construction workers to said soil, the need for any special soil handling (i.e., soil management plan to be submitted to DTSC), especially if there are excess soils that must be removed from the site, and any other pertinent safety or regulatory information for future reference by City and others who may undertake construction or maintenance work in said parcels;
30. The applicant shall insure that no impacted soils are placed within the curb, planter, sidewalk and public utility easements adjacent to either side of "Lot P";

31. Dedicate and construct the planned 10<sup>th</sup> Avenue connection consistent with the tentative map and to the satisfaction of the Department of Transportation. The connection to 10<sup>th</sup> Avenue shall be constructed as a standard street section with full improvements. At the direction of the Department of Transportation, the applicant shall also construct bollards or any other mechanism acceptable to the Department of Transportation to accommodate a pedestrian and bike connection only at 10<sup>th</sup> Avenue. If planter boxes are included in the vehicular restriction design, the applicant shall include the costs of maintaining such planter boxes with either the Homeowners Association or the Business Owners Association. This condition shall not limit the authority of the Department of Transportation to change the use and design of the 10<sup>th</sup> Avenue connection in the future, including opening the connection to vehicular traffic;
32. The applicant shall coordinate with the City of Sacramento, Department of Transportation, and dedicate sufficient easements to accommodate the future planned pedestrian bridge landing areas to the satisfaction of the Department of Transportation. The easements shall be sized sufficiently and consistent with the city's pedestrian bridge design documents;
33. The applicant shall provide a 24-foot Roadway easement across Commercial Lot A as shown on the Tentative Map to the satisfaction of the Department of Transportation. The easement shall be large enough at the intersection of both Roadway A and Roadway C to insure an adequate turning template to accommodate a WB-65 design vehicle. The applicant or Business Association shall maintain this roadway easement in perpetuity;
34. All proposed street elbows shall be constructed to City standards and to the satisfaction of the Department of Transportation, and shall accommodate a turning radius for a WB-65 design vehicle;
35. All proposed landscaping on the west side of the project next to the existing tracks shall be maintained by either a Home Owners Association, Business Association or City Landscape Maintenance District to the satisfaction of the Department of Transportation and Special Districts. The Landscape Maintenance District will be formed in any event. The Landscape Maintenance District will fund shares of the landscape maintenance to the extent the Associations are not formed for this purpose or default on this responsibility. Assessments will be \$0 until such time as funding is required;
36. The applicant may construct or reconstruct any existing or planned private drives in asphaltic concrete to the satisfaction of the Department of Transportation. All private drives shall be maintained by the Home Owner's Association in perpetuity. If there are any proposed gates to the Public alleys, they must go through the City's alley closure procedures and obtain City Council approval to make them gated and private. Any proposed gates must be 20-feet behind the right of way and shall be equipped with a Knox Lock and automated gate opener;

37. All proposed private drive guest parking shall be maintained by the HOA;
38. On-street parking shall be restricted on the segment of Road B connecting to the existing 10<sup>th</sup> Avenue (From Road A to 10<sup>th</sup> Avenue) to the satisfaction of the Department of Transportation;
39. The Home Owner's Association shall maintain all landscaping proposed in Lot D (Parkway) or it shall be annexed into a landscaping maintenance district to the satisfaction of the Department of Transportation;
40. The applicant shall provide all the required signage and markings at the proposed Roadway G (North and South) couplet to the satisfaction of the Department of Transportation;
41. The applicant shall construct new or repair any existing improvements at all planned connections (5<sup>th</sup> Avenue, Donner Way and 10<sup>th</sup> Avenue) to insure a safe connection and roadway transitions to the satisfaction of the Department of Transportation. The limit of work shall only be at the connection locations;
42. The applicant shall construct the proposed angled parking along Roadway D with back-in angled parking or as otherwise approved by the Department of Transportation;
43. The applicant shall connect the sidewalk from the proposed Road J all the way to Portola way to the satisfaction of the Department of Transportation;
44. 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 Department of Transportation. The center lines of such streets shall be aligned;
45. The applicant shall record the Final Map, which creates the lot pattern shown on the proposed site plan prior to obtaining any Building Permits;
46. The applicant shall make provisions for bus stops, shelters, etc within the project area. and shall coordinate with Regional Transit on appropriate locations to the satisfaction of the City of Sacramento;

#### **PUBLIC/PRIVATE UTILITIES (SMUD)**

47. Dedicate a standard 12.5 foot public utility easement (PUE) for underground facilities and appurtenances adjacent to all public street right of ways;
48. Dedicate the private alleys as a public utility easement for underground facilities and appurtenances;

49. Dedicate the east 5-feet of the subdivision map for overhead facilities and appurtenances;
50. The owner or developer must disclose to future or potential owners the existing 115KV electrical facilities west of the project;

**FIRE (King Tunson, Fire Department, 808-1358)**

51. Due to limited access needed to serve parcels 37-42, developer shall provide a minimum 20-foot access drive from 24<sup>th</sup> Street to serve these parcels. The access driveway shall be marked "No Parking Fire Lane" on both sides;
52. 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. *Street sections A and H are acceptable. The 4 foot median in street section G shall be provided with a mountable curb;*
53. Emergency Vehicle Access to alley shall be provided with minimum 20'. Vehicle gates shall be installed. Gates shall be a minimum of 20' and be provided with Key override Knox and Radio Controlled Click2Enter;
54. Fire Apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. CFC 503.2.3;
55. Provide the required fire hydrants in accordance with CFC 508 and Appendix C, Section C105.

**CITY UTILITIES (Inthira Mendoza, Department of Utilities, 808-1473)**

Dedications and Ownerships

56. Dedicate on the final map, or provide on City's form an Irrevocable Offer of Dedication (IOD), as determined by DOU (Department of Utilities), for all easements, rights-of-way, and fee title property, required to implement the approved drainage, water and sewer studies. Easements shall be dedicated for off-site water, sewer and storm drain main extensions as necessary. Street right-of-way shall be dedicated for common water, drainage and sanitary sewer pipes and appurtenances identified in the water, drainage and sewer studies. All dedications shall be at no cost to the City unless otherwise approved by DOU in its sole discretion. Dedications shall be to the satisfaction of the DOU, and shall be free and clear of all encumbrances and liens, provided that applicant shall not be required to remove encumbrances of record that will not interfere with the use or uses for which the easement, right-of-way or fee title property is being dedicated and that are approved as title exceptions by the City, which approval shall not be unreasonably withheld;

57. A note stating the following shall be placed on the Final Map: "Where necessary private reciprocal easement for ingress/egress, utilities, drainage, water and sanitary sewer facilities, and surface storm drainage, shall be granted and reserved, as necessary and at no cost, at or before the time of sale or conveyance of any parcel shown in this map.";
58. The applicant shall dedicate a water and sewer easement to the satisfaction of the DOU pursuant to City Standards for the existing water and sewer lines that lie adjacent to the south property line of Lot A. The dedication shall be at no cost to the City, and shall be free and clear of all encumbrances and liens, provided that applicant shall not be required to remove encumbrances of record that will not interfere with the use or uses for which the easement is being dedicated and that are approved as title exceptions by the City, which approval shall not be unreasonably withheld;
59. All existing easements and all existing right-of-ways shall be shown on the Final Map;
60. The applicant shall dedicate an IOD in fee for Lot O (Detention Basin), the proposed detention basin and all soil placed on Lot O shall be unrestricted as verified by DTSC. The dedication shall be to the satisfaction of the City Attorney and the DOU pursuant to City Standards. The dedication shall be at no cost to the City, and shall be free and clear of all encumbrances and liens, provided that applicant shall not be required to remove encumbrances of record that will not interfere with the use or uses for which the easement is being dedicated and that are approved as title exceptions by the City, which approval shall not be unreasonably withheld. Lot O shall be sized to accommodate the detention volume per the approved drainage study, service roads, ramps, drainage structures and all appurtenances;
61. If required by the DOU, the applicant shall dedicate an easement for the sewer's electrical building for a maximum area of 100 square feet as specified by DOU within the Donner Trunk easement adjacent to the project's western property line to the satisfaction of the DOU. The dedication shall be at no cost to the City, and shall be free and clear of all encumbrances and liens, provided that applicant shall not be required to remove encumbrances of record that will not interfere with the use or uses for which the easement is being dedicated and that are approved as title exceptions by the City, which approval shall not be unreasonably withheld. The applicant, at their expense, may upgrade the design of the building subject to DOU approval which approval shall not be unreasonably withheld;
62. Applicant shall dedicate an IOD for public service easement for water, sewer and drainage facilities over Lot P. The dedication shall be at no cost to the City and to the satisfaction of the City Attorney and the DOU pursuant to the City Standards. The City will accept the IOD only after all public improvements have been completed per the approved public works improvement plans;

Annexation and Agreements

63. The applicant shall execute a recordable agreement, in a form acceptable to DOU and the City Attorney, to indemnify, defend and hold harmless the City against any and all claims, actions, penalties, fines, costs (including but not limited to any costs of investigation and/or remediation, and reasonable attorney fees) or other liabilities of any kind arising if any hazardous substance or other contaminant arising anywhere on the project site enters the City's Combined Sewer System or water system (collectively the "Environmental Claims"), but only to the extent that the Environmental Claims are covered under the applicant's environmental insurance policy. If the applicant is unable to obtain an insurance endorsement to protect the City from liability for further remediation or investigation of hazardous substances, then the applicant's liability for such costs is not limited. The applicant shall name the City as an additional insured on Applicant's pollution and public liability insurance policy, and such policy shall have a minimum ten year term from the date of the Notice to Proceed (NTP) for the construction of the public improvements and be in an amount not less than \$5 million per occurrence;

Hazardous Material Clean-up Standards

64. Applicant shall perform all hazardous material clean-up and remediation as required by the DTSC for the design and construction of the underground utilities and the detention basin in accordance with standards that comply with all requirements of the Department of Toxic Substances Control's (DTSC) approved Remedial Design Implementation Plan (RDIP). The applicant shall provide written letters from DTSC for the approval of the RDIP and verification by DTSC that the remediation has been completed in accordance with the RDIP;
65. Prior to issuance of any grading permit, the applicant shall provide a DTSC approved Soil Management Plan and Health and Safety Plan;
66. Prior to submittal of the public works improvement plans, applicant shall provide a DTSC approved RDIP that specifically authorizes placement and operation of public utilities (water, sewer, and drainage systems) within the street parcel (Lot P) where restricted soil is to be placed or provide a written document from DTSC certifying such placement and operation of public utilities within the parcel with restricted soil are acceptable based on its adopted DTSC rules and regulations;
67. Prior to submittal of the public works improvement plans, Applicant shall also submit a technical memorandum from its remediation consultant to specify the type of contaminants, the level of contamination, and the depth of contamination that was placed in the street parcel (Lot P), the restrictions on exposure of the public or construction workers to said soil, the need for any special soil handling (i.e., soil management plan to be submitted to DTSC), especially if there are excess soils that must be removed from the site, and any other pertinent safety

or regulatory information for future reference by City and others who may undertake construction or maintenance work in said parcels;

68. Prior to submittal of the public works improvement plans, applicant shall provide a certification from the Public Health Department that placement and operation of public utilities within the street parcel (Lot P) with restricted soil are acceptable based on its adopted rules and regulations;
69. Prior to submittal of the public works improvement plans, applicant shall provide a certification from the Water Quality Control Board that placement and operation of public utilities within the street parcel (Lot P) with restricted soil are acceptable based on its adopted rules and regulations;
70. The two conditions above (# 68 and # 68) shall be deemed satisfied if DTSC certifies that it's approved RDIP has been reviewed and approved by the two named agencies;

### Studies

71. A water study for this project shall be completed by the applicant and shall be approved by the DOU. This study shall also determine if the proposed water distribution system infrastructure is adequate to supply fire flow demands resulting from developing this project;
72. Applicant shall submit the water and sewer study and the proposed conceptual water and sewer plan (alignment, size, type and material of pipes, joints, etc.) to DTSC prior to DTSC's approval of the RDIP;
73. This project is served by the Combined Sewer System (CSS). Without mitigation the project will have an impact on the CSS. Therefore, impacts from the project to the CSS must be mitigated. Pursuant to Sacramento City Code section 13.08.490, applicant is required to mitigate these impacts by paying the City's combined sewer development fee as a condition of receiving sewer service; provided that in lieu of paying all or a portion of the fee, the DOU may authorize applicant to mitigate these impacts either by designing and constructing, or contributing the applicant's fair share toward the design and construction of, a project or projects that mitigate the impact on the CSS of combined wastewater flows from the project;
74. If, in lieu of paying all or a portion of the combined sewer development fee, applicant elects to design and construct or contribute the applicant's fair share toward the design and construction of a project or projects that mitigate the impact on the CSS of combined wastewater flows from the project, and DOU authorizes applicant to do so, applicant shall enter into such agreement(s) and provide such security as may be required by City to assure applicant's performance and/or payment to the satisfaction of the DOU;

75. A sewer study for this project must be completed by the applicant and approved by the DOU. Sewer flows from the project shall discharge to the Donner Interceptor. The design and construction of the sewer system shall be to the satisfaction of the DOU pursuant to City Standards;
76. A drainage study for the project shall be completed by the applicant and shall be approved by the DOU. The 10-year and 100-year HGL's for this study shall be calculated using the City's SWMM model or equivalent model approved by the DOU pursuant to City Standards. The study shall include existing offsite drainage which drains through the site and it shall identify all existing off-site flows that are blocked by the proposed development. The storm drainage pipes shall ultimately connect to the Donner Interceptor with a maximum flow of approximately 8.49 cfs;
77. Excess storm drainage flow shall be stored onsite in the proposed detention basin and/or in oversize pipes. The detention basin shall be designed to hold the larger of a 100 year 24 hour storm or a 100 year 10 day storm drainage volume until the hydraulic capacity in the Donner Interceptor becomes available;
78. The drainage study shall include an overland flow release map for the entire project;
79. The project site shall be mass graded to overland release to the detention basin. Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff;
80. The 10-year and 100-year HGL's shall be shown on the improvement plans;
81. The applicant shall submit the drainage study and the proposed conceptual drainage plan (alignment, size, type and material of pipes, joints, type of manholes, etc.) and the proposed conceptual detention basin plan (showing location, size and depth, proximity and clearances to cap areas, type and thickness of seepage control, clearances to ground water, etc.) to DTSC prior to DTSC's approval of the RDIP;

#### Construction and Design Standard

82. Construct water pipes and appurtenances, storm drainage pipes and appurtenances, and sewer pipes and appurtenances per approved studies. The construction shall be to the satisfaction of the DOU pursuant to City Standards;
83. Design and construct the detention basin to the satisfaction of the DOU and Parks and Recreation Department pursuant to City Standards;
84. The design of the basin shall include automatic flow sensors and control system, SCADA system, other electrically controlled pumps, valves and controls, as necessary, to ensure that discharge into the Donner Interceptor does not exceed

- approximately 8.49 cfs maximum flow when Donner Interceptor has reached its capacity;
85. The applicant shall design and construct the public roads with driveways to allow access to the detention basin to the satisfaction of the DOU pursuant to City Standards;
  86. The applicant shall design and construct standard detention landscaping (i.e. hydroseed the sides of the basin with no irrigation) to the satisfaction of the DOU. If the landscape is above and beyond the standard, the design and construction shall be to the satisfaction of DOU and Parks and Recreation Department. Irrigation of the sides and bottom of the basin shall be allowed;
  87. A separate set of improvement plans shall be prepared for the detention basin;
  88. An as-built survey of the drainage basin is required prior to issuance of a notice of completion for the subdivision;
  89. The width of Lot D (Parkway) shall be constructed to a width of 60';
  90. Landscape plans for Lot D shall be reviewed and approved by the DOU;
  91. No permanent structure shall be constructed on Lot D;
  92. If required by DOU, the applicant shall enter into and record a Hold Harmless Agreement for Lot D, in a form acceptable to the City Attorney, whereby the HOA will be responsible for the repair and/or replacement of non-standard improvements (i.e. hardscape, special pavement, etc.) in the event that these improvements are damaged in the process of maintaining, repairing or replacing underground utilities within the easement. Prior to recording the final map, the Hold Harmless Agreement shall be reviewed and approved by the Department of Utilities and the City Attorney;
  93. If required by DOU, the applicant shall provide separate landscaping and metered irrigation systems for Lot O (Detention Basin), Lot D (Parkway), Lot C (Park) and Lot E and M (Open Space) to the satisfaction of DOU. An HOA or other legal entity acceptable to the DOU shall be responsible for the payment of the water bills for these lots except for Lots C and O. If required by DOU, one or more standard Utility Service Agreements shall be executed;
  94. The applicant shall be responsible for obtaining all necessary permits and approvals from federal, state, local or other approving agencies having jurisdiction over this project prior to the construction of the project improvements;
  95. Provide standard subdivision improvements per Section 16.48.110 of the City Code. Improvements shall be consistent with the approved Drainage, Water and Sewer Studies that will provide for the development of the Curtis Park Village.

- The construction shall be to the satisfaction of the DOU in accordance with City Standards;
96. All onsite drainage, water and sewer systems in Village 4, Village 5, Village 6, Lot A, and Lot B shall be private systems maintained by the property owner and/or an HOA or other legal entity acceptable to the DOU pursuant to City Standards;
  97. Public storm drain, water and sanitary sewer mains shall be designed and constructed within the asphalt section of public street right-of-ways as per the City's Design and Procedures Manual, unless otherwise approved by the DOU;
  98. Dry utilities may be placed within the private drives subject to the approval of DOU;
  99. Surface and subsurface drainage facilities located within the private drives not constructed to City standards with a width of less than 25 feet for three public utilities or 22 feet for two public utilities or 20 feet for one public utility from lip of gutter to lip of gutter shall be private facilities maintained by a homeowners association (HOA) or a privately funded maintenance district. Private easements shall be dedicated as needed for construction, maintenance and repair of these facilities. If required by the DOU, the responsible maintenance entity shall enter into and record an agreement with the City regarding the maintenance of these facilities. The agreement shall be to the satisfaction of the DOU and the City Attorney;
  100. Construct storm drain and sanitary sewer mains and stubs and water mains and water service taps, for all public Park lots and open space lots. The construction shall be to the satisfaction of the DOU and Parks Department in accordance with City Standards;
  101. Construct storm drain and sanitary sewer mains and stubs and water mains, water service taps, meters and reduce pressure (RPs) for all privately maintained open space lots. The construction shall be to the satisfaction of the DOU in accordance with City Standards;
  102. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy;
  103. Any new domestic water services shall be metered. Only one water domestic water service is allowed per parcel except for commercial lots. Per City Code 13.04.070 and the Departments current Tap Policy, commercial lots may have more than 1 domestic tap;
  104. Multiple fire services are allowed for commercial lot and may be required;
  105. Common area landscaping shall have a separate street tap or public easement

- tap for a metered irrigation service;
106. Water meter boxes located in driveways shall be as follows: (1) for 1-inch domestic water service, Christy traffic box B1324 (H/20 loading) with reading lid B1324-61GH and (2) for 1.5-inch domestic water service, Christy traffic box B1730 (H/20 loading) with reading lid B1730-51G;
  107. Residential water taps shall be sized per the City's Building Department onsite plumbing requirements (water taps from the water main in the street to the meter may need to be larger than 1-inch depending on the length of the house service, number of fixture units, etc.);
  108. Per Sacramento City Code, water meters shall be located at the point of service which is the back of curb for separated sidewalks or the back of walk for connected sidewalks unless otherwise approved by the DOU;
  109. Water, sewer and storm drain points of service for Village 4 shall be at the back of curb or at the back of walk of the public Road A or Road D, unless DOU allows one or more of such points of service to be located within a dedicated public easement on such conditions as may be specified by DOU;
  110. Points of service for water service connections for Lots 21- 23, and 37 through 42 shall be at the back of curb or at the back of walk of the public Road B or existing 24<sup>th</sup> Street. Connections downstream of the meters shall be privately owned and maintained;
  111. If required by DOU, points of service for sewer service connections for Lots 21- 23, and 37 through 42 shall be at the back of curb or at the back of walk of the public Road B or existing 24<sup>th</sup> Street and sewer pipe upstream of the point of service manhole shall be privately owned and maintained;
  112. If required by the DOU, two separate water mains shall be placed on each side of Road G adjacent to Lot D where a parkway is proposed at the centerline of the street;
  113. Two points of connection for the water distribution system for this subdivision or any phase of this subdivision are required;
  114. Sewer and drainage mains shall be separate systems;
  115. Drain inlets shall be 6 inches above the 10-year HGL. Finished lot pad elevations shall be a minimum of 1.2 feet above the 100-year HGL and a minimum of 1.5 feet above the local controlling overland flow release elevation, whichever is higher;
  116. 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. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities;

117. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction;

118. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development in the area. Since the project is in the combined sewer area, only source controls are required. Storm drain public notice message is required at all drain inlets. Improvement plans must include the source controls measures selected for the site. Refer to the "Stormwater Quality Design Manual for the Sacramento and South Placer Regions", dated May 2007 for appropriate source controls measures;

#### **SPECIAL DISTRICTS: Assessment Districts**

119. Dedicate to the City those areas identified on the Tentative Subdivision Map as Landscape Corridors and Open Space areas (Lots D, E and M). Annex the project area to the appropriate Landscape Maintenance District, or other financing mechanism acceptable to the City, prior to recordation of the Final Map. Design and construct landscaping, irrigation and masonry walls (or wood fences) in dedicated easements or rights of way, to the satisfaction of the Community Development Department and the Department of Transportation. Design review and acceptance of the required landscaping, irrigation and walls or fences by the City into the Landscape Maintenance District shall be coordinated internally between the above departments and the Public Improvement Financing Division (Special Districts). The Developer shall maintain the landscaping, irrigation and walls for two years or until acceptance by the City into the District (whichever is less). The two year period shall begin following the issuance of a notice of completion by the City for the landscaping, irrigation and walls or fences;

