REPORT TO COUNCIL 8
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

CONSENT
November 14, 2006

Honorable Mayor and
Members of the City Council

Title: Sutter Medical Center Master Plan (P03-090)

Location/Council District: Various properties bounded by 27th St and 29th St; K Street and N Street (Council District 3)

Recommendation: 1) Adopt a **Resolution** repealing Resolution Nos. 2005-882, 2005-883, 2005-884, 2005-886, 2005-887 and 2005-888 repealing the planning entitlements for the Sutter Medical Center Master Plan Project (P03-090); and 2) Adopt an **Ordinance** repealing Ordinance No. 2005-094 amending the districts established by the Comprehensive Zoning Code Title 17 of the City code relating to the Sutter Medical Master Plan Project

Contact: Jeanne Corcoran, Senior Planner, (916) 808-5317; Lezley Buford, Environmental Planning Manager, (916) 808-5935

Presenters: Not applicable

Department: Development Services

Division: Current Planning

Organization No: 4881

Description/Analysis

Issue: On November 10, 2005, the Planning Commission approved various entitlements regarding the Sutter Medical Center Master Plan including entitlements submitted by Loftworks for a housing project. The project was appealed by the applicants (Sutter and Loftworks) and a third party (SEIU-UHW West). The two applicants appealed the project to address specific conditions added by the Planning Commission to the Special Permit for a major project and the Special Permit for alternative housing. SEIU-UHW West's appeal challenged the adequacy of the Final EIR for the Project. On December 6, 2005, the City Council granted portions of the Sutter's appeal and approved the various entitlements to approve the Sutter Medical Center Master Plan (Resolutions 2005-882; 2005-884; 2005-886; 2005-887and 2005-888; Ordinance No 2005-095); granted Loftworks appeal for the housing development (Resolutions 2005-881 & 2005-885), and; denied SEIU-UHW West's appeal (Resolution 2005-883).

SEIU-UHW appealed the Sutter Medical Center portion of the project only ("Sutter Approvals") to Superior Court. The court found that the hearing record of the City Council's action on the Sutter Medical Center Master Plan did "not contain sufficient underlying documentation of the analysis set forth in the Environmental Impact Report (EIR) with respect to trip generation, parking and construction – related NOx emissions that may be associated with the proposed Sutter Medical Center Master Plan. Underlying documentation regarding trip generation, parking and construction-related NOx emissions were not present in the materials made available to the public during the review and comment stage or in the administrative record originally lodged with the Court." The court declared the City Council's certification of the Final EIR invalid, ordered the City to void the Sutter Approvals, and ordered the City not to re-approve the project until the City prepares, re-circulates, and certifies a new EIR in conformance with the California Environmental Quality Act (CEQA) and the court's final ruling, with the exceptions set forth below.

Based on equitable principles and a concern for the economic harm to the applicant and the general public that its ruling could effect, the Court expressly allowed the City to permit the applicant to proceed with the following three distinct components of the project:

a. Excavation of the new Energy Center, including the area below grade for medical office space and ninety (90) parking spaces, excavation for the related tunnel under 28th and L Streets;
b. Construction of the Community Parking structure and associated uses; and
c. Completion of reconstructing streets after laying down utility trenches.

Planning staff is currently working on providing the underlying studies and data that support the EIR's analysis for public review. Staff released the EIR for public review on September 20, 2006 and will be bringing the project back before the Planning Commission November 20, 2006. It is anticipated that the project will be brought forward to the City Council on December 12, 2006.

Policy Consideration: None

Committee/Commission Action: None

Environmental Considerations: This action rescinds a prior project approval and is therefore exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(4).

Rationale for Recommendation: The Superior Court has ordered the City to void the Sutter approvals and not re-approve the project until the City prepares, re-circulates, and certifies a new EIR in conformance with CEQA and the court's final ruling, with specified exceptions.

Financial Considerations: This report has no fiscal implications.

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

Respectfully Submitted by: _____
David Kwong
Planning Manager

Approved by: _____
William Thomas
Director of Development Services

Recommendation Approved:

_____
Ray Kerridge
City Manager

Table of Contents:

	Report	Pg	1
Attachments			
1	Resolution	Pg	4
2	Ordinance	Pg	11

Attachment 1

RESOLUTION NO.