120. Maintenance District: The Applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district) to fully fund the maintenance costs of the neighborhood park on Lots C and O, but not including the inlet and outlet structures and associated drainage appurtenances on Lot O. The Applicant shall pay all city fees for formation of a parks maintenance district. (Contact Finance Department, Public Improvements Financing Division, Special Districts Project Manager.) In assessment districts, the cost of neighborhood park maintenance is equitably spread on the basis of special benefit. In special tax districts, the cost of neighborhood park maintenance is spread based upon the hearing report, which specifies the tax rate and method of apportionment;

**PPDS:** Parks (Mary deBeauvieres, Parks Department, 808-8722)

**As stated in the Applicant's June 30, 2010 letter to the State Department of Toxic Substances Control (DTSC) Re Proposed Excavation and Remediation Strategy, a copy of which is attached as Attachment 21, Proposed Excavation and Remediation Strategy Letter to DTSC from Applicant, and as acknowledged by the City Council in Resolution No. 2010-176, the Applicant may apply for a modification to the conditions of approval of the tentative maps set forth in this Resolution to allow for the placement of a containment cell within the park (Lot C) if the amount of "Category C" soils (as defined in Applicant's June 30, 2010 letter to DTSC) in the Project site exceeds 20,000 cubic yards and the cost of offsite disposal is found to be prohibitive. The conditions requiring modification would include, but not necessarily be limited to, Conditions under the Headings "PPDS" and "Department of Utilities" relating to Lot C (Park) and Lot O (Detention Basin). The application for modification of these conditions would be heard by the City Council concurrently with the master plan for the park, after hearing by the Planning Commission and the Parks and Recreation Commission**

121. Park Dedication – IOD: Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall provide on City's form an irrevocable offer of dedication (IOD) of the park site identified on the tentative subdivision map as Lot C, comprising 5.5± (net) acres. At the time of delivery of the IOD, the applicant shall:
- a. For Lot C, provide written certification from the State Department of Toxic Substances Control (DTSC) or other documentation issued by DTSC which is acceptable to City that the remediation of hazardous substances has been completed at the site in accordance with standards that comply with all requirements of DTSC's approved Remedial Design Implementation Plan (RDIP) and all soil placed on Lot C is unrestricted and there are no special soil handling requirements or residual contamination because the hazardous substances previously located thereon have been full remediated.
  - b. Provide to City a title report demonstrating that it holds full and clear title to Lot C, including all interests necessary for maintenance and access.
  - c. Take all actions necessary to ensure that Lot C is free and clear of any wetland mitigation, endangered or threatened animal or plant species, sensitive habitat or other development restrictions (mitigation measures) that would unreasonably interfere with or prevent the intended park use. The applicant shall be solely responsible, and at its sole cost, for any required mitigation costs or measures associated with Lot C.
122. Grading Plan: Applicant shall provide to Departments of Utilities and Parks and Recreation, Park Planning and Development Services (PPDS), a grading plan for the detention basin proposed for Lot O. The grading plan shall identify

the depth of excavation and the location and type of the liner. The grading plan shall be subject to approval by both departments;

123. Joint Use Park-Drainage Facility: The Applicant shall provide an exhibit to show the location of the drainage facility and the limit of the 100-year flood plain within Lot O. The net acreage of the drainage facility and the area surrounding the facility shall be noted on the exhibit. The exhibit shall be subject to the review and approval of the Departments of Utilities and Parks and Recreation, PPDS. The area surrounding the drainage facility may be eligible for park dedication credit if it can be developed with recreation amenities in conjunction with the development of Lot C; the determination for Quimby eligibility shall be at the sole discretion of PPDS. The area within the 100-year flood plain and all other detention related facilities, including any access easement, shall not count towards meeting the project's parkland dedication requirement;
124. Park Site Net Acreage: The net acreage eligible for parkland dedication credit for Lots C and O shall be shown on the first final map. Lot C shall be labeled as a Park and Lot O labeled as Detention Basin. The net acreage eligible for the parkland dedication requirements pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) shall be determined and approved by PPDS. Those portions of Lot C and/or Lot O that are subject to 100-year flood, access easements, or contain detention related infrastructure shall not count towards meeting the project's parkland dedication requirement;
125. Payment of In-lieu Park Fee: Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication), the Applicant shall pay to City an in-lieu park fee in the amount determined under SCC §§16.64.040 and 16.64.050 equal to the value of land prescribed for dedication in fee under 16.64.030 and not satisfied by dedication;
126. Turn Key Park Development: If the Applicant desires to construct a turnkey park, the Applicant shall notify PPDS in writing no later than approval of the first final map for the project and shall enter into a City Reimbursement / Credit Agreement Relating to Design and Construction of Park Improvements to construct the park and detention basin improvements on Lots C and O to the satisfaction of the City's PPDS and DOU.

The Turnkey Agreement shall address:

- a. The preparation and approval of the design and improvement plans consistent with the approved Park Master Plan;
- b. Time for completion of the park and detention basin improvements (or of each phase if the improvements will not be completed in one phase) as a function of build-out of the Tentative Subdivision Map or issuance of building permits;

- c. Any credits to be awarded to the Applicant against the City's Park Development Impact Fee (PIF) that would be payable as a condition of issuance of building permits for the dwelling units to be constructed in the Tentative Subdivision Map. Applicant shall not receive credit for costs associated with construction of the detention basin, inlet and outlet structures, associated drainage appurtenances and basic landscaping costs typically associated with detention basin construction;
- d. Maintenance of all improvements to be accepted into the park maintenance financing district for a minimum of one year and until a minimum of 50% of the residential units to be served by the park have received occupancy permits, unless the City agrees to accept park maintenance into the District at an earlier date. The one-year maintenance period shall begin following the issuance by the City of a notice of completion for the improvements;
- e. Provision of as-built drawings of the completed park.

127. Park Master Plan: If the Applicant chooses to construct a turnkey park under a Reimbursement / Credit Agreement with the City, the park master plan shall include Lots C and O. Inclusion of Lot O shall occur after acceptance of the Joint Use Facility Park / Detention Basin by the Departments of Utilities and Parks and Recreation. The Park Master Plan shall be prepared to the satisfaction of PPDS and shall be submitted for review and shall be approved by the PPDS, Department of Utilities (for detention related facilities), Parks and Recreation Commission, and City Council. The park shall be designed to neighborhood park standards, as outlined in Table 18 of the City of Sacramento Parks and Recreation Master Plan 2005-2010. Park design shall comply with Crime Prevention through Environmental Design (CPTED) principles;

128. Improvements: The Applicant shall construct the following public improvements:

- a. Full street improvements for Lot C and for Lot O (if applicable) including but not limited to curbs, gutters, accessible ramps, street paving, streetlights, and sidewalks; and improved surface drainage through the site.
- b. A concrete sidewalk and vertical curb along all street frontages that open onto Lot C. The sidewalk shall be contiguous to the curb (attached) for neighborhood parks unless otherwise approved by PPDS.
- c. A twelve inch (12") storm drain stub and six inch (6") sanitary sewer stub to the back of the sidewalk at Lot C or as sized and located per approved park master plan for future service. Number of stubs and locations are to be approved by PPDS. Storm Drain and Sewer stubs are to be marked with a 3' high, white 4" x 4" post indicating stub or service location.

- d. One water tap for irrigation, one water tap for domestic water, and electrical and telephone service to Lot C. The irrigation water tap shall be 4 inches for parkland 4 acres and over, and 2-1/2 inches for parkland less than 4 acres; and the domestic water tap shall be 1 inch. Water taps and telephone and electrical services shall be marked with a 3' high, white 4" x 4" post indicating stub or service location.
- e. A ten-foot (10') wide driveway into Lot C at a location approved by PPDS. The driveway shall not enter park from Road A. The driveway is to provide future maintenance access to the park.
- f. The Applicant shall rough grade Lot C as required by City Code to provide positive drainage as approved by PPDS.

129. Design Coordination for PUE's and Facilities: If a 12.5 foot public utility easement (PUE) for underground facilities and appurtenances currently exists or is required to be dedicated adjacent to a public street right-of-way contiguous to Lot C and Lot O (if applicable), the Applicant shall coordinate with PPDS and SMUD regarding the location of appurtenances within the PUE to minimize visual obstruction in relation to the park(s) and to best accommodate future park improvements. The Applicant shall facilitate a meeting(s) with SMUD and PPDS prior to SMUD's facilities coordinating meeting for the project. The Applicant shall submit a site plan and electronic file showing the location of all utilities on the park site to the PPDS for review and approval;

130. Site Plan: The Applicant shall submit a site plan and electronic file showing the location of all utilities on Lots C and O to the PPDS and DOU for review and approval. The Applicant shall: (1) design and install grading and drainage improvements reflective of the approved Park Master Plan; and (2) deliver as-built drawings of said grading and drainage to PPDS and DOU – all to the satisfaction of PPDS and DOU;

## MISCELLANEOUS

131. 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;

132. Form a Homeowner's Association (HOA). CC&R's shall be approved by the City and recorded assuring maintenance of private roadway(s) and alleys. The Homeowner's Association shall maintain all private streets, alleys, common lighting, common landscaping and common areas;
133. Form a Business Association (BOA) for the commercial areas. CC&R's shall be approved by the City and recorded assuring maintenance of private roadway(s). The BOA shall maintain all private streets, common landscaping and common areas;

**ADVISORY NOTES (Tentative Subdivision Map):**

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

134. Many projects within the City of Sacramento require on-site booster pumps for fire suppression and domestic water system. Prior to design of the subject project, the Department of Utilities 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 applicant's engineers in the design of the on-site domestic, irrigation and fire suppression systems; (Utilities)
135. As stated in the Applicant's June 30, 2010 letter to the State Department of Toxic Substances Control (DTSC) Re Proposed Excavation and Remediation Strategy, a copy of which is attached as Attachment 21, Proposed Excavation and Remediation Strategy Letter to DTSC from Applicant, and as acknowledged by the City Council in Resolution No. 2010-176, the Applicant may apply for a modification to the conditions of approval of the tentative maps set forth in this Resolution to allow for the placement of a containment cell within the park (Lot C/Parcel 9) if the amount of "Category C" soils (as defined in Applicant's June 30, 2010 letter to DTSC) in the Project site exceeds 20,000 cubic yards and the cost of offsite disposal is found to be prohibitive. The conditions requiring modification would include, but not necessarily be limited to, Conditions under the heading "PPDS" and "Department of Utilities" relating to Lot C (Park) and Lot O (Detention Basin). The application for modification of these conditions would be heard by the City Council concurrently with the master plan for the park, after hearing by the Planning Commission and the Parks and Recreation Commission; (Utilities and Parks)
136. Location of the wet utilities in the street without center medians shall be as follows, drainage mains shall be placed in the centerline of the street, water mains shall be placed north and west of the centerline and the sewer main shall be placed south and east of the centerline. The location of wet utilities in streets with medians shall be approved by DOU pursuant to City Standards prior to design; (Utilities)

137. Prior to issuance of any building permits within any phase, all sanitary sewer, storm drainage, water, and flood control improvements shall be in place and fully functioning as determined by DOU unless otherwise approved by the Department of Utilities; (Utilities)
138. Prior to occupancy within any phase, all sanitary sewer, storm drainage, water and flood control improvements shall be in place, fully functioning, and a notice of completion shall be issued by Development Services; (Utilities)
139. City Code 13.04.570 requires that no fire service shall be installed across any parcel other than the parcel to which the service is being furnished, provided that the fire chief may, in his or her discretion, authorize a fire service line that serves more than one parcel, upon the recording of an agreement, in a form approved by the City, that fully provided for the operation, maintenance and repair of the line, and grants a permanent easement for these purposes, at no cost or liability to the City; (Utilities)
140. The proposed project is located in the Flood zone designated as **X** zone and **Shaded 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 and Shaded X zone, there are no requirements to elevate or flood proof; (Utilities)
141. The applicant is responsible for obtaining all necessary local state, and federal permit and other approvals; (Utilities)
142. As per City Code, qualified parkland must be "a typical acre of the subdivision, with a slope less than ten (10) percent, and located in other than an area on which building is excluded because of flooding, public rights-of-way, easements, or other restrictions". Acreage within an existing or proposed drainage area, access easement, public right-of-way, or areas with 10% and greater slopes shall not receive parkland dedication credit. Quimby parkland credit can be granted only to "buildable acres". (Parks)
143. The Applicant shall be responsible for maintenance (weed abatement) of Lots C and O conveyed as an IOD until the time that the City records acceptance of the IOD;
144. As per City Code, the Applicant will be responsible to meet his/her obligations regarding:
- a. Title 16, 16.64 Park Dedication / In Lieu (Quimby) Fees, due prior to approval of the first final map. Lot C will be dedicated in fee title and portions of Lot O may be eligible for parkland dedication credit. The Quimby parkland dedication requirement is 5.791± net acres; based on 189 single family and 338 multi-family residential units. In the event the

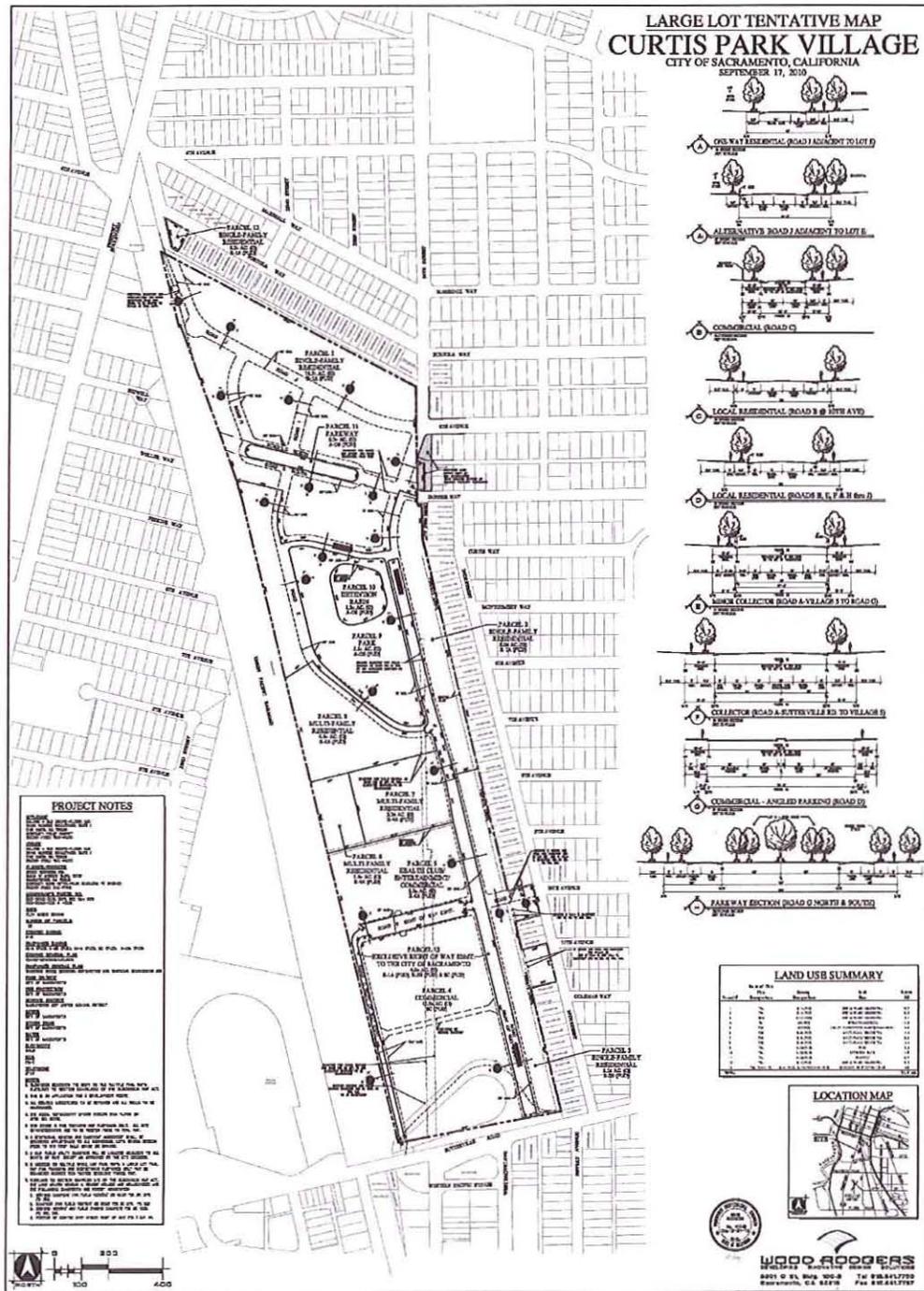
area eligible for Quimby credit falls below 5.791± acres; the Quimby in lieu fee shall be required to comprise the remainder. The Tentative Subdivision Map currently identifies Lot C at 5.5± net acres and Lot O at 1.3± net acres.

- b. Any change in the residential unit count or type will change the amount of Quimby land dedication or in lieu fee due and may require additional parkland dedication or in lieu fee obligations under Sacramento City Code Chapter 16.64. Any change in these factors will change the amount of the Quimby fee due. The final fee is calculated using factors at the time of payment.
- c. Title 18, 18.44 Park Development Impact Fee, due at the time of issuance of building permit. The Park Development Impact Fee (PIF) due for this project is estimated at \$2,110,183. This is based on 189 single family units at \$5,191 each, 338 multi-family units at \$3,058 each, 16,000 square feet of commercial office space at \$0.50 per square foot, and 243,000 square feet of retail / commercial space at \$0.36 per square foot. 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. (Please note: these fees are subject to change on July 1 of each year; the fees quoted herein are the fees in effect between July 1, 2010 and June 30, 2011).
- d. Neighborhood Park Maintenance CFD Formation. (Parks)

145. The City Department of Parks and Recreation bears no responsibility for acceptance of or maintenance of Open Space or Parkway Lots (Lots D, E and M) as shown on the Tentative Subdivision Map; (Parks)

Section 4. Exhibits A and B are a part of this Resolution

Exhibit A – Large Lot Tentative Map





**Attachment 10 – Resolution for the Park and Detention Basin**

**RESOLUTION NO. 2010-**

Adopted by the Sacramento City Council

**PROVIDING POLICY DIRECTION FOR THE  
CURTIS PARK VILLAGE PROJECT (P04-109) RELATING TO THE  
NEIGHBORHOOD PARK AND DETENTION BASIN AND THE  
AMENDMENT TO THE 1995 REMEDIAL ACTION PLAN**

**BACKGROUND**

- A. The Curtis Park Village Development Project (P04-109) consists of the planned development of approximately 72 acres with commercial, retail, and office space (259,000 sq. ft.), single family residences (189 units), three multi-family housing communities (338 units), and a 6.8± net acre neighborhood park/detention basin.
- B. The Project is located on the site of the former railyard and operations center for the Western Pacific Railroad and is contaminated with hazardous waste from the railyard era. Remediation of the site is occurring under a Remedial Action Plan (RAP) approved by the California Department of Toxic Substances Control (DTSC) in 1995. The 1995 RAP approved excavation and off-site disposal of the contaminated soil and clean-up levels suitable for restricted use development.
- C. The 1995 RAP clean-up levels did not coincide with the City's planned future land use for the site at that time. Due to the City's concern, Chapter 395 Statutes 1999 (SB 120 Ortiz) was enacted to prohibit DTSC from determining response action on the site to be complete until (1) the City has completed its land use planning process for the site (i.e., has adopted a General Plan amendment and rezoned the site) and (2) all response actions necessary to conform to that land use plan are complete. Upon approval, the Curtis Park Village Development Project will be the City's land use plan for the site for purposes of SB 120.
- D. The Project applicant has encountered additional volumes of contaminated soil on the Project site that necessitates an amendment to the 1995 RAP to allow for one or more alternative remedies. One of the remedies the Project applicant wishes to pursue is on-site encapsulation of contaminated soil under the park-portion of the proposed park/detention basin parcel.
- E. Because the Project entitlements were under review at the same time that the amendment to the 1995 RAP was being contemplated, the City and DTSC agreed to include in the Project Environmental Impact Report (EIR) the environmental analysis of both the Project and the amendment to the 1995 RAP, with the City as Lead Agency and DTSC as a Responsible Agency. Therefore,

the EIR analyzes the impacts and health risks of all potential remedies contemplated for inclusion in the amendment to the RAP, including encapsulating contaminated soil under the park-portion of the proposed park/detention basin parcel.