Adopted by the Sacramento City Council

REPEALING THE PLANNING ENTITLEMENTS FOR THE SUTTER MEDICAL CENTER MASTER PLAN PROJECT (P03-090)

BACKGROUND

A. On December 6, 2005, the City Council approved the following entitlements for the Sutter Medical Center Master Plan:

1. **Resolution No. 2005-882:** Certification of an Environmental Impact and adoption of the Mitigation Monitoring Plan
2. **Resolution No 2005-883:** Denying appeal by SEIU-UHW West of the Planning Commission's decision approving the Sutter Medical Center Master Plan;
3. **Resolution No. 2005-884:** Granting appeal of Sutter Community Hospital of certain conditions of approval approved by the Planning Commission for the Sutter Medical Center Master Plan
4. **Resolution No. 2005-886:** Amending the General Plan Land Use Map for 1.68+/- acres from Regional Commercial to Community/Neighborhood Commercial and Offices
5. **Resolution No. 2005-887:** Amending the Community Plan Land Use Map for 1.11+/- acres from Residential Office and 1.0 +/- acres of Multi-Family to General Commercial.
6. **Resolution No. 2005-888:** Approval of the construction of a helistop at the Women's and Children Hospital.
7. **Ordinance No. 2005-094**: Approving the rezoning of certain parcels to the General Commercial – Special Planning District (C-2 SPD)

B. In *Service Employees International Union v. City of Sacramento* Case No. 06CS00026, the Superior Court of the State of California ruled that the hearing record of the City Council's action on the Sutter Medical Center Master Plan did "not contain sufficient underlying documentation of the analysis set forth in the Environmental Impact Report (EIR) with respect to trip generation, parking and construction –related NOx emissions that may be associated with the proposed Sutter Medical Center Master Plan." The court declared the City Council's certification of the Final EIR invalid, ordered the City to void the above resolutions that approved the Sutter Medical Center Master Plan, and ordered the City not to re-approve the project until the City prepares, re-circulates, and certifies a new EIR in conformance with CEQA and the court's final ruling, with the exceptions set forth below.

C. Based on equitable principles, the Court expressly allowed the City to permit the

applicant to proceed with the following three distinct components to the project:

a. Excavation of the new Energy Center, including the area below grade for medical office space and ninety (90) parking spaces, excavation for the related tunnel under 28th and L Streets;
b. Construction of the Community Parking structure and associated uses; and
c. Completion of reconstructing streets after laying down utility trenches.

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

Section 1. Resolution No. 2005-882, Resolution No. 2005-883, Resolution No. 2005-884, Resolution No. 2005-886, Resolution No. 2005-887 and Resolution No. 2005-888 are repealed.

Section 2. The Sutter Medical Center Master Plan may proceed as expressly allowed by court order for the activities set forth under (A) below, and the applicant may proceed with these activities subject to the conditions of approval set forth under (B), below as determined applicable by the City's Planning Manager:

(A) The applicant is allowed to proceed with the following activities related to the Sutter Medical Center Master Plan project:

(1) the excavation of the new Energy Center, including the area below grade for medical office space and ninety (90) parking spaces, and excavation for the related tunnel under 28th & L Streets;
(2) construction of the Community Parking structure and associated uses, and;
(3) completion of reconstruction streets after laying down utility trenches.

(B) Conditions of Approval

The Tentative Map to subdivide 24 parcels 9.6+ acres into 5 parcels is, subject to the following conditions (Sutter Commercial Components):

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P03-090). The design of any improvement not covered by these conditions shall be to City standard.

The applicant shall satisfy each of the following conditions prior to filing the 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 Development Engineering Division:

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

to segregate existing assessments.

2. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P03-090).

3. Show all continuing and proposed/required easements on the Final Map.

4. 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.

Development Engineering: Streets

5. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering and Finance Division. 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 Development Engineering and Finance Division.

6. This project shall require Historical Ornamental, Pedestrian street lighting. There is an existing lighting system in this project area. Improvements to the right-of-way may require modification to the existing systems. There are existing fire alarm facilities in the project area. The fire alarm system shall be relocated as part of the project as required.

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

8. The applicant shall make provisions for bus stops, shelters, etc. to the satisfaction of Regional Transit.

9. If necessary (as determined by the Development Engineering and Finance Division) the applicant shall dedicate and construct bus turn-outs for all bus stops adjacent to the subject site to the satisfaction of the Development Engineering and Finance Division.

Development Engineering: Abandonment (Recorded on Map)

10. The applicant must satisfy the conditions of the Abandonment Clearance Letters prior to or concurrent with the recordation of the Final Map.