- F. On April 1, 2010, the City Council conducted a public hearing and received and considered evidence concerning the Curtis Park Village Development Project and certified the EIR for the Project, but deferred action on the Project entitlements.
- G. The EIR certification will allow the Project applicant to proceed with its request to DTSC to amend the 1995 RAP prior to final approval of the Project entitlements (the SB 120 land use plan) which may result in approval of encapsulation of contaminated soil under the park-portion of the proposed park/detention basin parcel. The City is concerned that, unless properly conditioned, approval of that remedy may be inconsistent with what the City ultimately approves for the Project, including the park master plan as well as the detention basin plan, resulting in the amendment to the 1995 RAP being inconsistent with the Project approvals and the SB 120 land use plan. This concern is based on the following:
1. Neither DTSC nor the City will allow contaminated soil to be placed in a detention basin drainage area, to avoid creating groundwater contamination and potential contamination leaks into the public combined sewer system. Careful design of the park and detention basin and appurtenances is needed to insure that contaminated soil is properly encased to prevent storm water drainage, and to prevent existing contaminated groundwater from entering into the detention basin and into the public combined sewer system.
  2. DTSC typically requires only a relatively small amount of clean soil (1 to 2 feet) above the cap for protection from ultraviolet light damage. That amount of soil would be insufficient to allow for subsequent development of a neighborhood park due to the additional soil needed for installation of park amenities, including but not limited to underground irrigation and park landscaping. The depth of additional soil above the cap that will be needed for park development is unknown at this time because the park master plan (as well as the detention basin plan) has not been prepared or approved. In addition, the City requires neighborhood parks to have the same elevation as the surrounding parcels, which will limit the amount of contaminated soil that can be encapsulated under the park-portion of the proposed park/detention basin parcel. Development of the park master plan (as well as the detention basin plan), in accordance with the City's park development process, is the responsibility of the Project applicant and implementation of those plans is specified in the project's proposed subdivision map conditions.
- H. The City Council wishes to ensure that DTSC is aware of the proposed conditions of approval of the Project entitlements relating to the park site and

detention basin, so that DTSC can take these conditions into consideration as it reviews and takes action on the requested 1995 RAP amendment, to ensure that its approval conforms to what is anticipated to be the SB 120 land use plan for the Project site.

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

Section 1. Staff is directed to transmit to DTSC the proposed conditions of approval of the Curtis Park Village Development Project subdivision maps regarding development of the neighborhood park and detention basin, as set out in Exhibit A, so that DTSC is aware of the City's requirements prior to its approval of the RAP amendment.

Section 2. Exhibit A is a part of this Resolution.

**Table of Contents:**

Exhibit A - Proposed Map Conditions for Curtis Park Village Project Related to the Neighborhood Park and Detention Basin

**Exhibit A: Proposed Map Conditions for Curtis Park Village Project Related to the Neighborhood Park and Detention Basin****Department of Utilities (DOU)**  
**Dedications and Ownerships**

1. The applicant shall dedicate an IOD for drainage easement or a drainage easement over Lot O (Detention Basin), the proposed detention basin. The dedication shall be to the satisfaction of the City Attorney and the DOU pursuant to City Standards. The dedication shall be at no cost to the City, and shall be free and clear of all encumbrances and liens, provided that applicant shall not be required to remove encumbrances of record that will not interfere with the use or uses for which the easement is being dedicated and that are approved as title exceptions by the City, which approval shall not be unreasonably withheld. Lot O shall be sized to accommodate the detention volume per the approved drainage study, service roads, ramps, drainage structures and all appurtenances.
2. The applicant also shall dedicate an IOD for a Recreation Easement or a recreation easement over Lot O that meets the requirements specified in the Parks and Recreation Department's Condition 8 of the Tentative Map.
3. The applicant shall dedicate a Drainage Access and Maintenance Easement over the storm drain inlet and outlet structures and associated appurtenances to be located in Lot O to the satisfaction of the DOU pursuant to City Standards. The dedication shall be at no cost to the City, and shall be free and clear of all encumbrances and liens, provided that applicant shall not be required to remove encumbrances of record that will not interfere with the use or uses for which the easement is being dedicated and that are approved as title exceptions by the City, which approval shall not be unreasonably withheld.

**Annexation and Agreements**

4. The applicant shall execute a recordable agreement, in a form acceptable to DOU and the City Attorney, to indemnify, defend and hold harmless the City against any and all claims, actions, penalties, fines, costs (including but not limited to any costs of investigation and/or remediation, and reasonable attorney fees) or other liabilities of any kind arising if any hazardous substance or other contaminant arising anywhere on the project site enters the City's Combined Sewer System or water system (collectively the "Environmental Claims"), but only to the extent that the Environmental Claims are covered under the applicant's environmental insurance policy. If the applicant is unable to obtain an insurance endorsement to protect the City from liability for further remediation or investigation of hazardous substances, then the applicant's liability for such costs is not limited. Applicant's compliance with the Parks and Recreation Department's Condition 9 in the Tentative Subdivision Map, which requires the applicant shall name the City as an additional insured under the applicant's environmental insurance policy, shall apply to satisfy this condition.

**Hazardous Material Clean-up Standards**

5. Applicant shall perform all hazardous material clean-up and remediation as required by the DTSC for the design and construction of the underground utilities and the detention basin in accordance with standards that comply with all requirements of the Department of Toxic Substances Control's (DTSC) approved Remedial Design Implementation Plan (RDIP). The applicant shall provide written letters from DTSC for the approval of the RDIP and verification that the remediation has been completed.
6. Applicant shall provide an operation and maintenance manual, prepared by a licensed professional expert in the field of hazardous remediation, identifying, maintenance protocol personal protective equipment and training requirements for the operation, trenching and maintenance of underground pipes and appurtenances, streets and detention basin.

**Studies**

7. The applicant shall submit the drainage study and the proposed conceptual drainage plan (alignment, size, type and material of pipes, joints, type of manholes, etc.) and the proposed conceptual detention basin plan (showing location, size and depth, proximity and clearances to cap areas, type and thickness of seepage control, clearances to ground water, etc.) to DTSC prior to DTSC's approval of the RDIP.

**Department of Parks and Recreation**  
**Park Planning and Development Services (PPDS)**

8. **Park Dedication – Irrevocable Offer of Dedication for a Recreation Easement:** Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication), the Applicant shall provide on City's form an irrevocable offer of dedication (IOD) for an exclusive recreation easement on the park site identified on the Tentative Subdivision Map as Lot C (comprising 5.5± net acres) and the detention basin site identified as Lot O (comprising 1.3± net acres). Lot O is intended to contain the proposed detention basin.

At the time of delivery of IOD for a Recreation Easement, the Applicant shall also:

- a. Provide to City a title report demonstrating that it holds full and clear title, including all interests necessary for maintenance and access, to Lots C and O;
- b. Provide written proof acceptable to City that it has completed all actions necessary to ensure that Lots C and O are free and clear of any wetland

mitigation, endangered or threatened animal or plant species, sensitive habitat or other development restrictions (mitigation measures) that would unreasonably interfere with or prevent the intended park use. The Applicant shall be solely responsible, and at its sole cost, for any required mitigation costs or measures associated with Lots C and O;

- c. Provide written proof acceptable to City that Applicant is fully and solely responsible for maintenance of the cap system, annual reporting, and all other requirements or actions as specified by the State Department of Toxic Substances Control by deed restriction or order, and shall remain fully and solely responsible for these obligations after City records acceptance of the IOD for the Recreation Easement.
  - d. For Lot C, provide written certification from the State Department of Toxic Substances Control (DTSC) or other documentation issued by DTSC which is acceptable to City that either (i) the remediation of hazardous substances has been completed at the site, or (ii) the disposal of hazardous substances at the site underneath an impervious cap and clean fill material over the cap has been completed in accordance with the DTSC approved Remedial Action Plan and Remedial Design Implementation Plan (RDIP); that the DTSC deed restrictions have been recorded, and that DTSC has confirmed in writing or as set out in the deed restrictions that the DTSC's land use controls and/or land use specific remediation approaches approved or required for Lot C will allow for the development and continued use of Lot C as a public park consistent with the approved Park Master Plan. For Lot O, provide written certification from DTSC or other documentation issued by DTSC which is acceptable to City that the remediation of hazardous substances has been completed at the site to allow for unrestricted uses, and that an impervious liner has been installed to prevent intrusion of contaminated groundwater into the site.
9. **Agreement:** At the time of delivery of IOD for the Recreation Easement for Lots C and O, the Applicant shall enter into an agreement with the City under which Applicant shall:
- a. Indemnify, defend, and hold harmless the City in the event (i) any further remediation or investigation of hazardous substances is required in the future due to the hazardous substances that were permitted by DTSC to remain at the site, (ii) the obligation of the Applicant to own, maintain and repair the impervious cap on Lot C, and (iii) any claims alleging personal injury or damages due to the presence of hazardous substances on Lot C that may be filed against City; and
  - b. Name the City as an additional insured on Applicant's pollution and public liability insurance policy, and such policy shall have a minimum ten year term and be in an amount not less than \$5 million per occurrence.

- c. The applicant's obligations to indemnify the City for claims caused by or arising from hazardous substances shall be limited to the coverages under the Applicant's pollution insurance policy. If Applicant is unable to obtain an insurance endorsement to protect the City from liability for further remediation or investigation of hazardous substances, then the Applicant's liability for such costs is not limited.
10. **Joint Use Park-Drainage Facility:** The Applicant shall provide an exhibit to show the location of the facility and the limit of the 100-year flood plain within Lot O. The net acreage of the facility and the area surrounding the facility shall be noted on the exhibit. The exhibit shall be subject to the review and approval of the Departments of Utilities and Parks and Recreation, PPDS. The area within the 100-year flood plain and all other detention related facilities, including any access easement, shall not count towards meeting the project's parkland dedication requirement.
11. **Grading Plan:** Applicant shall provide to Departments of Utilities and Parks and Recreation, PPDS, a grading plan for the detention basin proposed for Lot O. The grading plan shall identify the depth of excavation and the location and type of the liner. The grading plan shall be subject to approval by both departments.
12. **Park Site Net Acreage:** Lots C and O and the net acreage eligible for parkland dedication credit shall be shown on the first final map. Lot C shall be labeled as a Park and Lot O labeled as Detention Basin. The net acreage eligible for the parkland dedication requirements pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) shall be determined and approved by City Park Planning and Development Services (PPDS). Those portions of Lot C and/or Lot O that are subject to 100-year flood, access easements, or contain detention related infrastructure shall not count towards meeting the project's parkland dedication requirement. The irrevocable offer for an exclusive recreation easement for public purposes shall be noted on Lots C and O on the final map.
13. **Park Master Plan:** For lots C and O, the Applicant shall prepare a Neighborhood Park Master Plan. The Park Master Plan shall be prepared to the satisfaction of the Park Planning and Development Services Division (PPDS) of the Department of Parks and Recreation and shall be submitted for review and shall be approved by the PPDS, Parks and Recreation Commission, and City Council, prior to approval of the first final map. Within Lot C, the adopted Park Master Plan shall be used to determine and shall specify the required "clean" soil depth (over and above the State Department of Toxic Substances Control (DTSC) required soil depth over the capped contaminated soils which are permitted to remain on site) needed for the development, maintenance, and use of the park consistent with the approved Park Master Plan. The required "clean" soil depth within Lot C shall take into account all park improvements, including but not limited to, landscape planting and irrigation installation, maintenance activities, and tree and other plant root needs to avoid impacting the cap as determined by City's arborist. The Park Master Plan shall be completed and

adopted by the City and submitted by the Applicant to DTSC for its review as part of and prior to the Applicant's submittal to DTSC's for its final approval of the Remedial Design Implementation Plan (RDIP). The Applicant shall be solely responsible for completion of the remediation work under the approved RDIP and for development of the park to ensure that the cap will not be compromised by the City's subsequent park development and maintenance activities which are consistent with the Park Master Plan.

The park shall be designed to neighborhood park standards, as outlined in Table 18 of the City of Sacramento Parks and Recreation Master Plan 2005-2010. The park amenities may include but not be limited to a tot lot, an adventure area, unlighted sports fields or sports courts, and/or group picnic areas; and basic design elements such as landscaping, irrigation, turf, shade and ornamental trees, site furnishing, and shade structures. Shade structures and play equipment will have subsurface footings and shade trees are typically deep rooted. Other subsurface improvements will include, but not be limited to irrigation piping and storm drains. Park design shall comply with Crime Prevention through Environmental Design (CPTED) principles. The finished park grades shall be level with the surrounding streets and shall not contain berms or raised elevations without prior PPDS approval.

14. **Improvements:** Unless already satisfied with the final Parcel Map, the Applicant shall construct the following public improvements:
- a. Development of the park improvements and the detention basin, prior to and as a condition of City's acceptance of the IOD for Lots C and O.
  - b. Full street improvements for Lot C and for Lot O (if applicable) including but not limited to curbs, gutters, accessible ramps, street paving, streetlights, and sidewalks; and improved surface drainage through the site.
  - c. A concrete sidewalk and vertical curb along all street frontages that open onto Lot C. The sidewalk shall be contiguous to the curb (attached) for neighborhood parks unless otherwise approved by PPDS. If permitted as part of the approved Park Master Plan, a low rise retaining wall may be constructed at the back of the sidewalk to allow for the finished park grade across Lot C to not exceed a 10% slope.
  - d. A twelve inch (12") storm drain stub and six inch (6") sanitary sewer stub to the back of the sidewalk at Lot C or as sized and located per approved park master plan for future service. Number of stubs and locations are to be approved by PPDS. Storm Drain and Sewer stubs are to be marked with a 3' high, white 4" x 4" post indicating stub or service location.
  - e. One water tap for irrigation, one water tap for domestic water, and electrical and telephone service to Lot C, or as sized and located per approved park master plan. The irrigation water tap shall be 4 inches for parkland 4 acres

and over, and 2-1/2 inches for parkland less than 4 acres; and the domestic water tap shall be 1 inch. Water taps and telephone and electrical services shall be marked with a 3' high, white 4" x 4" post indicating stub or service location.

- f. A ten-foot (10') wide driveway into Lot C at a location approved by PPDS. The driveway shall not enter park from Road A. The driveway is to provide future maintenance access to the park.
  - g. The Applicant shall rough grade Lot C as required by City Code to provide positive drainage as approved by PPDS.
15. **Design Coordination for PUE's and Facilities:** If a 12.5 foot public utility easement (PUE) for underground facilities and appurtenances currently exists or is required to be dedicated adjacent to a public street right-of-way contiguous to Lot C and Lot O (if applicable), the Applicant shall coordinate with PPDS and SMUD regarding the location of appurtenances within the PUE to minimize visual obstruction in relation to the park(s) and to best accommodate future park improvements. The Applicant shall facilitate a meeting(s) with SMUD and PPDS prior to SMUD's facilities coordinating meeting for the project. The Applicant shall submit a site plan and electronic file showing the location of all utilities on the park site to the PPDS for review and approval.
16. **Site Plan:** The Applicant shall submit a site plan and electronic file showing the location of all utilities on Lots C and O to the PPDS and DOU for review and approval. The Applicant shall: (1) design and install grading and drainage improvements reflective of the approved Park Master Plan; and (2) deliver as-built drawings of said grading and drainage to PPDS and DOU –all to the satisfaction of PPDS and DOU.
17. **Turnkey Park Development:** The Applicant shall enter into City's Reimbursement / Credit Agreement (collectively called "Turnkey Park Agreement") to construct the park and detention basin improvements on Lots C and O to the satisfaction of PPDS and DOU. All costs necessary to develop the park in conformance with the adopted Park Master Plan shall be the sole responsibility of the Applicant.

The Turnkey Agreement shall address:

- a. Maintenance of Lots C and O until the time that the City records acceptance of the IOD for the Recreation Easement and accepts the improvements to be constructed under the Turnkey Agreement;
- b. The preparation and approval of the design and improvement plans consistent with the approved Park Master Plan;
- c. Time for completion of the park and detention basin improvements (or of

each phase if the improvements will not be completed in one phase) as a function of build-out of the Tentative Subdivision Map or issuance of building permits;

- d. Any credits to be awarded to the Applicant against the City's Park Development Impact Fee (PIF) that would be payable as a condition of issuance of building permits for the dwelling units to be constructed in the Tentative Subdivision Map. Applicant shall not receive credit for costs associated with construction of the detention basin, inlet and outlet structures, associated drainage appurtenances and basic landscaping costs typically associated with detention basin construction. Park construction costs are expected to be higher than average due to the presence of capped hazardous materials on site, and credits against the PIF will not be granted to cover these additional costs;
- e. Maintenance of all park improvements, to be accepted into a park maintenance financing district for a minimum of one year unless the City agrees to accept park maintenance into the district at an earlier date. The one-year maintenance period shall begin following the issuance by the City of a notice of completion for the improvements in accordance with the terms of the Turnkey Agreement.
- f. Provision of as-built drawings of the completed park.

#### **ADVISORY NOTES**

1. As per City Code, qualified parkland must be "a typical acre of the subdivision, with a slope less than ten (10) percent, and located in other than an area on which building is excluded because of flooding, public rights-of-way, easements, or other restrictions". Acreage within an existing or proposed drainage area, access easement, public right-of-way, or areas with 10% and greater slopes shall not receive parkland dedication credit. Quimby parkland credit can be granted only to "buildable acres".
2. Because the park project is located above a remediation site, the Applicant shall be required to provide written certification, or other documentation which is acceptable to City, from the State Department of Toxic Substances Control (DTSC) that remediation of the dedicated lots and easements has been completed in accordance with the DTSC approved Remedial Action Plan and Remedial Design Implementation Plan, that the DTSC deed restrictions, DTSC land use controls, or land use specific remediation approaches will allow for the proposed park and public access use.
3. The Applicant shall be responsible for maintenance (weed abatement) of Lots C and O conveyed as an IOD for Recreation Easement until the time that the City records acceptance of the IOD for Recreation Easement.

Attachment 11 – City Council Resolution 98-517 & SB 120

**RESOLUTION NO. 98-517**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

**OCT 13 1998**

ON DATE OF \_\_\_\_\_

**A RESOLUTION RELATING TO HAZARDOUS WASTE  
CLEANUP OF THE UNION PACIFIC RAILYARD**

WHEREAS, the Council adopted Resolution No. 92-255 on April 14, 1992, in which the Council Resolution endorsed the Union Pacific Land Use Committee (UPLUC) planning principles for the reuse of the Union Pacific Curtis Park Yard. The UPLUC recommended land uses were (1) residential development, (2) open space recreational, (3) neighborhood-serving commercial, (4) possible Sacramento City College expansion, and (5) light rail and transit-oriented design; and

WHEREAS, despite a state policy that cleanup levels must be compatible with planned land use, the Department of Toxic Substances Control in 1995 refused to delay its Final Remedial Action Plan until the City had approved its land use plan for the site; and

WHEREAS, over the objections of the City, and without a City-approved final land use plan, the State Department of Toxic Substances Control (DTSC) approved a Final Remedial Action Plan (RAP) which was inconsistent with the Council-approved UPLUC goals, since it did not reflect the residential and open-space priorities of those goals. The Department's Final Remedial Action Plan has placed significant restrictions on the future land use of two-thirds of the Union Pacific Yard by allowing only commercial use and mixed use (commercial-resident) to prevent human exposure to contaminated soils; and

WHEREAS, to address the City's objections to approving a Final Remedial Action Plan in the absence of an approved local land use plan, the Executive Summary of the Final Remedial Action Plan states that the Department will require a second phase of remediation after the Department certifies the final Remedial Action Plan and after the City approves a final land use plan; and

WHEREAS, unless such second phase of remediation suggested in the Final RAP occurs, the decision of DTSC approving the Final RAP, and remediation pursuant thereto, will or may have the effect of preempting the City from exercising its local land use planning responsibilities and leave most of the developable portions of the property suitable for only commercial or industrial use, rather than residential use; and

WHEREAS, there is a perceived loophole in existing state law which could allow the railroad to avoid any additional cleanup responsibilities if the Department of Toxic Substances Control certifies

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 98-517  
DATE ADOPTED: OCT 13 1998

the completion of the cleanup provided in the Final Remedial Action Plan prior to the City's adoption of a final land use plan; and

**WHEREAS**, the Department may be unable to require the additional cleanup promised in the Final Remedial Action Plan necessary to allow for a compatible development in accordance with the City's approved land use plan;

**BE IT THEREFORE RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO that:**

- (a) The Council reaffirms its policy that the cleanup requirements for the property must be adequate to allow the City Council to exercise its discretion to make land use decisions based on local land use needs, and not based on existing levels of contamination; and
- (b) The Council requests that before certifying the completion of the cleanup required under the Final Remedial Action Plan, the State Department of Toxic Substances Control require cleanup of the site in compliance with the City's final adopted land use plan for the site; and
- (c) The Council urges the Legislature to reenact the State Superfund law; and further, when it reenacts that law, to include appropriate provisions to accomplish the following: (i) to eliminate the perceived loophole in the current law which could allow the Union Pacific Railroad to complete its cleanup of the Curtis Park Railyard without having remediated the site sufficiently to allow the City to adopt and implement its land use plans for the site; (ii) to ensure the City's ability to exercise its local land use planning responsibilities is fully protected; and (iii) prohibit DTSC from making a determination that the remedial action plan is complete until after the City has completed the planning process currently underway and adopted a new land use plan for the site.

JOE SERNA, JR.

\_\_\_\_\_  
MAYOR

ATTEST:  
VALERIE BURROWES

\_\_\_\_\_  
CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 98-517  
DATE ADOPTED: OCT 13 1998

**Senate Bill No. 120**

**CHAPTER 395**

An act relating to hazardous substances.

[Approved by Governor September 15, 1999. Filed  
with Secretary of State September 15, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 120, Ortiz. Hazardous substances.

Existing law authorizes the Department of Toxic Substances Control to expend the money in the Toxic Substances Control Account in the General Fund, upon appropriation by the Legislature, to pay for, among other things, removal and remedial actions related to the release of hazardous substances and the oversight of removal and remedial actions. Existing law authorizes the Attorney General to recover from the liable person, as defined, the costs incurred and payable from the account for removal or remedial actions to a hazardous substance release. Existing law requires a liable party who establishes, by a preponderance of evidence, that only a portion of those costs are attributable to that party's actions, to only pay for that portion of those costs.