PUBLIC/PRIVATE UTILITIES

11. Dedicate an easement for the transformers to be installed to service both new buildings adjacent to the north side of the alley, size to be determined by both SMUD and the applicant.

CITY UTILITIES

12. Only one domestic water service per parcel is allowed. The project must comply with the requirements of City Code 13.04.070 and the Departments current Commercial Tap Policy to have more than one domestic water service. The existing Sutter General Hospital north of L Street and the proposed new Buhler Building south of L Street will be allowed to have separate domestic water services. Any new domestic water services shall be metered. Excess services shall be abandoned to the satisfaction of the Department of Utilities. The applicant should be advised that the tap record research and verification of tap locations by the field crews involved prior to sign-off of this condition may take a considerable amount of time, therefore, all requests should be submitted in a timely manner.

13. City water and sewer mains in alleys to be abandoned shall be relocated and reconstructed to the satisfaction of the Department of Utilities.

14. A public utility easement for underground utilities and a minimum vertical clearance of 17 feet between the roadway and overhead walkways shall be retained for the full width of street right of way to be abandoned for the construction of the overhead walkways over L Street and 28th Street.

The Major Project Special Permit for the Sutter Medical Center Master Plan is subject to the following conditions

Development Engineering

15. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P03-090)

16. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. *All* improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Improvements required shall be determined by the city. 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 Development Engineering Division.

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

18. All new driveways shall be located, designed and constructed per City Standards to the satisfaction of the Development Engineering Division. Any existing site driveways to be maintained shall be redesigned and reconstructed, if necessary, per City Standards to the satisfaction of the Development Engineering Division.

19. The site plan shall conform to A.D.A. requirements in all respects. This shall include the replacement of any curb ramp that does not meet current A.D.A. standards.

20. The applicant shall record the Final Map and Lot Mergers associated with the subject project, which creates the lot pattern shown on the proposed site plan, prior to obtaining any Occupancy Permits.

21. The applicant shall provide a vehicle / pedestrian alert system within the Community Parking Garage, for the driveways located on 27th and 28th Streets, as shown on the site plan dated June 15, 2005. The improvements related to this condition shall be to the satisfaction of the Development Services Department.

22. Any public alleys adjacent to the project sites, to be maintained, shall be constructed / reconstructed per City Standards, including the placement of lighting, to the satisfaction of the Development Engineering Division.

23. The applicant shall enter into and record an Easement Agreement for Minimal Encroachments on City Right-of-Way with the City, in a form acceptable to the City Attorney and the Real Estate Division, in order to obtain an easement for the use of public right-of-way for all bridges, spanning structures, below-grade tunnels, and other portions of the building encroaching into the public right-of-way, as shown on the Site Plan dated March 21, 2005. Conditions of the agreement may include, but not limited to, the following:

    a. The applicant shall provide clearance letters from each of the affected City Departments / Divisions, Utility Companies, and other interested entities / agencies as deemed necessary by the City. The applicant shall satisfy any conditions included as part of the clearance letters.

    b. The scope of the easements shall be as negotiated between the City and the

applicant in drafting the agreement. All terms and conditions of the agreement shall be to the satisfaction of the City.

24. Prior to the issuance of building permits, the applicant shall provide sufficient proof that the above described Easement Agreement for encroachment into public right-of-way has been secured and recorded.

25. The design of walls, fences, signage, 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 at maturity. The area of exclusion shall be determined by the Development Engineering Division.

26. For the Community Parking Garage, Foundation or basement dewatering discharges to the CSS and/or storm drainage system will not be allowed for the Sutter Medical Center Parking Garage unless the dewatering discharges are mitigated to the satisfaction of the Department of Utilities. The CSS and storm drainage system in the area does not have adequate capacity to allow for dewatering discharges for foundations or basements. Foundations and basements shall be designed without the need for dewatering to the satisfaction of the Department of Utilities.

27. The applicant shall provide an ADA accessible, continuous path of travel for all public sidewalks and corner curbs. A detailed survey of the existing condition of the path of travel may be required in order to identify the defects that may need to be corrected. Path of travel issues typically include, but may not be limited to: sidewalk widths, obstructions, cracks, vertical off-sets in the sidewalk surface, curb ramps and driveway and curb cuts.