This bill would prohibit the department from making any determination that a response action at the Western Pacific Avenue site in Sacramento is complete, until after the City of Sacramento has completed its land use planning process and all response actions necessary to conform to the approved land use plan are complete. The bill would exempt from this prohibition, any portion of the site acquired by the Sacramento Regional Transit District, in accordance with specified environmental documents.

*The people of the State of California do enact as follows:*

SECTION 1. (a) For purposes of this section the following definitions apply:

(1) "City" means the City of Sacramento.

(2) "Completion of the city's land use planning process" means the adoption, after January 1, 1999, of a general plan amendment and rezoning of the site pursuant to the city's land use process.

(3) "Site" means the site at 3675 Western Pacific Avenue in Sacramento, California, which is the subject of response action approved and overseen by the Department of Toxic Substances Control pursuant to Enforceable Agreement No. HSA 86/87-015EA issued by the department on March 26, 1987.

Ch. 395

— 2 —

(b) (1) The Legislature finds and declares that the final remedial action plan prepared and approved in 1995 pursuant to the enforceable agreement for the site expressly recognizes that the city is processing a change in the land use for the site, including a general plan amendment and rezoning, and that the city's final land use plan for the site may require that additional portions of the site be remediated to unrestricted use levels beyond the area indicated in the 1995 final remedial action plan.

(2) The Legislature further finds and declares that a general statute cannot be made applicable to the site, within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution, due to the unique circumstances at the site. At this site, the department has approved a remedial action plan specifying a level of cleanup protective of human health and safety based on current land use even though the department is aware that the local government, the property owner, and the community all intend and plan that the site will not remain in its current use but will ultimately be put to a more intense use with more potential for human exposure to any residual contamination. The department specifically acknowledges, in a memorandum dated June 30, 1998, that unique circumstances are present at the site.

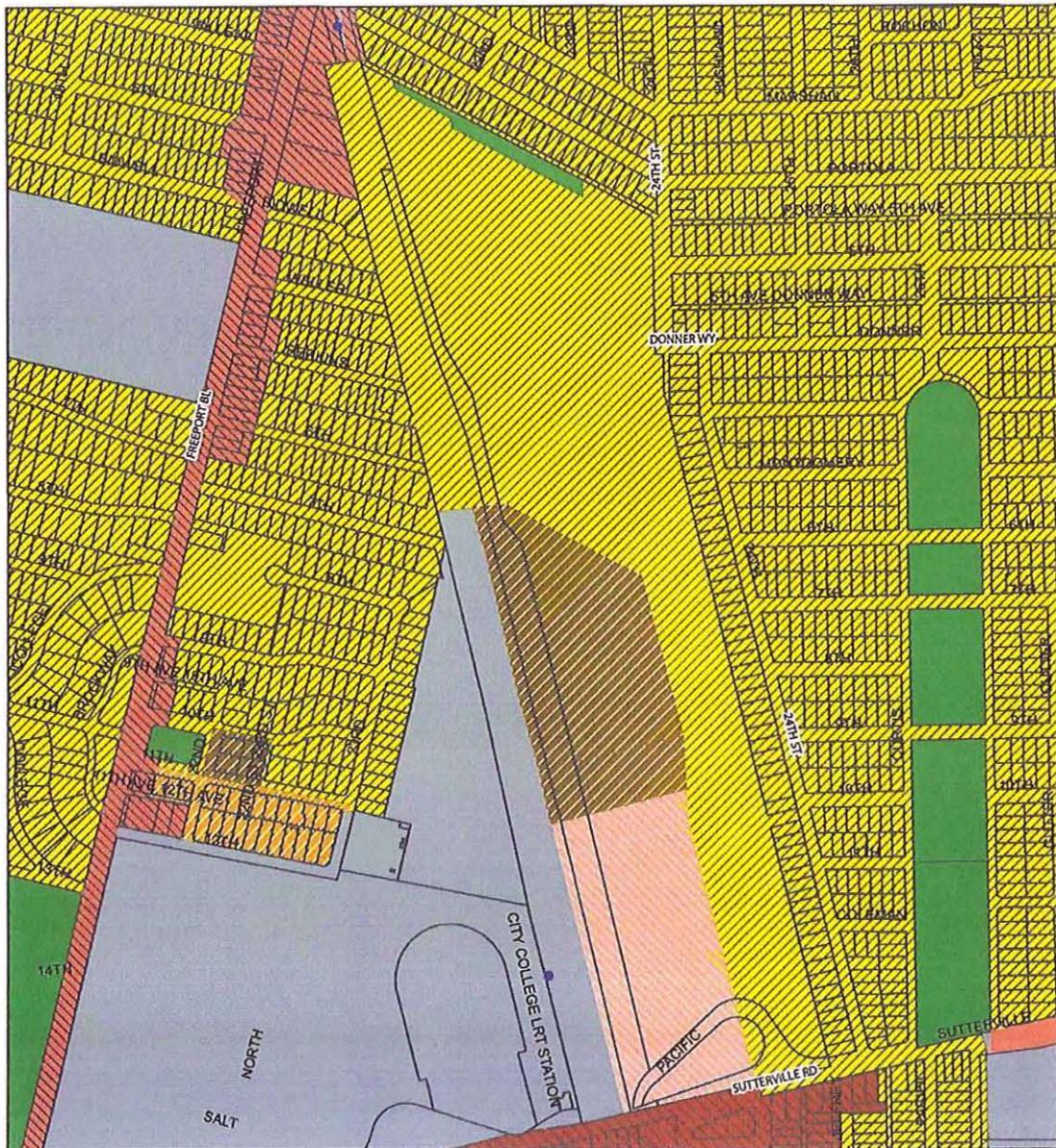
(c) Notwithstanding any other provision of law, the Department of Toxic Substances Control shall not make a determination that the response action at the site is complete, including, but not limited to, issuing a certification, a no further action letter, or a closure letter, or entering into a settlement or release of liability, until after the city has completed its land use planning process and all response actions necessary to conform to the approved land use plan are complete.

(d) This section does not apply to any portion of the site acquired by the Sacramento Regional Transit District in accordance with the Draft and Final Subsequent Environmental Impact Report and the Draft and Final Environmental Impact Statement for the South Sacramento Corridor Light Rail Project, and all addenda and supplements attached thereto.

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Attachment 12 – General Plan Land Use Designations



Legend 2030\_GP\_PREFERRED\_LUD\_04\_10\_08

-  Traditional Neighborhood Low
-  Traditional Neighborhood High
-  Traditional Center
-  Public

**Attachment 13 – SCNA Letter**

**SIERRA CURTIS**  
NEIGHBORHOOD ASSOCIATION

February 9, 2010

Heather Forest  
Community Development Department  
City of Sacramento  
300 Richards Blvd., 3rd Floor  
Sacramento, CA 95811

**Re: Comments on Curtis Park Village (P04-109) December 18, 2009 Revised Version**

Dear Ms. Forest:

The Sierra Curtis Park Neighborhood Association (SCNA) submits these comments on the Curtis Park Village application.

Our comments are based on input SCNA has received from the dozens of public meetings held in our neighborhood to discuss the project. We have gathered feedback from hundreds of residents and met countless times with Petrovich Development in an effort to improve the proposed project.

SCNA thinks the project should be altered so it is consistent with the recently adopted Sacramento General Plan. Given increased understanding of global climate change, we support the goals of recently adopted legislation, including AB32 (the Global Warming Solutions Act of 2006) and SB 375 (Redesigning Communities to Reduce Greenhouse Gases), which specifically targets auto emissions by reducing vehicle miles traveled. SCNA is also mindful that this location is the second largest infill parcel in the city, near two light rail stations. It should be designed as a forward-looking, state of the art, infill development that will endure well into the next 50 years.

While SCNA understands there are significant financial demands on Petrovich Development stemming from the clean up of the toxics on site, we do not believe these circumstances should compel the City to accept a project that may be financially viable in the short term, but does not serve the surrounding neighborhoods or the City well in the long run. SCNA supports the City's statement that it has a responsibility to foster *"walkable, close-knit neighborhoods, distinctive, attractive communities with a strong sense of place, and supporting land use...that reduces vehicle emissions and improves air quality."* (See the City of Sacramento's Smart Growth Implementation Strategy, 2001).



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*SCNA is supportive of the proposed project if the following changes are made* whether by incorporation into the Project's PUD Schematic Plan and Development Guidelines, by City-imposed conditions of approval or by other appropriate and enforceable means.

**1) Reduce the size of the commercial zoning from 259,000 square feet of commercial/retail/office space to a maximum of 170,000 square feet of commercial/retail/office space. Curtis Park Village should reflect a Traditional Center Design as portrayed in the General Plan.**

In past correspondence, SCNA has requested no more than 150,000 square feet of commercial zoning in the Curtis Park Village PUD. However, in recognition of the information contained in several SACOG letters (5/12/09 and 10/7/09) which analyzed the reduction in vehicle miles traveled per household based on commercial vs. multi-family housing, SCNA would support up to 170,000 square feet of commercial/retail/office space in the development. According to the SACOG letter, if the size of the proposed commercial zoning is greater than 170,000 square feet, it would create a "destination" development and can be expected to generate an increase in vehicle trips from outside the adjacent neighborhoods. We recognize the reduction in commercial space means there could be a corresponding increase in residential housing of up to 100 units.

**SCNA is opposed to more than 170,000 square feet of commercial/retail/office space and supports a Traditional Center for the following reasons:**

- The proposed 259,000 square feet of commercial space is a suburban, auto-oriented design that is not consistent with the Sacramento General Plan's designation of this area as a Traditional Center. A Traditional Center design is oriented towards walking, biking and transit and features a street grid.
- Due to the very limited access to this site, the commercial and residential density of the development should match the capacity of Sutterville Road and neighborhood streets.
- A commercial development of this proposed size can not be supported by residents of Curtis Park Village and its adjacent neighborhoods, nor is it economically sustainable. In order to be successful, this commercial space would require support from a very large number of households throughout the region and therefore does not meet the City's definition of "neighborhood serving" commercial and retail space.
- A commercial project of this size is not warranted given the large number of commercial retail properties in the region that have been vacated. In the SACOG letter of 10/7/09, SACOG cites recent research that reports "over 890,000 square feet of commercial properties in the region have been vacated, of which 118,000 square

*feet are in this sub-market area." (Page 6). SACOG further states "These data indicate that regionally and nationally, retail may have been overbuilding in recent years and that demand for retail space may flatten or decline in the future." (Page 6).*

- This oversized commercial space proposed by the applicant will damage the blossoming neighborhood-serving businesses on Broadway and Freeport and Franklin boulevards. After citing the most recent research it has conducted showing the increase in retail vacancies and the overbuilding of commercial space, SACOG (10/7/09) states, "Given all of this, another reasonable planning question to ask is what effect the amount of retail on this Curtis Park Village site might have on retail viability in the surrounding area, including targeted areas for redevelopment such as Broadway, Freeport, Sutterville and Franklin Boulevard." (Page 6). In the same letter, SACOG reports its last inventory of local general plans during the Blueprint study indicated a surplus of 79,000 acres of commercial-designated land in the region through at least 2050.
- The recommended commercial square footage of 170,000 is more appropriate because it will generate less out-of-the-area auto traffic, require less parking overall and eliminate the need for large suburban style parking lots.

**2) Require a condition in the PUD's commercial zoning that limits the maximum size of any commercial/retail/office building to no more than 55,000 square feet of commercial/retail/office space to prevent "big box" retail stores.**

In public meetings, the applicant has promised not to allow "big box" style commercial development and to support a commercial center that is in scale with the neighborhood. However, the proposed project application offers nothing to ensure this promise becomes a reality. SCNA asks that the City condition the PUD's commercial zoning by requiring that all commercial buildings be limited to no more than a 55,000 square feet footprint. In keeping an appropriate scale of commercial development, this condition must include a size limit to the parking lots associated with such commercial buildings to no more than a cumulative total of 225 parking spaces. (Note: SCNA is not endorsing multiple 225 space parking lots by making this recommendation.) Without these conditions, the City will not be able to guarantee that "big box" retail stores will not be built on this site in the future.

**3) Extend the street grid and require commercial buildings to face the street**

SCNA does not support the changes the applicant has made to the street grid in the most recent revision. The current configuration reflects the auto-oriented circulation pattern of a suburban development. The proposed plan does not include secondary streets to create small blocks in the commercial area or access to the affordable senior housing and multi-family units. The Schematic Plan and tentative maps should be revised to add at least one additional north/south road to relieve traffic congestion on the main project thoroughfare and to mitigate the impact of the increased traffic on the neighborhood. We ask that the PUD

Guidelines require all nonresidential buildings to front onto a street rather than a parking lot. This may require more than one entrance for each building. It will also require the creation of a true *neighborhood* street grid. SCNA has attached an Alternative Schematic Plan proposal that would establish a true neighborhood street grid pattern along the lines of what is called for in the Sacramento General Plan. Equally important is the requirement of maximum street connectivity between the project and the neighborhood. Specifically, there should be two-way connections at 21st Street, 10th Avenue, 5th Avenue and Donner Way.

**4) Allow further comment and development of the PUD Design Guidelines**

The draft PUD Design Guidelines are incomplete and lack sufficient detail for a project of this scale and importance. The PUD Schematic Plan and Development Guidelines, as well as the Curtis Park Single Family Home Design Guidelines, are necessary to ensure Curtis Park Village (CPV) develops in a style and scale that is complementary to and compatible with the existing traditional neighborhoods. When will the applicant provide the complete PUD Design Guidelines for the City and SCNA to review? The City should not act on this project until adequate PUD Guidelines have been prepared and reviewed.

Provisions need to be in place for the future of the PUD when the development occurs. SCNA requests the City establish a CPV design review board, whose members would balance the rights of the property owner and the interests of the surrounding neighborhoods. This design review board's responsibility would be to review special permits and housing designs.

**SCNA requests the opportunity to provide additional input into the PUD Guidelines when they are more fully developed in the coming weeks and we urge the Council to defer action on the project until the PUD Guidelines are complete. In the meantime, we request that the PUD Guidelines include these items:**

- 1 All buildings should require a special permit review, not just buildings larger than 50,000 square feet.
- 2 Duplexes and granny flats should be allowed by right on single family lots. Also, include the option to build fourplexes and triplexes to allow for more affordable housing units and a wider variety of ownership housing types and sizes, including live-work units.
- 3 Establish a stricter ratio for parking spaces for retail (1 space for every 650 square feet) to reduce the dependence on the automobile and promote transit.
- 4 Require some small, pocket parks in the project so there is additional green space throughout the development. In particular, create a small pocket park around the large mother oak tree in the alley behind Portola Way.

**5) Because of the serious safety issues related to the toxics; the Master Plan for the proposed park must be completed and approved before the State Department of Toxic Substances Control approves any revision of the Remedial Action Plan (RAP) and before the City approves the Curtis Park Village project.**

In a recent public meeting, the applicant stated to SCNA that he intends to propose to the City Council a non-standard approval process where:

- a) The City Council would be asked to certify the EIR for the project at the April 1st City Council meeting.
- b) The Department of Toxic Substances Control (DTSC) could then use that EIR for amending the Remedial Action Plan (RAP) (after going through the public input process).
- c) After the RAP is amended, the City Council would act on the project entitlements (rezoning, tentative maps, PUD Guidelines, Schematic Plan etc.)

There is a fundamental problem with this process the applicant is proposing. The result of this non-standard approval process is that DTSC will decide on the needed remediation of the site *before* the City Council has decided what the ultimate land uses for the project will be. SCNA is very concerned about this unprecedented approach that would compromise Senate Bill 120, authored by then Senator Ortiz and Assembly Member Steinberg. Specifically, SB 120 protects the City's right to make decisions about land uses so that the clean-up process is driven by the City's approved land uses rather than DTSC.

Of particular concern is the effect of this non-standard process on the future utility of the 6.8 acre neighborhood park proposed for Curtis Park Village. SCNA is alarmed there is no requirement that the Master Plan for the park be completed before the tentative map goes before the City Council for approval. Such a Master Plan would provide needed guidance to DTSC on the requirements for this proposed land use (a 6.8 acre park) as required by SB 120 (see attached). The applicant has stated in public meetings that he will request that DTSC revise the RAP to allow disposal of the toxic soils beneath the park. If DTSC were to approve such a revision to the RAP, the action of DTSC, not the action of the City Council would determine what activities and uses may occur at the neighborhood park. The City, when it actually considers the development of the park, will be constrained by whatever RAP revision DTSC has approved. Accordingly, it is critical that the City approve the Master Plan for the neighborhood *before* DTSC considers any revision of the RAP.

**SCNA urges the Master Plan for the park be completed and approved prior to the certification of the EIR and approval of the project, or that project approval be conditioned in a manner that assures appropriate development of the neighborhood park because:**

- There are many unanswered questions related to the toxics that will be discussed during the public process to consider an amendment to the Remedial Action Plan

(RAP). If the City certifies the EIR and approves the project without a complete and approved Master Plan for the park and the RAP is amended, the City will lose its authority to establish specific development conditions for the park. Until the City has adopted a Master Plan for the park, DTSC can not know how the RAP should be revised.

- If DTSC approves the applicant's proposed revision to the RAP, then the proposed park will be built on top of the contaminated soil that will be capped with a geomembrane barrier material. While DTSC standards require only 1 foot of clean soil on top of the capped contaminants, the applicant has indicated his intention to have two feet of clean soil on the cap. Two feet of soil is barely enough dirt to provide for the 18 inch water drainage system for the park. Two feet of soil is insufficient for the subsurface drainage system required to keep surface water from seeping into the hazardous soil stored beneath the geomembrane and for the typical landscaping materials found in neighborhood parks.
- The applicant has also stated that a storm water storage basin will be built beneath the park's layer of toxics, leading to more concerns about the safety and monitoring of groundwater and river runoff.
- The residents of Curtis Park Village deserve a safe, functional neighborhood park. Parks usually contain amenities such as tot lots, adventure areas, sport fields, play equipment and group picnic areas. Design decisions related to shade trees, landscaping, irrigation, turf, ornamental trees and foundations for shade structures must be taken into consideration now, before DTSC amends the RAP. We do not believe a minimum of two feet of clean soil can support an adequate neighborhood park. (For example, in order for an average sized shade tree to be planted on top of the cap, a depth of clean soil of approximately 6-8 feet would be needed so the tree's roots would not disturb the geomembrane cap.) The best manner to ensure a safe, functional park with an adequate level of "clean soil," is to require a completed and approved Master Plan for the park as a condition of the tentative map.

**6) Require a tentative map condition that establishes a Central Public Plaza or Village Green in the commercial area as a focal point and gathering space prior to the City's approval of any final subdivision map.**

The City's definition of a Traditional Center provides for central, public gathering places, such as a village plaza or village square. We believe a Central Public Plaza or Village Green (a "Village Center") is essential for this project. This amenity would enliven the commercial area and give neighbors a place to gather. The size of the Village Center should be clearly stated in the tentative map. We urge the City to require a Village Center in the commercial area prior

to the City's approval of any final subdivision map.

**7) Require a tentative map condition that conveys an easement to the City for the landing pad for a pedestrian overcrossing bridge between Sacramento City College and the Village Center prior to the City's approval of any final subdivision map.**

The current application does not mention a pedestrian overcrossing bridge between Sacramento City College and the commercial area. This is a serious omission. A bona fide Transit-Oriented Development (TOD) would feature medium-density housing, reduced number of parking spaces, mixed-use commercial, prioritized pedestrian and bicycle access throughout the project and maximized access to both light rail stations to the west of the project. Such a configuration represents what this development needs to look like to be viable in 20-50 years due to the impacts of climate change and the rising costs of energy and transportation.

In previous designs, the applicant has designated landing space for a pedestrian bridge, but located it behind buildings and parking lots, not in a place where it would be an active focal point and feel safe to use. We urge the City to take the lead to ensure optimal space allocation for the landing pad. We also urge the City to continue to coordinate multiple funding sources to build a pedestrian connection. SACOG is on record offering to work with the City to pursue federal funding for the pedestrian overcrossing. We applaud the foresight of City Council member Lauren Hammond and the City for understanding the need for a pedestrian overcrossing and securing funding to complete the feasibility study for its design.

**SCNA urges a tentative map condition that conveys an easement for the landing pad for the pedestrian bridge connecting with the Village Center because:**

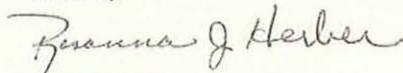
- The bridge will be a tremendous benefit for future residents of CPV. It will equally benefit Sacramento City College students and college staff who may wish to shop, work or live in Curtis Park Village. A recent Urban Land Institute report addressing climate change concluded that, "*one of the best ways to reduce vehicle travel is to build spaces where people can accomplish more with less driving.*" (The Sacramento Bee, September 23, 2007, page E6.)
- It is entirely unrealistic to expect students and faculty who drive to the campus to take bus service to the commercial area to purchase food or services. It is more logical that students and faculty would either drive their cars or walk over the pedestrian bridge to get to the commercial area.
- If there is a pedestrian overcrossing, many new residents who will live in the proposed apartment complex could more easily travel by transit to downtown jobs, lessening

the carbon footprint of this project.

- The combination of land use and light rail connection would epitomize the smart growth goal of "reducing vehicle emissions and improving air quality."

Thank you for the opportunity to comment on this project. We look forward to working with the City and the applicant to better shape this proposed project and get the development started. Should you have any questions, please contact me at (916) 952-1525.

Sincerely,



Rosanna Herber  
SCNA President

cc: Councilmember Lauren Hammond  
Mayor Johnson and City Councilmembers  
City Manager Ray Kerridge  
Department of Toxic Substances Control  
Petrovich Development

Attachments:

Senate Bill 120  
SCNA proposed Schematic Plan

# CURTIS PARK VILLAGE

PROJECT UPDATE - MAY 2009

## PROPOSED STREET GRID

Land Use Summary	
<i>(Total site is +/-72 acres)</i>	
Single Family Units	178
Commercial - Retail/Office	+/- 170,000 s.f.
Commercial - Entertainment	89,000 s.f.
Multi-Family Units <i>(not incl. affordable)</i>	212
Senior Housing Units <i>(affordable)</i>	80
Park and Open Space	7.5 acres



Single Family	Acres <i>(highlighted area):</i>	+/-33.3
	Housing Units:	178
	Notes:	Consistent with existing Curtis Park homes

Park/ Open Space	Acres <i>(total two areas):</i>	+/-7.5
	Notes:	Detention facilities for city and project, tot lots, sports fields

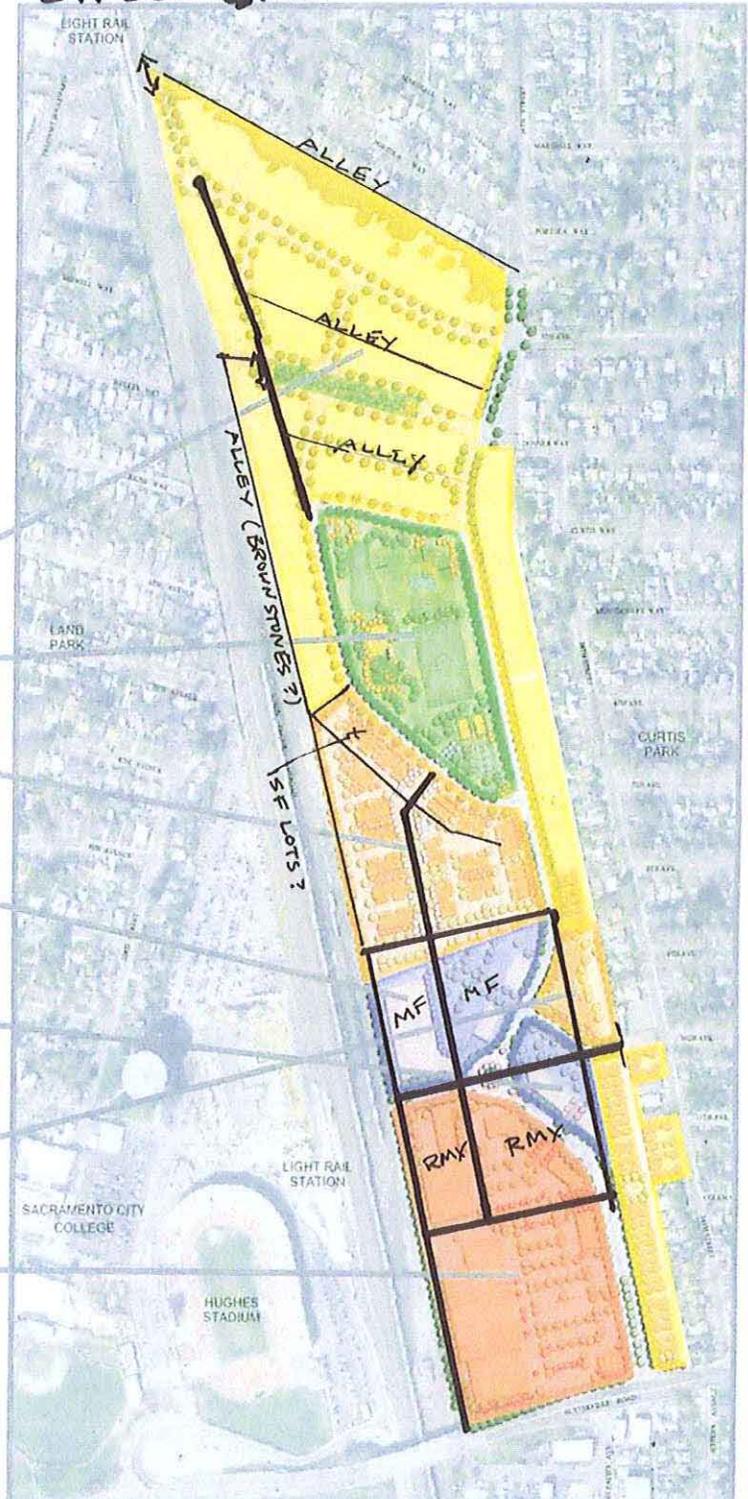
Multi-Family	Acres:	+/-7.8
	Multi-Family Units:	212
	Notes:	Condos, mix of unit sizes

Mixed-Use Commercial Area #3	Acres:	+/-4
	Commercial (s.f.):	89,000
	Notes:	Restaurants and entertainment

Mixed-Use Commercial Area #2	Acres:	+/-1.5
	Commercial (s.f.):	16,000
	Notes:	Small commercial space

Multi-Family (affordable)	Acres:	+/-1.7
	Multi-Family Units:	80
	Notes:	Senior units

Commercial Area #1	Acres:	+/-17
	Commercial (s.f.):	154,000
	Notes:	Neighborhood serving retail stores and restaurants





September 18, 2009

Heather Forest, Associate Planner  
City of Sacramento  
300 Richards Blvd, 3rd Floor  
Sacramento CA 95811

RE: Curtis Park Village (P04-109)

Dear Ms. Forest,

The Land Park Community Association (LPCA) wishes to express its support for the Curtis Park Village project in concept. We also wish to compliment Petrovich Development Co. for engaging the community in a sustained, healthy dialogue on this project. Similarly, we laud the Sierra Curtis Park Neighborhood Association for their thorough and responsible monitoring and review of this project over the past several years. Land Park has its own perspective on the project. In particular, our concerns center on traffic and design.

**Traffic**

While we recognize that more homes and businesses will bring both more amenities and traffic to Land Park, we are concerned that the project design does not adequately address the risks of traffic congestion.

Early last year, the City converted 21st Street into a neighborhood-friendly residential street, with two-way traffic and a 25 mph speed limit. The conversion, strongly supported by the neighborhood, has improved the quality of life and safety of residents, bicyclists and pedestrians. We are concerned that the current configuration of the development plan will funnel most of the project's residential commuter traffic on to 21st and overwhelm the street's traffic capacity during commute times, reversing the gains achieved by the recent conversion.

We are also concerned that Sutterville Road will be impacted from Interstate 5 to Highway 99. We ask that the final designs incorporate more traffic mitigation measures and auto-alternatives. In addition, we ask that a concerted effort be made to include a pedestrian/bicycle overpass in the design at the City College light rail station with the understanding that all stakeholders will share funding.

**Design Guidelines**

Land Park and Curtis Park are both traditional neighborhoods with smaller scale houses and lots, distinctive and varied architectural styles, walkable streets and a tangible sense of "place." We fear that the current development proposal contains many elements of a more contemporary, car-oriented suburban type of



development; elements that are inconsistent with our existing neighborhoods and that would undermine their unique character. To assuage these concerns, we urge you to examine the commercial development plan and impose the strictest design guidelines possible consistent with the present character of our neighborhoods.

Similarly, the design of the multi-family elements of the project will not evidently follow an urban model and may instead be more consistent with a car-oriented, suburban community. We ask that those aspects of the project also be subject to the City's urban design review guidelines to better conform with the residential communities nearby.

We think this project is potentially a catalyst for responsible infill in our neighborhood and Sacramento in general. To reach this potential, however, we believe that particular attention must be given to the items we have mentioned. As Ludwig Mies van der Rohe, one of history's greatest architects once said: "God is in the details." It is these details that we ask you to ensure here.

Jon Jensen  
LPCA Land Use Committee Chair

Cc: City Councilmember Rob Fong  
Petrovich Development Company  
Mayor and City Council members  
Planning Commission members

Attachment 15 – South of Sutterville Letter

SOUTH OF SUTTERVILLE IMPROVEMENT ASSOCIATION  
2774 14<sup>th</sup> Street  
Sacramento, CA 95818 (916) 812-2446

October 28, 2009

Heather Forest  
Associate Planner  
City of Sacramento  
2300 Richards Blvd.  
Sacramento, CA 95811

RE: Curtis Park Village PO 4109

Dear Ms. Forest:

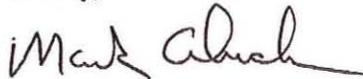
The South of Sutterville Improvement Association (SSIA) was initially formed to represent the interests of the businesses and landowners directly to the south of Sutterville Road in response to the adverse vehicle and pedestrian access issues that we envisioned might be created by the development of Curtis Park Village. We have worked closely with the developer and city officials to help mitigate some of the inherent problems that will result due to the change in access to both Curtis Park Village and our commercial district, which encompasses Deeble Street and West Pacific Avenue. In fact, our organization helped finance one of the traffic studies illustrated in the EIR. We appreciated both the developer's and City's rapid response and attention to our concerns, but due to changing traffic patterns seen over the past several months, we remain very concerned.

New metering at the northbound onramp at Sutterville at Highway 99 has substantially increased wait times to cross Franklin Blvd at 12<sup>th</sup> Avenue (Sutterville Road), with as many as 3 light changes. The stacking creates congestion west of Franklin Blvd. and influences the 4 existing entrances to the Curtis Park neighborhood. We can only assume that the new commercial district at the south end of Curtis Park Village will add to the existing problem. It is very predictable that traffic will be stacked by cars both turning northbound from Sutterville Road at Road A into Curtis Park Village and also from cars proceeding east towards Franklin Blvd. Drivers who will want to avoid this stacking will simply turn south onto West Pacific Avenue and either proceed into the residential neighborhood at Wilmington or take the West Pacific Bypass and proceed under the Sutterville overpass into the southwest corner of Curtis Park Village. Delivery trucks servicing the commercial district will also utilize this rear entrance the village. This creates an unacceptable potential for increased and unsafe traffic.

SOUTH OF SUTTERVILLE IMPROVEMENT ASSOCIATION  
2774 14<sup>th</sup> Street  
Sacramento, CA 95818 (916) 812-2446

We consider the development of Curtis Park Village a highly desirable, harmonious complement to Land Park, Curtis Park, and the South of Sutterville Improvement District and complement the developer for his efforts to accommodate the varied interests. A solution to the existing and future traffic issues would be the construction of a 4-way light at the intersection of Sutterville Road and Road A, **constructed concurrently with the development of Curtis Park Village**. Entrance into our area must be designed per modern standards to safely accommodate the existing and future additional traffic from Curtis Park Village and regional traffic. This will also help further the City's goal of traffic calming in the existing residential neighborhood. We appreciate that the developer is obligated to provide signaling into his development only. We contend that the traffic problems, which already exist, are a regional issue that must be examined on a regional basis. In other words, funding to construct a 4-way intersection should be provided by all of the stakeholders represented, including taxpayers. Similarly, sincere efforts must be made by the same stakeholders, public and private, to help fund a pedestrian/bicycle bridge, bringing together Sacramento City College, Curtis Park Village, the neighborhoods to the south of Sutterville and the City College light rail station.

Sincerely,



Mark Abrahams  
President  
South of Sutterville Improvement Association

Attachment 16 – North Franklin District Letter



October 30, 2009

Ms. Heather Forest, Associate Planner  
City of Sacramento  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811

Dear Ms. Forrest:

The North Franklin District Business Association is in favor of the CPV Project however we have several concerns. Our concerns still center on traffic congestion and accessibility for our businesses on West Pacific and Deeble streets.

Recently, a metering light was installed on the northbound on-ramp to Interstate 99 from Sutterville Road. The level of service at the signalized intersection at Sutterville Road and Franklin Boulevard and Sutterville Road and 30th Street at commute times is now unacceptable and has further added to the risk of traffic congestion on Sutterville Road. We do not believe the applicant's traffic study addresses the addition of the metering light.

Vehicles stacked west of the Sutterville Road and 30th intersection queue into the Sutterville Road and Franklin Boulevard intersection frequently every day.

Secondly vehicles stacked west of the Sutterville Road and Franklin Boulevard intersection are waiting two and three light changes to proceed through the intersection. Many vehicles are diverting through the surrounding residential areas and the Mercado Loco, one of our member business' parking lot.

Franklin Boulevard already is an escape route for Interstate 99 during the rush hours and this project will impact the traffic congestion even more.

The applicant writes on page 5, "In addition to Road A, circulation to and from Area 1 for service and general vehicles will be facilitated via the existing Western Pacific Road underpass". In addition to the commercial traffic, residents of CPV will use the Western Pacific Road underpass to avoid the tremendous congestion that will exist leaving CPV at commute times and

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Ms. Heather Forrest  
October 30, 2009  
Page Two

traveling east to the freeway. This will cause congestion in our area, which will spill into the nearby neighborhoods. Additionally, the intersection at West Pacific Avenue and Sutterville Road is not designed for the additional traffic volume. The additional traffic volume will create an unsafe situation for pedestrians and vehicles and result in accidents.

We propose the applicant sever its connection to this area via Western Pacific Road or create a four way intersection at the corner of Road A and Sutterville Road which is properly designed to accommodate the additional traffic volume the CPV project is introducing to our area.

Additionally, we feel this development should include a pedestrian/bicycle bridge, bringing together Sacramento City College, Curtis Park Village, the neighborhoods to the south of Sutterville and the City College light rail station.

In sum, we support this project in concept but remain concerned about traffic congestion and its effect on the North Franklin District and lack of accessibility for our West Pacific and Deeble streets businesses.

Sincerely,

  
Kathy Tescher  
Executive Director

cc: Vice Mayor Lauren Hammond  
Mayor and City Council Members  
Petrovich Development Company  
Planning Commission Members

Attachment 17 – WALK Sacramento Letter



January 31, 2010

Heather Forest, Associate Planner  
City of Sacramento, Development Services Department  
300 Richards Blvd, 3rd Floor  
Sacramento, CA 95811

**RE: Curtis Park Village (P04-109)**

Dear Ms. Forest:

Thank you for the opportunity to comment on the Curtis Park Village project (P04-109). WALKSacramento submits this letter based on the December 2009 project routing for Curtis Park Village.

The December 2009 revision of the Curtis Park Village project retains many of the good characteristics of earlier proposals – connections to Curtis Park neighborhoods; multi-family housing; and a mix of uses, including residential, office, retail, and commercial.

The latest revision has several changes that are positive. The senior multi-family housing has been moved from the east side to the west side of road A. This will improve access to the retail and restaurants by eliminating the need for seniors to cross what is projected to be the busiest street in the project. The residential streets, with the exceptions of Road A and Road G, have been narrowed to 30'. This width should reduce average vehicle speeds and increase safety for pedestrians and bicyclists.

The most noticeable change in the December 2009 drawings is the removal of the roundabout. The three-way intersection at Road A and 10th Avenue has been moved to the east and changed to a conventional four-way intersection with signal lights.

**1. Restore the roundabout at Road A and 10th Avenue**

The use of roundabouts instead of signalized intersections can result in less severe collisions and injuries for pedestrians, bicyclists, and vehicle occupants. Roundabouts also moderate speeds through intersections and provide comparable throughput for all streets of the intersections.

The revised design of Road A may contribute to higher vehicle speeds compared to the October 2008 design for several reasons. Road A now has a 2800' long straight segment whereas the longest straight segment on the previous tentative subdivision map was about 1200'; the signals lights at 10th Avenue will usually be green for

north-south traffic; there are only three public-street intersections and three driveways along the straight section of Road A; along the park the street is wide for the projected traffic volumes; and between the park and 10th Avenue the street is wider than on the previous map. We believe these conditions make a stronger case for a roundabout at Road A and 10th Avenue.

#### **2. Locate the senior housing closer to Area 1**

The senior housing was placed about 300' farther from Area 1 when it was moved from the east side of Road A to the west side. Access to the stores and restaurants for seniors will be improved if the senior housing were moved south of its current location.

Many of the issues raised in our previous comment letters (October 20, 2008 and December 18, 2008) still remain and are restated below.

#### **3. Increase the width of Road J as it approaches Portola Way**

Road J between Portola Way and the elbow northwest of Road H is shown as a 42' ROW One-Way Residential street. Road J is the most direct route to the 4th Avenue / Wayne Hultgren Light Rail Station and there is no accommodation for bicycle travel in both directions. Both Road J and Portola Way south of 4th Avenue to Road J should be changed to two-way streets. If Road J and Portola Way cannot be widened, then the respective sidewalk sections should be widened to 10' to allow for mixed bicycle and pedestrian traffic.

#### **4. Add tree wells and traffic circles to the north-south alley**

The alley parallel to 24th Street is about 1800' long from Donner Way to 10th Avenue and about 950' long from 10th Avenue to the turnaround near Sutterville Road. The alleys are straight; except for a slight bend about 240' from Donner Way. We are concerned that some vehicle speeds may be dangerously high on these alleys. The design guidelines encourage one street tree per residence between the alley right-of-way and rear-yard fence, but there is no guidance regarding the east side of the alley where the existing fence will present a 1560' long uninterrupted flat wall along the northern section. Tree wells, perhaps one for every one or two lots, on the east side of the alley in addition to trees on each lot will present a low-speed driving environment. Traffic circles at the east end of access alleys Lot V and Lot X would also calm traffic on the alley.

#### **5. Move park site to the north and add bulb-outs to park side of street**

The park, like the commercial in Area 1, is not located in a place accessible to the greatest number of residents. It should be placed farther north with more homes to the south.

**6. Provide public access parallel to Road A from Road E to 10th Avenue**

Road A is the only north-south street where Village 4, 5, and 6 multi-family housing and Lot B health club, entertainment, and commercial uses are proposed. *WALKSacramento* recommends block sizes of 400' in urban settings. This would lead to adding a street by extending Road C north from 10th Avenue to connect to road E at the northwest corner of Village 6. However, a public pedestrian walkway from Road E through Village 6, between Villages 4 and 5, and through Lot B to 10th Avenue could provide the connection for pedestrians and bicyclists without the expense of constructing a public street.

**7. The grocery store and neighborhood-serving retail should be close to the homes**

Grocery stores, parks, and restaurants are popular destinations for walking trips within neighborhoods, and most of those trips are one-half mile or less. The revised map has the park in an ideal position – near the higher density multi-family residential and towards the geographic centroid of the single-family residential. The grocery store in Lot 1, though, is in the least desirable place to encourage walking because it's in the most remote location with parking between it and the housing. The residents of Curtis Park and the future residents of Curtis Park Village will have better access if the grocery store is closer to their homes.

We believe the best location for the grocery store is at the north end of Lot 1 with parking on the south side of the building. This location would provide the most convenient access for pedestrians approaching from the north (the apartments and most of the Curtis Park Village houses), the east (the senior housing and Curtis Park houses), and the west (the potential east-side landing of the pedestrian bridge from the Sacramento City College Light Rail Station).

**8. Add Class I bike trail and narrow the width of Road A**

The on-street bike lanes could be removed and north-south travel could be provided by a Class I bike trail along the western edge of the project site, as identified on the City of Sacramento Bike Master Plan proposed map.

*WALKSacramento* encourages people to walk and bicycle in their communities. The benefits include improved physical fitness, less motor vehicle traffic congestion, better air quality and a stronger sense of cohesion and safety in local neighborhoods. *WALKSacramento* is a member of the Partnership for Active Communities. The Partnership is working to support increased physical activity such as walking and bicycling in local neighborhoods as well as helping to create community environments that support walking and bicycling.

Thank you for your consideration of these comments and recommendations. If you have questions or need additional information, please contact me at (916) 709-9843 or [cholm@walksacramento.org](mailto:cholm@walksacramento.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Holm". The signature is fluid and cursive, with the first name "Chris" being more prominent than the last name "Holm".

Chris Holm  
Project Analyst

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May 28, 2009

Heather Forest  
Associate Planner  
300 Richards Boulevard, 3rd Floor  
Sacramento, CA 95811

Dear Ms. Forest:

I am writing this letter in regards to the revised Curtis Park Village Plan, project P04-109. In 2005, SACOG Director Lauren Hammond requested that we analyze the preferred site plan for Curtis Park Village. We conducted our analysis and submitted a letter to the city council commending the Curtis Park Village plan for its outstanding site plan. The 2005 plan was in the spirit of the Blueprint growth principles. After a revised site plan was prepared in June 2008, we analyzed it and wrote a second letter. That letter expressed our disappointment in the June 2008 plan as it had changed significantly from a higher density, balanced plan to a plan with segregated low density land uses including 216 low density residential units and large commercial sites totaling over 305,000 square feet. As the plan has been revised as of November 2008, we would like to take this opportunity to analyze the current version of the plan.

SACOG staff evaluated the developer's current site plan against the Blueprint growth principles. The developer's site plan proposes a mixed use community comprised of 178 single family dwelling units, 212 multi-family units, 80 senior housing units, approximately 260,000 square feet of commercial, and a 7.5 acre park on approximately 72 acres. We understand from the developer that he is open to either commercial or multi-family uses on the parcel known as Mixed-Use Commercial Area #3. Our analysis of the project treats each of these options as equal possibilities. In this letter, these two options will be referred to as Option A (commercial on Area #3) and Option B (multi-family on Area #3). For Option B, the multi-family option, we assumed the 89,000 square feet of commercial space are removed and applied the site's average multi-family density of 31 dwelling units per acre to the 4-acre site, for the addition of 124 dwelling units to the site plan. The following are our findings from the technical analysis on both development options:

- Two commonly used measures within the planning profession to determine whether automotive transportation is reduced are vehicle miles traveled (VMT) and vehicle trips (VT). VMT is the amount of mileage the average residential household and/or employee in an area will travel in one day. VT is the number of vehicle trips made by the average residential household of an area in one day. SACOG was able to analyze the developer's site plan (Options A and B) and the developer's prior two plans in a regional travel model to compare VMT/HH and VT/HH. A table summarizing these results is presented below.