28. The applicant shall provide acorn-style street lighting, consistent to those recently installed around Marshall Park, subject to City standards and to the satisfaction of the Development Engineering and Financing Section:

    a. Adjacent to the project site, including Sutter General Hospital,

    b. On the opposite sides of the street from the project site, and

    c. On the west side of 29th Street and both sides of 28th Street from N to the light rail station on R St.

    d. Work with property and/or business owners to facilitate an assessment district to fill in lighting throughout the Sutter District between K and P Streets and 25th to 29th Streets.

e. If such an assessment district is formed, the applicant shall be credited/reimbursed for the cost it incurs to install street lighting under b and c above.

29. A building permit for the parking garage shall not be issued unless the residential component of the project has started construction, or unless a building permit for the residential component is issued concurrently.

30. No on-street parking by construction workers shall be allowed. Prior to issuance of building permit, the applicant shall obtain off-site, off-street parking for construction workers and provide a parking management program that prohibits on street parking by construction workers, subject to the review and approval of the Planning Director. The applicant shall use all reasonable efforts to enforce the parking management program to ensure that construction workers do not utilize on-street parking.

31. The parking garage shall be designed to provide adequate screening of parking lot lighting and vehicle lights to surrounding properties.

Planning

32. The project shall be required to comply with the conditions of approval of the Design Review/Board (DR05-150, DR05-190, DR05-226, DR05-238).

33. The project shall provide setbacks as shown on the plans submitted.

34. The applicant shall designate 1949 parking spaces for use by the SGH, WCC, Buhler Building, and SMF Building.

35. Sutter shall establish a "hot line" during construction so that nearby residents and business can call with complaints or questions.

Attachment 2

ORDINANCE NO.

Adopted by the Sacramento City Council

AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE TITLE 17 OF THE CITY CODE AND REPEALING ORDINANCE NO. 2005-094 RELATING TO THE SUTTER MEDICAL MASTER PLAN PROJECT (P03-090)

BACKGROUND:

The City Council adopted Ordinance No. 2005-094 on December 6, 2005, approving various changes to the districts established by the Comprehensive Zoning Ordinance, Title 17 of the City Code relating to the Sutter Medical Master Plan for property located at the following locations: 2722 L St.; 2730 L St.; 1215 27th St.; 1317 27th St.; 2600 Capitol Ave.; 2700 Capitol Ave.; 2706 Capitol Ave.; 2715 Capitol Ave.; 2720 N St.; 2701 N St.; (APN'S: 007-171-002, 003, 017; 007-0172-001,002, 003, 013, 014, 016, 017, 018, 019; 007-0166-016)

In a lawsuit filed by *Service Employees International Union v. City of Sacramento* Case No. 06CS00026, the Superior Court of the State of California ruled that the hearing record of the City Council's action on the Sutter Medical Center Master Plan did "not contain sufficient underlying documentation of the analysis set forth in the Environmental Impact Report (EIR) with respect to trip generation, parking and construction –related NOx emissions that may be associated with the proposed Sutter Medical Center Master Plan." The Court declared the City Council's certification of the Final EIR invalid, ordered the City to void the project approvals, and ordered the City not to re-approve the project until the City prepares, re-circulates, and certifies a new EIR in conformance with CEQA and the court's final ruling.

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

SECTION 1
Ordinance No. 2005-094 is repealed.

SECTION 2

The property generally described, known and referred to as APN: 007-0171-002, 003, 017; 007-0172-001, 002, 003; 007-0166, 016 (2722 L St., 2730 L St., 1315 27th St., 2600 Capitol Ave., 2715 Capitol Ave., 2700 Capitol Ave., 2706 Capitol Ave.) and consisting of 2.31± net acres and was placed in the General Commercial Special

Planning District (C-2 SPD) with the adoption of Ordinance No. 2005-094 and is now reclassified to the former Office Building Special Planning District (OB SPD) zone.

SECTION 3

The property generally described, known and referred to as APN: 007-0172-016, 018 (2701 N St., and 1317 27th St.) and consisting of 0.29± net acres and was placed in the General Commercial Special Planning District (C-2 SPD) with the adoption of Ordinance No. 2005-094 and is now reclassified to the former Multi-Family Special Planning District (R-3A SPD) zone.

SECTION 4

The property generally described, known and referred to as APN: 007-0172-013, 014, 017, 019 (2720 N St.) and consisting of 0.73± net acres and was placed in the General Commercial Special Planning District (C-2 SPD) with the adoption of Ordinance No. 2005-094 and is now reclassified to the former General Commercial Special Planning District with conditions (C-2 SPD w/c) zone.

SECTION 5

The City Clerk of the City of Sacramento is hereby directed to amend the official zoning maps, which are part of said Ordinance to conform to the provisions of this Ordinance.