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

Curtis Park Village Scenarios	Housing Units	Commercial Square Footage	Vehicle Trips per Household	Vehicle Miles Traveled per Household
2005 Developer Site Plan	549	200,000	7.72	32.57
June 2008 Developed Site Plan	216	305,000	10.73	45.16
Nov 2008 Developer Site Plan, commercial on Mixed-Use Area #3	470	259,000	9.14	38.37
Nov 2008 Developer Site Plan, multi-family option on Mixed-Use Area #3	594	170,000	7.47	31.46

- On a per household basis, both the Nov 2008 site plan Option A and Option B perform better than the June 2008 site plan, with 15% and 30% fewer VMT/HH, respectively. However, the Option B site plan outperforms the Option A site plan and slightly outperforms the 2005 site plan. The differences between Option B and Option A are more notable in vehicle trips per household: Option B generates 18% fewer VT/HH than Option A. The better travel benefits of the Option B site plan are due in part to the higher housing density of the plan combined with the site's location in a highly walkable neighborhood with good transit access.
- Infill, particularly on constrained sites such as this project, is a strategy essential to the success of the Blueprint. We recognize that the site's access presents challenges, but also applaud the efforts of the city and developer to make use of this infill opportunity. We understand that the developer has preserved a landing for a pedestrian bridge connecting the site to Sacramento City College. We understand such a bridge would be a significant cost; we are willing to work with the city to explore funding possibilities if short term funding is not available. To maximize use of the pedestrian bridge, housing at its eastern landing would be the most optimum situation, since most users of the bridge will likely be traveling from Curtis Park to the Sacramento City College light rail station.
- The Blueprint principle of providing transportation choice states that development should be designed to encourage the use of alternative modes of transportation. In areas around light rail stations, this means placing higher densities within walking distance of the stations and providing maximum circulation for all modes of transportation. The Curtis Park Village development is ideally situated to provide transportation choices as it is within ¼ mile of two light rail stations and has frequent bus service. We are pleased to see the numerous pedestrian and bicycle connections into, out of, and within the site. The pedestrian/bicycle connection at 10<sup>th</sup> Avenue is especially important to a future pedestrian bridge. In keeping with the site plan's efforts to blend the development into the existing neighborhood, we encourage the city to adopt transportation option 1, the "neighborhood connection option," which continues both 5th Avenue and Donner Way across 24<sup>th</sup> Street into the site. This option would maximize the travel benefits for all modes of travel into and out of the site.

- Compact development and a variety of housing options are important to the Blueprint planning principles. The proposed project provides a variety of housing options including traditional single family homes, duplexes, brownstones, and attached multi-family units.
- Mixed-use development has proven to create active, vital neighborhoods and is a key Blueprint planning principle. The Option A site plan, with an estimated 900 retail employees (based on proposed square footage), clearly is intended to draw retail customers from beyond the immediate local area. The ratio of retail employees to households for the project is 1.9 (assuming approximately 300 square feet per employee), more than six times the regional average of 0.3. As indicated in our first finding, above, the lower ratio of the Option B site plan, due to more housing and less commercial area, is the primary reason for its greater travel benefits. SACOG would like to see vertical mixed-use where residential is built above commercial or office uses; our understanding is the developer is not proposing this. To ensure a true mixed-use environment, the horizontal mixed use planned for the southern half of the site should have a more urban than suburban design to ensure pedestrian and bicycle access between the residential and mixed commercial uses.
- The design details of a land use development affect the attractiveness of a neighborhood and influences how often people walk or bicycle. These design details include street pattern and design, good architectural design, and the relationship of structures to the street. The detached single family homes in the proposed project appear to bring the front of the house closer to the street while placing the garage towards the rear of the house, which creates a more pedestrian-supportive environment. It is critical also that the multi-family housing and commercial buildings, especially those portions that abut the street, should also be designed to a pedestrian scale and oriented so that fronts on the street. In the commercial areas, pedestrian and bicycle traffic should be protected from crossing large expanses of parking lot, as such site design discourages pedestrian and bicycle travel. As part of the design for these areas, structured parking could be explored. If this is not feasible in the short term, the site plan could be designed to anticipate future structured parking when it becomes economically feasible. As with any proposed infill development, it will be essential that the City's design review process carefully examine the design of the proposed structures to ensure the attractiveness of the new neighborhood and its enhancement of the surrounding area.

Thank you again for your consideration.

Sincerely,



Mike McKeever  
Executive Director

Sacramento Area Council of Governments: Basis for Comment on Development Proposals

The Sacramento Area Council of Governments (SACOG) is comprised of six counties and 22 cities in the region, including the City of Sacramento. SACOG's primary responsibility is developing and implementing the Metropolitan Transportation Plan (MTP), a document that establishes transportation spending priorities throughout the region. The MTP must be based on the most likely land use pattern to be built over the 25-year planning period, and it must conform with federal and state air quality regulations.

The MTP must effectively address two, linked, challenges. Current land use patterns, transportation funding levels, and transportation investment priorities are projected to lead to an increase in vehicle miles traveled that exceeds population growth, an increase in congestion levels of 50%, and increases in mobile source emissions, particularly carbon dioxide and particulates<sup>1</sup>. To attempt to solve these challenges two and one-half years ago the SACOG Board initiated the Blueprint project, an extensive study of the linkages between transportation, land use and air quality. The study has examined a number of growth alternatives at the neighborhood, county and regional scales and reached several important conclusions, including:

- The region will experience strong growth for the next 50 years, approximately doubling the number of jobs, people and houses;
- The structure of the population will change significantly, with two-thirds of the growth in households 55 years and older, and only 21 percent of the growth in households with school aged children;
- Older households have different housing needs and preferences than younger households – over two-thirds of today's householders over 55 express housing preferences for what might be termed non-traditional products in this marketplace – homes on small lots and attached housing;
- The rapid increase in housing prices in the region in the past few years has priced many people out of the home-buying market, emphasizing the need for alternative products such as small lot single family and attached housing that can be priced in a range that more people can afford;
- There is a strong connection between land use patterns, travel behavior and air quality;
- Specific land use patterns that lead to increased walking, biking and transit use and shorten the length of automobile trips include higher density housing and employment, locating jobs and housing near each other, and providing strong connectivity in the design of street and bicycle/pedestrian systems.

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<sup>1</sup> SACOG Metropolitan Transportation Plan, 2002

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October 7, 2009

Lauren Hammond  
Councilmember/SACOG Director  
City of Sacramento  
City Hall – Fifth Floor  
915 I Street  
Sacramento, CA 95814

Re: Proposed Plan for the Curtis Park Railyards

Dear Director Hammond:

This letter provides additional information related to the letter we submitted to you on August 6, 2009, which reported our travel model results for the Sierra Curtis Neighborhood Association's (SCNA) proposal for the Curtis Park Village development project. Since you last invited us to model that alternative, we received an updated site plan from the project proponent, and an updated proposal from SCNA. We have modeled these plans, as well as the 2008 Developer Option B plan, using SACOG's tour-based activity model (SACSIM). SACSIM is the best tool for analyzing alternative development proposals like this, because it uses parcel-level land use data and accounts for factors like proximity to transit, and mix of land use (e.g. combining retail and service uses with residential) in a much more detailed way than SACOG's older, zone-based model (SACMET). SACSIM is the state-of-the-art travel model in the field. This letter describes the model results of the three plans, and, in response to Phil Harvey's request to both of our offices, provides some additional information regarding travel behavior associated with the retail portion of the project.

The three scenarios we modeled can be described as follows:

**Developer Option B Plan**

This plan was presented to SACOG by the developer as an acceptable alternate version of the developer's 2008 plan. It includes 594 housing units (416 multi-family and 178 single-family units) and 170,000 square feet of commercial space. The plan is distinguished, from the developer's 2008 plan in the conversion of Mixed-Use Commercial Area #3 from commercial to multi-family.

**Developer August 2009 Plan**

This plan was provided to SACOG by the developer in August 2009. It includes 631 housing units (337 multi-family and 294 single-family units) and 249,000 square feet of commercial space. This plan differs from the developer's 2008 plan in 10,000 fewer square feet of commercial and 161 additional housing units.

- Auburn*
- Citrus Heights*
- Colusa*
- Davis*
- El Dorado County*
- Elk Grove*
- Felton*
- Galt*
- Isleton*
- Lincoln*
- Live Oak*
- Loomis*
- Marysville*
- Placer County*
- Placerville*
- Rancho Cordova*
- Rocklin*
- Roseville*
- Sacramento*
- Sacramento County*
- Sutter County*
- West Sacramento*
- Wheatland*
- Winters*
- Woodland*
- Yale County*
- Yuba City*
- Yuba County*

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### SCNA Plan

This plan was provided to SACOG by the Sierra Curtis Neighborhood Association in September 2009. It includes 690 housing units (446 multi-family units and 244 single-family units) and 153,500 square feet of commercial space. Of the commercial area, 50,000 square feet are in a vertical mixed use format with 132 of the multi-family units.

In all three of the above plans, the majority of the single family housing is located in the north half of the site, the majority of the multi-family housing is located in the middle of the site, and all of the commercial is located in the south half of the site. Table 1 provides a summary of the housing and employment characteristics of the three scenarios.

Table 1	Project Housing and Employment Information			
	Total Housing Units	Multi-Family Units	Single-Family Units	Commercial Sq. Ft.
Developer Option B Plan	594	416	178	170,000
Developer August 2009 Plan	631	337	294	249,000
SCNA Plan	690	446	244	153,500

### Travel Forecasting Results

As mentioned above, SACOG used its SACSIM travel demand simulation model for this evaluation. The measures we focused on in the model were: vehicle miles traveled (VMT) transit trips and walk/bike trips. VMT is of interest for two general reasons. First, it is a good indicator of the transportation-related greenhouse gas emissions (GHG) generated by the project. Second, VMT is a good measure of the "fit" between land use and transportation—the lower is VMT (all else being equal), the better is the fit. Travel by transit is of unique interest for this site, because of its proximity to two light rail stations with frequent service throughout the day.

Table 2 provides a summary of the travel forecasting results. Indicators are provided for two areas: the project area alone, and an expanded area of neighborhoods adjacent to the project (and inclusive of the project area). These areas are shown in Figure 1. Three basic indicators are provided: vehicle miles traveled; transit trips; and bike-plus-walk trips. The Table shows results of SACOG's analysis of the three alternatives described above. The project area indicators include trips which either start or end within the project area; indicators for the expanded project area include the project area, and the surrounding area shown in Figure 1.

In terms of VMT to, from and within the project area itself, the Developer Option B is the lowest in both total and on a per unit (population plus jobs) within the project area. The SCNA is the next lowest in total, with about 2,500 more miles per weekday; the Developer Aug. 2009 Plan is the highest, with 4,400 more total miles. The Developer Option B is lowest in VMT, because it has the fewest dwellings, the highest share of multi-family dwellings (which tend to have lower travel demand), and a relatively low share of non-residential development.

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Looking at VMT per person-plus-job on the project site, the Developer Option B is the also lowest (6.7 miles), and the SCNA alternative is slightly higher than the Developer Aug. 2009 Plan (7.4 compared to 7.3 miles). All project alternatives are significantly lower than the regional average in VMT per person-plus-job (11.3 miles). From a regional perspective, this site very clearly is a high priority development opportunity site for reducing regional VMT and greenhouse gas emissions; growth that goes here means less growth will locate on the urban fringes of the region, where VMT is much higher than the regional average.

Table 2	Year 2035 Weekday Travel Indicators for Curtis Park Village and Surrounding Area		
	Developer Option B	Developer Aug.2009 Plan	SCNA Plan
<i>Project Area Only /1/</i>			
Vehicle Miles Traveled	12,830	17,198	15,343
VMT Per Person+Job	6.7	7.3	7.4
Transit Trips	156	177	202
Transit Mode Share	3.8%	3.5%	4.3%
Bike+Walk Trips	474	591	560
Bike+Walk Mode Share	11.7%	11.7%	11.9%
<i>Expanded Project Area /2/</i>			
Vehicle Miles Traveled	571,499	575,327	571,534
VMT Per Person+Job	16.3	16.2	16.2
Transit Trips	9,909	10,441	9,998
Transit Mode Share	6.3%	6.6%	6.4%
Bike+Walk Trips	13,930	14,135	14,110
Bike+Walk Mode Share	8.9%	9.0%	9.0%
Source: Sacramento Area Council of Governments, October 2009. All indicators are produced using the SACSIM regional travel demand model. Notes: /1/ Project area includes the Curtis Park Village area only, and indicators include all trips and VMT for trips within CPV, and one-half of person trips with one end in CPV and the other outside CPV. /2/ "Expanded Project Area" is shown in Figure 1. Travel indicators are tallied in a similar manner to those shown for CPV. The "Expanded Project Area" also includes the CPV area.			

For the expanded project area, some of these VMT differences begin to change, but not completely. The SCNA alternative is the lowest in total VMT, just slightly below the Developer Option B; the Developer Aug. 2009 Plan is the highest in total VMT by about 3,700 miles per day.

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In terms of transit and bike-plus-walk travel, all project alternatives are significantly higher than the regional average in mode share. Transit mode share for the project area ranges from 3.5 to 4.3 percent, compared to 2.4 percent for the region as a whole. The bike-plus-walk share is also significantly above the regional average (8.3 percent) for all project alternatives. The project's proximity to two light rail stations is a major reason for the above regional average performance on both transit and bike-plus-walk travel.

You also asked us to look the amount of trips that currently need to leave Curtis Park due to the lack of commercial services within the neighborhood and to measure the effect of the proposed project on shortening or reducing those trips. Statistical data on retail leakage in the area was provided to us, although no analysis of the data from Claritas was included. Therefore, we are left to assume that the point of the data was that the retail included in the Developer August 2009 Plan might reduce overall VMT by replacing longer distance retail trips with shorter distance trips for people who live close to the site.

The leakage study we received covers a geographic area much larger than the Curtis Park neighborhood – covering between 37,000 and 55,000 households for a 2-mile to 2.5 mile radius. While “retail catchment area,” or market area, varies depending on the retail sector, type and size of retailer, and income and demographics of the surrounding population, we believe that the leakage data provided cover too large an area to assess the market leakage of a neighborhood commercial area. We also note that many of the retail sectors in the study are not proposed by any of the site plans, and two of the major proposed uses (grocery store and fitness center) are not included in the study. The retail sectors that were identified with the highest opportunity, or gap (about \$170 million of the \$220 million), were “automotive vehicle and parts dealers” and “general merchandise stores” (e.g. department stores, warehouse clubs and supercenters). Neither of these types of uses has been proposed for the site, and both would obviously draw from a much larger market than just the Curtis Park neighborhood.

We also examined the influence of the proposed project on the retail jobs-to-housing ratio (R/H) for the areas surrounding Curtis Park Village (see Figure 1), and the areas immediately south of Curtis Park. Today, without the project, the neighborhood ratio is 0.29 retail jobs per household, just below the regional average of 0.3 R/H. Keep in mind that the regional average of 0.3 R/H takes into account all scales of retail, from convenience stores to regional malls and auto dealerships. At a neighborhood scale, we would expect a lower average ratio than 0.3. We project in our adopted Metropolitan Transportation Plan that by 2035 the average for the area, without Curtis Park Village, will increase to 0.35, higher than the regional average. This indicates that at least in terms of gross square footage and employment the retail opportunities in this area will be greater than needed to serve a neighborhood area. It is important to point out that this level of analysis does not take into account specific retail niches that may be underserved in the area.

Table 3 shows that all three versions of the project discussed in this letter, increase the R/H ratio beyond the regional average, with the Developer Aug 2009 plan at the highest ratio. It indicates that a higher retail ratio will likely attract more trips from out of the area.

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Table 3	Retail Jobs-to-Housing Unit Ratio	
	Year 2005	Year 2035
Adjacent Neighborhoods without Project	0.29	0.35
Adjacent Neighborhoods with:		
Developer Option B Plan	0.32	0.37
Developer August 2009 Plan	0.35	0.40
SCNA Plan	0.31	0.36

Source: SACOG, October 2009.

We looked at the results of our own travel demand modeling for any evidence of the impact of the varying levels of non-residential development on the project site. Table 4 provides a breakdown of the VMT indicators for the expanded project area in Table 2, according to how much of the VMT is internally captured within the expanded project area, versus how much VMT is generated from trips coming from outside the expanded project area. Developer Option B and the SCNA plan both show little change to travel coming from outside the expanded project area. Nearly all (95%) of the increase in VMT for the Developer Aug. 2009 Plan comes from outside the expanded project area (3,639 of 3,828 miles).

Table 4	Year 2035 Weekday VMT To, From, and Withing Expanded Project Area		
	Developer Option B	Developer Aug. 2009 Plan	SCNA Plan
VMT w/in Exp.Proj.Area	11,887	12,077	11,960
<i>Diff from Opt.B</i>	<i>Na</i>	<i>+190</i>	<i>+72</i>
VMT btwn Exp.Proj.Area and External Areas	559,612	563,250	559,574
<i>Diff from Opt.B</i>	<i>na</i>	<i>+3,639</i>	<i>-38</i>
Total VMT	571,499	575,327	571,534
<i>Diff from Opt.B</i>	<i>na</i>	<i>+3,828</i>	<i>+35</i>

Source: Sacramento Area Council of Governments, October 2009.  
All indicators are produced using the SACSIM regional travel demand model.

Related to the topic of commercial space, SACOG has also been researching retail trends in preparation for an updated growth forecast for the next Metropolitan Transportation Plan. Because it appears timely and relevant to this project, we are sharing some of our preliminary findings with you. Nationally, CoStar reports that total commercial square feet per person grew over 10 percent over the last 20 years with a 20 percent increase in the square feet in shopping

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centers.<sup>1</sup> According to CB Richard Ellis, current commercial vacancies in the submarket that includes the project site (area south of Highway 50, north of Meadowview and east of I-5) are 10.8 percent, or over 484,000 vacant square feet.<sup>2</sup> Over the last 12 months, 890,000 square feet of commercial properties in the region have been vacated, of which 118,000 square feet are in this submarket area. In addition to these figures, SACOG's last inventory of local general plans during the Blueprint study indicated a surplus of 79,000 acres of commercial-designated land in the region through at least 2050.

On the demand side of retail, a Brookings Institution report has noted that personal consumption was a stable 62 percent of the Gross Domestic Product (GDP) 1960 through 1980. By 2008, personal consumption reached 70 percent on the GDP while personal debt grew from 55 percent of the nation income in 1960 to 133 percent of the national income in 2007.<sup>3</sup> These data indicate that regionally and nationally retail may have been overbuilding in recent years and that demand for retail space may flatten or decline in the future. Given all of this another reasonable planning question to ask is what effect the amount of retail on this Curtis Park Village site might have on retail viability in the surrounding area, including targeted areas for redevelopment such as Broadway, Freeport, Sutterville and Franklin Boulevard. We will be developing much more detailed data on this topic for the next MTP over the next two years.

Again, thank you for inviting SACOG's involvement in this very important project. I want to stress, again. This is an important site for redevelopment in this city and the region. As we have noted in multiple prior letters, the various plans that have been developed for this site over the last couple years are consistent with many of the Blueprint principles. We, frankly, are concerned about the level of controversy surrounding this project that has appeared in the press of late. We hope that the information contained here will assist the city, applicant and stakeholders to reach agreement on final refinements to the plan so that can proceed with entitlements and construction. We are ready to assist in any way you would like to help the City achieve this.

Sincerely,



Mike McKeever  
Executive Director

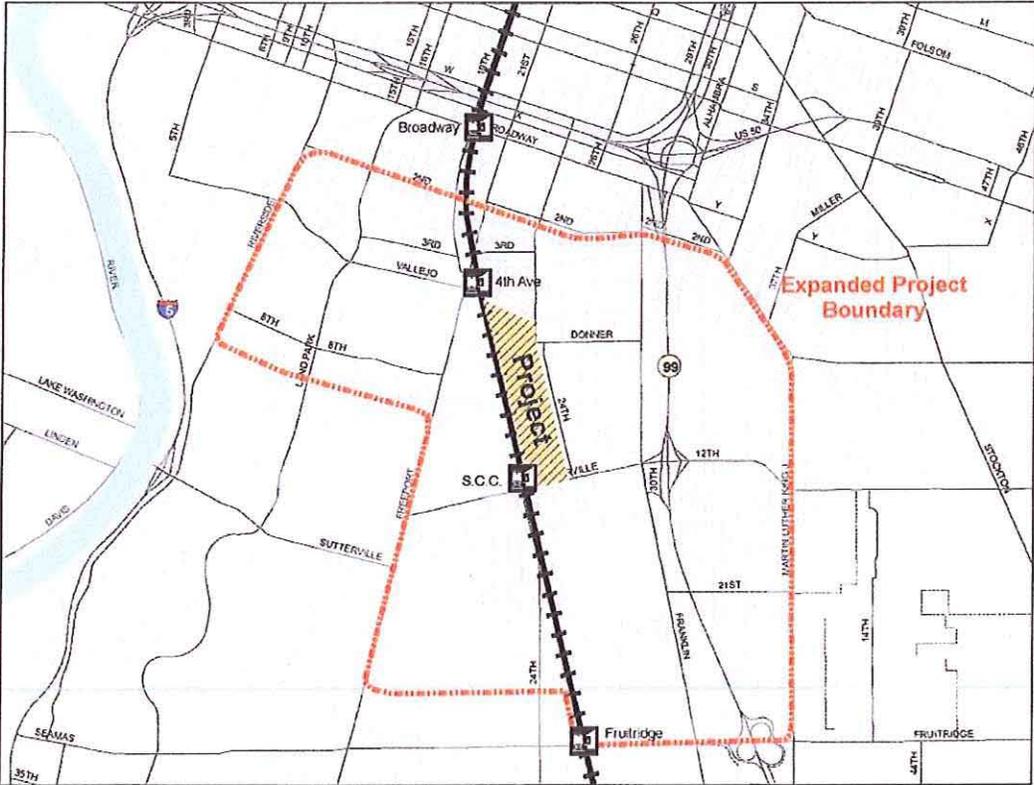
cc: Heather Forest, City of Sacramento  
Phil Harvey, Petrovich Development Company  
Rosanna Herber, Sierra Curtis Neighborhood Association  
Joseph Hurley, Sacramento Metropolitan Air Quality Management District  
Paul Marx, Sacramento Regional Transit

<sup>1</sup> CoStar, Kennedy, Kiplinger Business Resource Center, August 20, 2009. CoStar, Parly, CoStar Headlines, May 16, 2007.

<sup>2</sup> CB Richard Ellis, MarketView Sacramento Retail, July 2009.

<sup>3</sup> Brooks, New York Times, September 29, 2009

Figure 1. Curtis Park Village Project Area and Expanded Project Area



Source: Sacramento Area Council of Governments, October 2009.

## Attachment 19 – MATRIX Contact List

Matrix Team Lead Contacts			
Department	Contact Person	Telephone	Email
Current Planning	Heather Forest	808-5008	<a href="mailto:hforest@cityofsacramento.org">hforest@cityofsacramento.org</a>
Process Management	Bridgette Williams	808-8053	<a href="mailto:bwilliams@cityofsacramento.org">bwilliams@cityofsacramento.org</a>
Department of Transportation	Anis Ghobril	808-5367	<a href="mailto:aghobril@cityofsacramento.org">aghobril@cityofsacramento.org</a>
Department of Transportation – Traffic Studies	Samar Hajeer	808-7808	<a href="mailto:shajeer@cityofsacramento.org">shajeer@cityofsacramento.org</a>
Utilities	Inthira Southiyanon	808-1473	<a href="mailto:isouthiyanon@cityofsacramento.org">isouthiyanon@cityofsacramento.org</a>
Utilities	Robert Thaug	808-8891	<a href="mailto:rthaug@cityofsacramento.org">rthaug@cityofsacramento.org</a>
Buildings	Bryon Nakashima	808-2537	<a href="mailto:bnakashima@cityofsacramento.org">bnakashima@cityofsacramento.org</a>
Fire	King Tunson	808-1358	<a href="mailto:ktunson@cityofsacramento.org">ktunson@cityofsacramento.org</a>
Parks	Mary deBeauvieres	808-8722	<a href="mailto:mdebeauvieres@cityofsacramento.org">mdebeauvieres@cityofsacramento.org</a>
Environmental Planning Services	Jennifer Hageman	808-5538	<a href="mailto:jhageman@cityofsacramento.org">jhageman@cityofsacramento.org</a>

Curtis Park Village (P04-109)

**Attachment 20 – Resolution Providing Policy Direction for the Curtis Park Village Project**

**RESOLUTION NO. 2010-176**

Adopted by the Sacramento City Council

April 1, 2010

**PROVIDING POLICY DIRECTION FOR THE CURTIS PARK VILLAGE PROJECT (P04-109)**

**BACKGROUND**

- A. The Curtis Park Village Development Project (P04-109) consists of the planned development of approximately 72 acres with commercial, retail, and office space (259,000 sq. ft.), single family residences (189 units), three multi-family housing communities (338 units), and a 6.8± net acre neighborhood park/detention basin.
- B. On April 1, 2010, the City Council conducted a public hearing and received and considered evidence concerning the Curtis Park Village Development Project and certified the Environmental Impact Report (EIR) for the Project, but deferred action on the Project entitlements. The City Council wishes to direct staff to incorporate refinements into the Project entitlements that will be acted upon by the City Council at the future date. The refinements to be incorporated are attached to this Resolution as Exhibits A and B.

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

- Section 1. Staff is directed to incorporate the refinements as described in Exhibits A and B into the Project entitlements, so that the City Council may take action upon the Project entitlements at a future date.
- Section 2. Exhibit B shall be modified so that the park site does not show future amenities. The park amenities will be shown in the approved Master Plan for the park.
- Section 3. Exhibits A and B are a part of this Resolution.

**Table of Contents:**

- Exhibit A: Curtis Park Village Description of Project Refinements
- Exhibit B: Curtis Park Village Illustrative Plan of Project Refinements

Adopted by the City of Sacramento City Council on April 1, 2010 by the following vote:

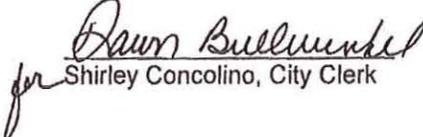
Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy,  
Tretheway, Waters, and Mayor Johnson.

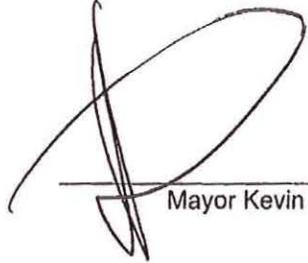
Noes: None.

Abstain: None.

Absent: None.

Attest:

  
for Shirley Concolino, City Clerk

  
\_\_\_\_\_  
Mayor Kevin Johnson

## Exhibit A: Curtis Park Village Description of Project Refinements

## CURTIS PARK VILLAGE

April 1, 2010

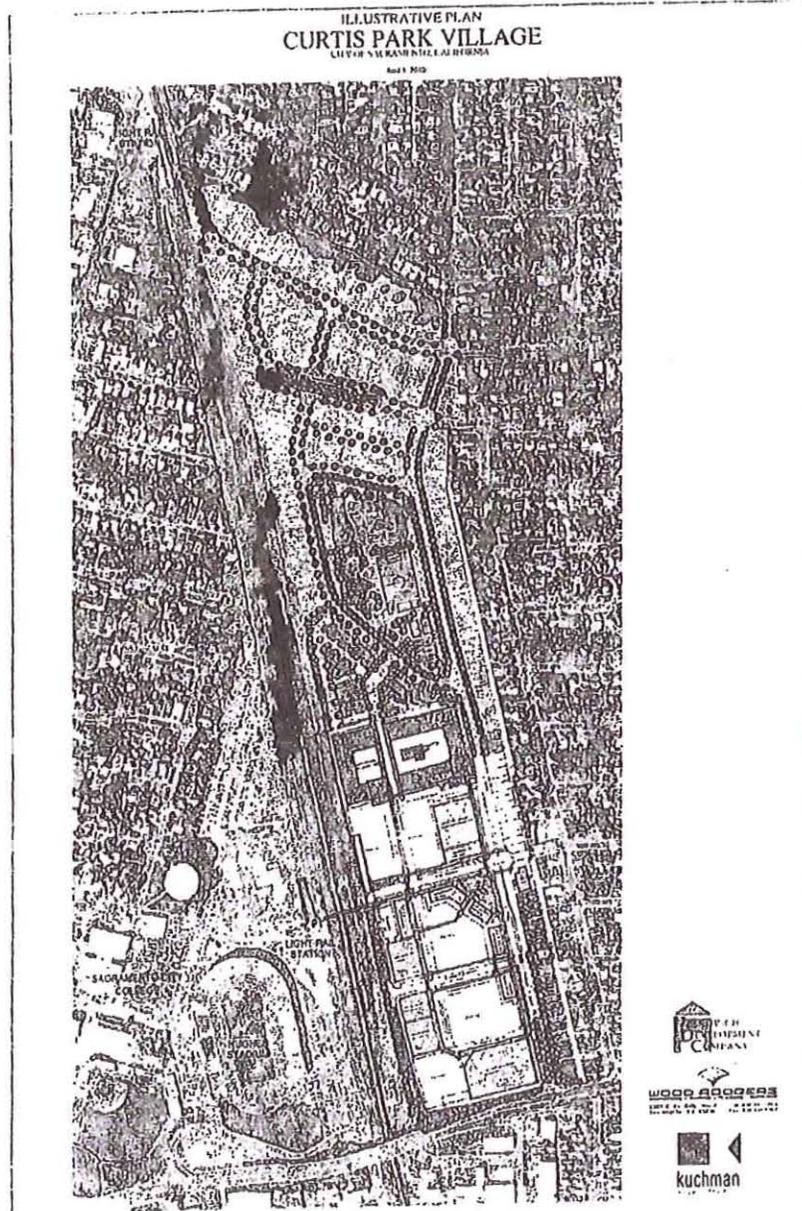
1. **BRIDGE:** Applicant agrees to provide to the City an easement in favor of the City for the ramp and landing of the footbridge. The ramp and landing of the footbridge shall be per the City's preliminary design. The purpose of this location is to make the ramp and landing more visible to the pedestrian and bicycle riders. Furthermore, Applicant agrees to connect the bridge with the Village Green via a pedestrian walkway.
2. **GRID:** The private roads marked "Access Easements" shown on the Exhibit shall be designated and constructed by the Applicant to look like and function as a typical street and remain under private ownership. The southernmost "Access Easement shall be a "main street" and constructed to accommodate standard sidewalks on both sides of the street with curbs, gutters, and street lighting. The pedestrian connection that connects the park to the southern end of the neighborhood commercial center and as shown on Exhibit shall be a minimum of 8 feet in width and shall incorporate design features such as landscaping, art and arbors and the Applicant will design the areas around the "Driveway Typical" to facilitate maximum pedestrian connections. The applicant agrees to amend the proposed PUD to address this issue. The applicant agrees to construct the buildings in locations in general compliance with the site plan, including frontage on Road A. 10<sup>th</sup> Avenue shall have vehicle access to the existing Curtis Park. Applicant will consider locating buildings on each side of the Access Easement in the Commercial Area and Applicant will consider locating main entrances to buildings so they front onto the southernmost access easements.
3. **TENANT SIZE:** The Applicant agrees to limit the footprint of each tenant to no greater than 60,000 square feet of sales floor area or 65,000 square feet of total ground floor area and agrees to construct the buildings in general compliance with the Exhibit. The applicant shall be entitled to construct any use above the ground floor up to the limits described in the PUD Schematic Plan. Applicant agrees to articulate the building facades to address mass and scale. The intent of this provision is to allow additional vertical development and/or mixed uses in the commercial area. Articulation of building facades shall reflect an urban form. This will not prohibit housing above the ground floor and the housing square footage will not count against the overall square footage.
4. **FLEX ZONE:** The commercial area north of 10<sup>th</sup> Avenue (five acres) shall be described in the PUD as a "Flex Zone" that will require the City Council to approve any future plan. The "Flex Zone" shall include residential, commercial (including recreational and entertainment uses), office, or public uses. The "Flex Zone" is created in recognition that development is not expected to occur for a number of years and market conditions will likely change during this period of time.  
  
For the above 4 items the Applicant will amend and develop the PUD in substantial compliance with the Curtis Park Village Illustrative Plan dated April 1, 2010.
5. **RAP AMENDMENT:** Subject to economic feasibility and approval by DTSC, the applicant will amend the RAP to reduce or potentially eliminate the containment cell in the park and utilize alternative locations on-site for the contaminated material. The applicant believes that such alternatives may be feasible based on recent information; however, the applicant is still working on these alternatives and will report back to

Council on this issue within 90 days. Based upon information received to date, the Applicant currently anticipates that a 2 acre containment cell for the highest level of contaminated soil at the site will be required. The priority for the location of the containment cell shall be:

1. 2 acres in the Flex Zone on the site under parking.
2. Under a hard surface in the Village Green
3. Under hard surface uses in the park: In the event that toxics need to be buried under hard surfaces in the park (such as tennis courts or basketball courts), the applicant will return to the city council to ask for approval.

Should the containment cell need to be located in the park the request to do so will be made to the City Council. Contaminated soil that is below "commercial standards" per the approved RAP, excavated from the site, may be used as fill material under streets and under parking lots, and commercial building pads in the commercial zones.

Exhibit B: Curtis Park Village Illustrative Plan of Project Refinements



**Attachment 21 – Proposed Excavation and Remediation Strategy Letter to DTSC  
From Applicant**

ERM-West, Inc.

2525 Natomas Park Drive  
Suite 350  
Sacramento, CA 95833  
(916) 924-9378  
(916) 920-9378 (fax)

30 June 2010

Via Electronic Mail

Mr. Fernando Amador, Chief  
Sacramento Responsible Party Unit  
Northern California Central Cleanup Operations Branch  
Site Mitigation and Brownfields Reuse Program  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826-3200



Attn: Mr. Thomas Tse

Subject: Proposed Excavation and Remediation Strategy  
Curtis Park Village  
Sacramento, California

Dear Mr. Amador:

On behalf of Curtis Park Village (CPV), ERM West, Inc. (ERM) has prepared this *Proposed Excavation and Remediation Strategy* letter to update the proposed approach to soil remediation activities at the Curtis Park Rail Yard (site) in Sacramento, California. The activities described in this letter are intended to complete all remaining soil remediation and to achieve certification. This letter contains a brief summary of the site history, a statement of the overall strategy for remaining soil remediation, and the proposed phased excavation and remediation plan. We believe that the actions described in this letter are consistent with previous Department approvals; this letter describes the relevant approvals for these actions.

**SITE BACKGROUND/REMEDIATION HISTORY**

The site occupies approximately 72 acres in a predominantly residential area approximately 2 miles south of downtown Sacramento, California, and consists of portions of the former Union Pacific Railroad Company (UPRR) Curtis Park Rail Yard. Immediately west of the site is a small active rail yard and main line tracks owned and operated by UPRR.

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As a result of historical rail operations at the site, certain site soils have been impacted with one or more constituents of concern (COCs) including metals (arsenic and lead), polynuclear aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), gasoline and diesel-range petroleum hydrocarbons (TPH-G and TPH-D, respectively), and asbestos. The approved 1995 *Remedial Action Plan* (RAP) identified a remedy for COCs in soil that included excavating soils exceeding cleanup goals followed by confirmation sampling, profiling the excavated soil for disposal, and transporting the soil to a licensed off-site facility. As a part of the RAP approval process, DTSC prepared an Initial Study and a Negative Declaration for the project, and filed a Notice of Determination. The Department approved these components on 30 June 1995.

The RAP recognized the intent to remediate and redevelop the site. The intended land use is a mixed-use development with unrestricted land-use cleanup goals applied to the northern one-third of the property. The remaining central and southern two-thirds of the property would be remediated to restricted-use standards and would be managed under a long-term land use covenant.

When CPV obtained ownership of the site, UPRR had implemented a portion of the soil remedial actions pursuant to the RAP and the 2002 *Final CY 2002-2003 Remedial Action Design-Soil Removal* (2002-2003 RAD) and ultimately excavated approximately 15,700 cubic yards of impacted soil. CPV prepared the *Final 2004 Remedial Design and Implementation Plan* (2004 RDIP), and between 2003 and 2007 completed 48 excavations to the design limits specified in the 2002-2003 RAD and the 2004 RDIP. The 2007 *Interim Data Summary Report* prepared by CPV indicated that further excavation would be required to achieve remedial goals for the site. CPV prepared the 2008 *Amendment to the Remedial Design and Implementation Plan* (RDIP Amendment) to address a revised strategy for additional soil remediation.

In 2008 and 2009, CPV conducted an extensive investigation of the property that described the extent of remaining soil impact. These results are reported in the *Remedial Investigation Second Addendum Report* (ERM, 2009).

To date, approximately 173,700 cubic yards of impacted soils have been excavated pursuant to the 1995 RAP and supporting design documentation described above. Approximately 74,900 cubic yards have

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been hauled by rail to an offsite disposal facility; approximately 98,800 cubic yards of impacted soils, approximately 4,000 cubic yards of clean gravel, and approximately 6,000 cubic yards of clean concrete are currently stockpiled at the site. The removal actions to date have reduced maximum concentrations for lead, TPH-G, and TPH-D by two-to-four orders of magnitude, and there are no remaining detections of VOCs.

Based on soil analytical results and topographical survey data for the site, the volume estimate for remaining in-ground soils exceeding established cleanup goals is approximately 85,500 cubic yards.

#### **REMAINING SOIL REMEDIATION**

Despite the substantial increase in the quantity of soil exceeding remedial goals, it is the intention of CPV to continue to implement the remedy approved in the 1995 RAP with certain modifications. The modifications and the relevant basis for their approval are described below.

##### ***Updated Arsenic Cleanup Goal***

Remedial investigations of the Curtis Park property conducted in the early 1990's established the data set that formed the basis for calculating cleanup goals for the COCs. Since that time, additional soil sampling has established a more extensive data set and a better understanding of the distribution of several COCs.

Using data generated during the investigation conducted in 2008 and 2009, CPV evaluated the population of arsenic in soil using conventional statistical analyses. Using the results of approximately 700 samples analyzed for arsenic, CPV performed an outlier test on the results for native soil at the site (approximately 480 samples) in accordance with *Arsenic Strategies: Determination of Arsenic Remediation, Development of Arsenic Cleanup Goals* (DTSC, 2007). This evaluation, which was documented in a 17 March 2009 memorandum from ERM to DTSC, determined that the statistically reliable data population that represents background has an upper bound concentration of 13.4 mg/kg or higher. This means that arsenic in native soil reliably covers a range of concentrations up to 13.4 mg/kg.

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Based on these statistical analyses, CPV concluded that the residential cleanup goal for arsenic approved in the RAP should be adjusted from 8 mg/kg to 13 mg/kg to reflect this more current understanding of local background concentrations. Backup for the calculation of this revised goal was presented to DTSC in the *Remedial Investigation Second Addendum Report* (ERM, 2009).

DTSC policy, as articulated in the report *Arsenic Strategies: Determination of Arsenic Remediation, Development of Arsenic Cleanup Goals* (DTSC, 16 January 2009), states that cleanup actions should not extend to concentrations below "the upper limit of the background data set." An adjustment of the arsenic cleanup goal from 8 mg/kg to 13 mg/kg is therefore not a discretionary action but application of, and consistent with, current Department policy.

#### ***Updated PAH Cleanup Goal***

The Pacific Gas and Electric Company (PG&E), the US Department of the Navy, and DTSC conducted a study to determine background concentrations of carcinogenic polynuclear aromatic hydrocarbons (PAHs) in California soils. The results of this study were published as *Background Levels of Polycyclic Aromatic Hydrocarbons in Northern California Surface Soil* (Environ, 2002). This study (PAH Study) describes the set of PAH concentrations from Northern California that was used to establish ambient concentrations of PAHs in shallow soil and to establish the basis by which one can determine whether detected PAH concentrations are due to non-point sources or from site activities.

As a part of this PAH Study, DTSC prepared a guidance document that defines the appropriate methodologies for determining whether detected PAH concentrations at a given site differ from ambient concentrations. The guidance document was published as *Use of Northern and Southern California Polynuclear Aromatic Hydrocarbon (PAH) Studies in the Manufactured Gas Plant Site Cleanup Process* (DTSC, 2009) and includes the data set that forms the basis of comparison for other sites.

Using these published documents and following DTSC guidance, CPV conducted an evaluation of the PAH dataset for the Curtis Park site to determine the extent to which the remaining PAH detections are consistent with background conditions in Northern California. The analysis determined that the ambient PAH upper bound concentration exceeds the cleanup goal established in the RAP. This evaluation

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concludes that the cleanup goal for PAHs established in the RAP should be adjusted from 0.042 mg/kg to 1.5 mg/kg to be consistent with both background and DTSC guidance on determining cleanup levels for PAHs in Northern California soil. Further backup for this revised cleanup goal will be presented to DTSC under separate cover.

DTSC policy (*Use of Northern and Southern California Polynuclear Aromatic Hydrocarbon (PAH) Studies in the Manufactured Gas Plant Site Cleanup Process* (DTSC, 2009)) states that "DTSC does not require cleanup of sites to concentrations that are less than ambient" background levels. An adjustment of the PAH cleanup goal from 0.042 mg/kg to 1.5 mg/kg is therefore not a discretionary action but application of, and consistent with, current Department policy.

#### *On-Site Soil Management*

The majority of high-concentration soils were excavated and removed from the property during excavation work conducted between 2003 and 2007. In contrast, most soil excavated and stockpiled since that time is profiled to be below commercial cleanup standards. The strategy proposed in this letter therefore seeks to retain and manage excavated soil that is below commercial standards on site within areas of commercial land use identified in the RAP, specifically within roads and areas of commercial development, and to ensure appropriate long-term controls of restricted-use soils through a land-use covenant.

As described below, the remaining impacted soil at the Curtis Park site will be excavated and designated as one of six proposed categories (A through F) based on detected constituents. Soil below commercial-use standards will be classified as either Category A (unrestricted use) and placed as fill material on site within the commercial zone or as Category B (restricted use) and placed as fill material on site within arterial and commercial area streets.

These actions are appropriate in that the RAP anticipates restricted-use cleanup standards for the property and implementation of land use covenants within the southern two-thirds of the property. This proposed approach will remain consistent with approved land uses and has the benefit of significantly reducing the overall impact of offsite transportation and disposal of this soil.

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### *Offsite Transport by Truck*

The RAP contemplated both offsite transport of impacted soil and import of clean soil by rail or truck. At the time of RAP approval, however, UPRR concluded that their offsite transport costs using rail would be far lower than using trucks, thus the accompanying Initial Study considered only rail. The Initial Study considered both rail and truck transport for importing clean soil.

In-state disposal of certain categories of material, such as debris and soil containing hydrocarbons, is currently far more cost effective than is out-of-state disposal. In addition, as compared to out-of-state disposal, in-state disposal results in fewer transport miles, lower emissions, and lower impacts to regional air quality. This letter therefore proposes including truck transportation for certain offsite disposal. Truck transport will most likely be used for in-state disposal of oily soil and debris, and may be used for other categories of disposal and for import of clean fill.

Although the Initial Study did not specifically describe offsite transport by truck, the RAP reflects the intent of the feasibility study to remove soil from the site in a cost effective manner, and it anticipates using trucks to import clean soil. Furthermore, the Initial Study contemplated the increased traffic associated with both truck and rail transport, and identified a need to develop a Transportation Plan to address the selected transport mode.

*Implementation of the RAP will result in increased transportation activities including construction equipment traffic and transportation of excavated materials and clean fill by truck and rail car. The traffic generated is anticipated to be less than significant. (Initial Study, p. 9)*

Including truck transport for offsite disposal is consistent with the intention of the RAP, and the Initial Study contemplated the traffic increases associated with truck transport. The Initial Study did not, however, consider greenhouse gas (GHG) emissions. For this strategy letter, CPV conducted a comparison of soil transport by rail to the ECDC Landfill in Utah and transport by truck to the Forward Landfill in Stockton. The 900 mile trip to Utah is estimated to generate 1.1 metric tonnes of CO<sub>2</sub> equivalent gas per 100 tons of soil moved. The 60 mile trip to the Stockton by truck generates 0.8 metric tonnes of CO<sub>2</sub> equivalent gas per 100 tons of soil moved. Therefore, any soil that is

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transported to a local landfill by truck instead of by rail results in a net reduction of GHG emissions for the project.

#### *Excavate Clean Soil for Fill*

The proposal to manage soil from categories A and B on site includes an expectation that this will not result in a significant change from the site's pre-remediation grade. This strategy proposes that once residential (unrestricted) cleanup goals have been achieved in the commercial land use areas, approximately 200,000 cubic yards (cy) of clean soil will be excavated, tested against residential standards, and placed elsewhere on the property as fill to restore and correct the post remediation grade. Testing protocols and standards will be developed in a revised Remedial Design and Implementation Plan (RDIP).

This approach has the benefit of eliminating both the significant truck traffic and the green house gas emissions that would otherwise be associated with importing an equivalent quantity of soil from an offsite source should all category A and B soil be removed from the site.

#### *Reevaluate Remedy*

Although previous dialog with the Department has included a proposal to establish an on-site containment cell for excavated soil, the approach described in this letter intends to manage soil through other on-site and off-site approaches. Specifically, the current expectation for the quality of excavated soil indicates that through managing soil below commercial standards within the commercial land-use areas and a combination of rail and truck disposal for soil exceeding this standard, there will not be a need for an on-site containment cell. In the event that Category C soil (as defined below) exceeds 20,000 cy, however, the cost of offsite disposal will become prohibitive and an alternate approach to management and disposal must be evaluated. For this reason, CPV must retain the option to reevaluate the soil remediation remedy and consider, among other options, the possibility of creating an on-site containment cell for retention of soil that exceeds commercial cleanup standards. Whether such a reevaluation will be necessary will not be known until the majority of soil has been excavated at the conclusion of Phase IV, described below. If and when such an evaluation is required, CPV expects that an Amended RAP or equivalent document will be prepared to document the selection and approval process. In the event that an on-

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site containment cell is considered, the first priority for the location of such a cell will be within the designated flex parcel below a parking lot.

#### *PHASED EXCAVATION AND REMEDIATION PLAN*

As described below, excavated soil at the Curtis Park site will be characterized into six categories (A through F) based on detected constituents. Only one (Category C) of the six categories of soil would potentially be eligible for placement into the on-site soil containment cell, if constructed. Soil characterized as the other five categories would either be reused on-site as fill in the commercial zone (Category A) or beneath streets (Category B), or would be disposed of at an off-site facility via rail or truck (Category D through F). As described below, the final volume of Category C soil will determine the need for on-site containment.

An important factor that governs implementing the remaining soil remediation work is that there is inadequate room to stockpile soil in the established stockpile areas. Excavated soil will therefore be temporarily stored in commercial areas over soil that has been remediated to unrestricted standards. This letter includes proposed measures to account for there being no residual impact at the stockpile locations.

CPV proposes to conduct the remaining soil remediation activities at the site using a phased approach. As shown in Figure 1 (attached), the surface of the site has been divided into four phases (Phase I through Phase IV). Excavation activities are proposed to occur in this order to best manage the volume and position of excavated soil stockpiles.

The text below describes the activities that will take place during each Remediation Phase (I through IV) and describes the post-remediation activities that will occur during Phase V.

All remaining impacted soil at the Curtis Park site exceeding unrestricted cleanup goals will be excavated, stockpiled into 500 cubic yard piles, profiled, and designated as one of six proposed categories (A through F) based on detected constituents. The proposed categories, and their intended disposition, are as follows:

- Category A (unrestricted use) – Place as fill material within the commercial zone;

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- Category B (commercial use) – Place as fill material within arterial and commercial area streets;
- Category C (metals exceed commercial standards) – Off-site disposal via rail or truck, or eligible for placement into a soil containment cell (if constructed);
- Category D (TPH exceeds cleanup standards) – Off-site disposal via rail or truck;
- Category E (metals and TPH exceed commercial standards) – Off-site disposal via rail or truck; and
- Category F (asbestos-containing material) – Off-site disposal via rail or truck.

#### *Remediation Phase I*

Remediation Phase I includes the following activities:

- Prepare an updated Remedial Design and Implementation Plan (RDIP) to address components of this work that have not already been described and reported to DTSC;
- Excavate approximately 400 cubic yards cy of soil from excavation areas 39 and 42;
- Over-excavate approximately 1,800 cy of soil from several previously-excavated locations, potential over-excavation of an estimated additional 220 cy (10%) additional soil volume dependant on soil confirmation sample results, and subsequent confirmation sample collection, as needed;
- Relocate approximately 1,000 cy (two stockpiles; TS-520 and TS-521) of existing stockpiled soil;
- Collect confirmation soil samples from excavated areas and stockpile samples from newly-created stockpiles; and
- Collect surface soil samples from site development plan residential lots with no prior soil data results.

Soil excavated and stockpiles relocated as part of Phase I will be placed in one of the currently-approved stockpile areas described in the *Amendment to Remedial Design and Implementation Plan (RDIP Amendment)* (ERM, 7 August 2009). Figure 1 shows the portion of the site to be addressed during Phase I.

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Once all Phase I soil remediation and confirmation sampling have been completed, CPV will submit a brief summary report to DTSC. The letter report will include a summary of Phase I work, confirmation sampling results, and will propose area(s) that will be used for clean soil stockpiling and for stockpiling future excavated soil. The letter report will also confirm that remediation in Phase I areas is complete.

### *Remediation Phase II*

Remediation Phase II includes the following field activities:

- Abandon on-site monitoring wells as part of soil remediation process, in accordance with Sacramento County guidelines;
- Relocate and consolidate like category stockpiles currently overlying proposed excavations, to the southern area remediated during Phase I;
- Excavate approximately 26,000 cy of soil from multiple excavations and stockpile (in 500 cy piles) in the southern area remediated during Phase I;
- Remove and stockpile access road asphalt in the Western Pacific Loop (on asphalt);
- Collect confirmation soil samples from excavated areas and stockpile samples from newly-created stockpiles;
- Over-excavate an estimated additional 2,600 cy (10%) dependent on confirmation sample results, and subsequent confirmation sample collection, as needed;
- Excavate approximately 80,000 cy of clean soil from the southern area of site remediated during Phase I and stockpile this soil in northern area of site remediated during Phase I;
- Relocate, consolidate, and place all Category A soil stockpiles at the site in the southern area of site remediated during Phase I;
- Collect surface soil samples from development plan residential lots with no prior soil data results;
- Collect 6 soil samples for dioxin analysis; and
- Begin disposal of Category D, E, and F soils at an off-site facility via rail or truck.

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Phase II activities will start following submittal of the Phase I soil remediation activities report. Figure 1 shows the portion of the site to be addressed during Phase II.

When Phase II soil remediation and confirmation sampling have been completed, CPV will submit a summary report to DTSC. The letter report will include a summary of Phase II work, data results, and will confirm that remediation in Phase II areas is complete.

### *Remediation Phase III*

Remediation Phase III includes the following activities:

- Relocate and consolidate like category stockpiles currently overlying proposed excavations, to the southern area remediated during Phase I;
- Excavate approximately 52,300 cy of soil from multiple excavations and stockpile creation/placement (in 500 cy piles) in the southern area of site remediated during Phase I;
- Collect confirmation soil samples from excavated areas and stockpile samples from newly-created stockpiles;
- Over-excavate an estimated additional 5,230 cy (10%) dependent on confirmation sample results, and subsequent confirmation sample collection, as needed;
- Excavate approximately 80,000 cy of clean soil from the eastern portion of the site remediated in Phase II, and stockpiling of this soil in the northern area of the site remediated during Phase I;
- Relocate, consolidate, and place all Category A soil stockpiles in southern area of site remediated during Phase I;
- Relocate, consolidate, and place all Category B soil stockpiles in eastern portion of the site excavated in Phase III;
- Collect surface soil samples from site development plan residential lots with no prior soil data results; and
- Continue disposal of Category D, E, and F soils at an off-site facility via rail or truck.

Figure 1 shows the portion of the site to be addressed during Phase III. When Phase III soil remediation and confirmation sampling have been completed, CPV will submit a summary report to DTSC. The letter

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report will include a summary of Phase III work, data results, and will confirm that areas remediated in Phase III are complete.

#### *Remediation Phase IV*

Remediation Phase IV includes the following field activities:

- Relocate and consolidate like category stockpiles currently overlying proposed excavations, to the southern area remediated during Phase I;
- Excavate approximately 5,000 cy of soil from multiple excavations and stockpile creation/placement (in 500 cy piles) in the southern area of site remediated during Phase I;
- Collect confirmation soil samples from excavated areas and stockpile samples from newly-created stockpiles;
- Over-excavate an estimated additional 500 cy (10%) dependent on confirmation sample results, and subsequent confirmation sample collection, as needed;
- Relocate, consolidate, and place all remaining Category A soil stockpiles in southern area of site remediated during Phase I;
- Relocate, consolidate, and place all remaining Category B soil stockpiles in eastern portion of the site excavated in Phase III;
- Scrape additional volume of surface soil (estimated at approximately 6,300 cy) beneath area used for uncharacterized soil stockpile storage;
- Collect stockpile samples from newly-created stockpiles;
- Place soil stockpiles in appropriate areas, based on characterization;
- Collect confirmation soil samples from location of surface soil scrape activities (stockpile area) to verify that residual stockpile material not left behind; and
- Dispose offsite Category D, E, F soils via rail or truck.

At this point, all soil exceeding cleanup goals will be excavated from the property and the total quantity of Category C soil will be known. The decision on whether soil containment cell(s) are constructed will depend on the characterization of soil stockpiles after confirmation samples show no additional impacts remain within soil in the ground. If the quantity of

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Category C soil is less than approximately 20,000 cy, all Category C soil will be disposed of offsite by truck or rail.

If, however, this quantity exceeds approximately 20,000 cy, the cost of offsite disposal will be burdensome and excessive and CPV will pursue approvals to construct one or more on-site containment cells. The soil containment cell(s) would be capped at the surface with an impenetrable HDPE liner and a minimum of 2 feet of clean soil to protect the HDPE liner. The initial soil containment cell would be constructed in the 2-acre development plan location designated as the "flex zone" and would lie beneath an additional asphalt (parking lot) cap. If additional capacity is needed, the second location for a cell will be the Village Green parcel within the commercial development area. If further capacity is needed, a containment cell will be constructed within the park, but will be of limited area and will be secured below constructed hardscape, such as basketball and tennis courts.

If the Category C soil quantity exceeds approximately 20,000 cy, CPV will prepare a RAP Amendment that will address the remedy selection review and approval process. In the event that containment cells become necessary, Phase IV will include the following components:

- Prepare an Amended RAP for public review that reflects the Sacramento City Council resolution regarding the locations for containment cells; and
- Prepare the remedial design for the containment cells.

Figure 1 shows the portion of the site to be addressed during Phase IV.

#### *Remediation Phase V*

Once all soil remediation at the site is complete (end of Phase IV), CPV will prepare and submit to DTSC a Site Certification/Remediation Closure Report. The report will include a summary of all work completed, analytical results for all confirmation samples and stockpiles, and relevant tables and figures. The report will also request site certification. Phase V activities will include:

- Preparation of closure report, including final horizontal and vertical control survey;
- Negotiation of a land use covenant for areas with soil exceeding residential standards;

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- Restore on-site monitoring well network, as needed;
- Install additional site boundary fencing and signage;
- Application of final dust control materials in compliance with SWPPP (e.g., hydroseed, surface tackifier, straw, etc); and
- Routine site monitoring in compliance with SWPPP.

**CONCLUSION**

We believe that this letter has described a viable approach for completing soil remediation at the Curtis Park Village site. The actions proposed are consistent both with the general intent of the decision documents prepared to date and with previous Department approvals. CPV is prepared to resume soil remediation activities in mid July to make effective use of the remaining 2010 construction season.

Please indicate your concurrence with the strategy described above. If you have any questions or comments, please direct them to either of the undersigned (Matt Scheeline at 916.924.9378 or Ben Leslie-Bole at 925.946.0455).

Sincerely,



Matthew A. Scheeline  
*Project Manager*



Benjamin Leslie-Bole  
*Partner-in-Charge*

MAS/BLB/0093300.22

Attachment: Figure 1 - Phase and Excavation Plans

cc: Mr. Paul Petrovich, PDC  
Mr. Chris Poncin, PDC  
Mr. Phil Harvey, PDC  
Mr. Jim Levy, UPRR



- |                              |                                    |                             |            |
|------------------------------|------------------------------------|-----------------------------|------------|
| <b>LEGEND</b>                | — CURTIS PARK PROPERTY LINE        | — 100' SOIL BORING LOCATION | □ PHASE I  |
| — RAILROAD TRACK             | — OPERABLE LIMIT BOUNDARY          | □ OR ○ TEST PIT LOCATION    | □ PHASE II |
| — PROPOSED EXCAVATION LIMITS | ⊕ PROPOSED EXCAVATION ID AND DEPTH |                             | □ PHASE IV |

Figure 1  
 Phase and Excavation Plans  
 Curtis Park Village  
 Sacramento, California  
 F&M 10/10

Attachment 22 – Proposed Revision to Excavation and Remediation Strategy to  
Applicant From DTSC



Linda S. Adams  
Secretary for  
Environmental Protection



Department of Toxic Substances Control

Mezian Movassaghi  
Acting Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



Arnold Schwarzenegger  
Governor

August 18, 2010

Mr. Phil Harvey  
Senior Vice President of Development  
Curtis Park Village, LLC  
Petrovich Development Company  
825 K Street  
Sacramento, California 95814

PROPOSED REVISION TO EXCAVATION AND REMEDIATION STRATEGY,  
CURTIS PARK RAIL YARD, SACRAMENTO, CALIFORNIA

Dear Mr. Harvey:

The Department of Toxic Substance Control (DTSC) has reviewed the June 30, 2010 letter (Letter) prepared by ERM Remediation and Construction Management West, Inc. (ERM) on behalf of Curtis Park Village, LLC (CPV) for the inactive portion of the Union Pacific Railroad Company, Curtis Park Site (Site) located at 3675 Western Pacific Avenue, Sacramento, California. The proposed strategy is to remediate the site in consistent with the remedy approved in the 1995 Remedial Action Plan (RAP). The current plan does not involve consolidating soils requiring a cap in a containment cell at the planned park area. If such a plan is subsequently proposed, it would require a separate evaluation process. The Letter proposes a change in soil cleanup levels for arsenic and polycyclic aromatic hydrocarbons (PAHs) to be consistent with background concentrations, and proposes the option to transport soil by truck rather than exclusively by rail. These proposed revisions would not result in a fundamental change to the remedy approved in the 1995 RAP. DTSC will prepare an Explanation of Significant Differences (ESD) to amend the RAP administrative record to reflect the proposed revisions. In preparing the ESD, DTSC will also evaluate potential California Environmental Quality Acts (CEQA) implications resulting from the revision to the approved remedy. To complete the ESD and CEQA evaluation, DTSC will need additional information to address the following comments:

- Removal of Trees: The impacts of the cleanup on all trees should be evaluated and discuss any City permit and mitigation measures and its implementation plan that will be required to accommodate soil cleanup.

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- **Soil Volumes:** As a result of new cleanup levels, please provide an estimate of the change in the volume of soil require to be removed to achieve the remedial action objectives. These estimates should also be incorporated into the comment below regarding transportation of material.
- **On-site Soil Management:** The proposal requires managing the commercial levels soil in the roadway. Provide a description of potential environmental impacts for implementing the soil removal and backfill field strategy. Prior to re-use of any excavated soils onsite, CPV will be required to submit a formal report, for DTSC approval, adequately documenting the characterization of the stockpile soil with supporting laboratory results of the soil samples collected from the Site and each stockpile with recommendation on the final disposition of these soils.
- **Offsite Transport by Truck:** This option is consistent with the remedy descriptions in the 1995 RAP and the supporting initial study. Provide a description of the potential environmental impacts of transporting contaminated soil by trucks. Offsite disposal of contaminated soils by trucks would require an updated transportation plan for DTSC's review and approval. The transportation plan should be prepared following the DTSC May 1994 Interim Final guidance document for Transportation Plan. Also, CPV will need to incorporate any mitigated measures identified in the CEQA evaluation and/or the City of Sacramento's Environmental Impact Report.
- **Five-Year Review:** For sites with hazardous substances remaining above the unrestricted land use level, a Five-Year Review will be required to reevaluate the long term effectiveness of the implemented remedy and to verify human health and the environment are being adequately protected by the remedy as implemented. The owner or responsible party shall conduct these evaluations at a minimum of every five year.

Provide a discussion that a Land Use Covenant (LUC) will be recorded on property with residual soils remaining above unrestricted levels (such as the proposed private roadway) and the requirements of an Implementation and Enforcement plan for the proposed restricted area. The discussion should include:

- a. The LUC will be prepared consistent with DTSC policy and finalized and recorded after physical remedial measures are implemented and before the site is certified by DTSC as being remediated.

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- b. The LUC will run with the land and stay in effect as long as hazardous substances limit use of the property and until terminated by DTSC. The owner or responsible party is required to inspect and report periodically to DTSC to verify compliance with the terms of the LUC.
- c. Pursuant to Section 67391.1 of Title 22, Division 4.5, Chapter 39, California Code of Regulation (CCR) requires CPV to pay all costs including for DTSC oversight associated with the administration of the land use controls.
- d. DTSC has authority to require modification or removal of any land improvements placed in violation of the restrictions. Also, violation of the LUC will be grounds for DTSC to file civil or criminal actions as provided by law.
- e. The LUC will identify the following controls and restrictions on the property:
  - 1. Prohibited uses of the restricted property shall include no residential, hospital, schools for children under 21, daycare, etc.
  - 2. Prohibited activities at the property shall include no extraction of groundwater, no domestic use of groundwater etc.
  - 3. The use of the property should not have any interference with access to and protection of remedial facilities such as the groundwater extraction system and the associated monitoring wells.
  - 4. Soil management controls including the requirement for a soil management plan.

CPV is requesting modification to the cleanup goals for arsenic and PAHs to be consistent with background concentrations for these constituents. Based on the current analysis of the site data, the cleanup goals in the approved RAP should be modified to reflect the current understanding of background concentrations for these constituents. DTSC is reviewing the supporting documentation and will be providing additional comments under separate letter.

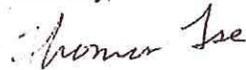
Senate Bill 120 states that DTSC can't certify the final remedial action at the Site complete until the cleanup is consistent with the land use plan approved by the City of Sacramento. It is imperative for CPV to work with the City to have a development plan approved before the cleanup is completed.

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In addition to the soil remedy, all administrative actions for the groundwater contamination must be completed before DTSC can certify the remedial action at the Site. CPV will be required to enter into an operations and maintenance agreement (OMA) with DTSC for the groundwater extraction and monitoring system. The OMA will include the requirements for financial assurance at the Site and a long-term monitoring plan.

If you have any questions or comments, please contact me at (916) 255-3643.

Sincerely,



Thomas Tse  
Hazardous Substances Engineer  
Brownfields and Environmental Restoration Program

cc: Mr. Paul Petrovich  
Curtis Park Village, LLC  
5046 Sunrise Blvd., Suite 100  
Fair Oaks, California 95628

Mr. Benjamin P. Leslie-Bole  
ERM-West, Inc.  
1277 Treat Blvd., Suite 500  
Walnut Creek, California 94597

Mr. Matthew A. Scheeline  
ERM-West, Inc.  
2525 Natomas Park Drive, Suite 350  
Sacramento, California 95833

Mr. Ralph Propper  
Sierra Curtis Neighborhood Association  
2749 Donner Way  
Sacramento, California 95818

Mr. Fernando Amador, P.E. (sent via email)  
Supervising Hazardous Substances Engineer  
Brownfields and Environmental Restoration Program  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200