



# REPORT TO COUNCIL

## City of Sacramento

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

PUBLIC HEARING  
March 6, 2007

Honorable Mayor and  
Members of the City Council

**Title: 401 Broadway (P06-003)**

**Location/Council District:** 401 Broadway, Sacramento, CA (Council District 4)  
APN: 009-0232-015

**Recommendation:** Conduct a public hearing and upon conclusion 1) adopt a **Resolution** approving the Mitigated Negative Declaration and Mitigation Monitoring Plan, 2) adopt a **Resolution** denying the third party appeal and approving the entitlements necessary to develop the 401 Broadway project, 3) adopt a **Resolution** amending the Central City Community Plan for the residential portion of the project, and 4) adopt an **Ordinance** amending the Comprehensive Zoning Ordinance relating to the 401 Broadway project.

**Contact:** Evan Compton, Associate Planner, (916) 808-5260; Jeanne Corcoran, Senior Planner, (916) 808-5317; Scott Johnson, Environmental Associate Planner, (916) 808-5842.

**Presenters:** Evan Compton, Associate Planner

**Department:** Development Services

**Division:** Current Planning

**Organization No:** 4881

**Description/Analysis:**

**Issue:** The 401 Broadway project (P06-003) was approved by the Planning Commission on October 26, 2006. On November 6, 2006 an appeal of the approval was submitted by the Land Park Community Association. The grounds for the appeal focused on the proposed signage and the timing of construction for the residential component of the project. The neighborhood association is concerned the sign variance will set a precedent. They are also concerned the residential and commercial components were not conditioned to be constructed concurrently and therefore the residential component may not be built.



**Policy Considerations:** The project is consistent with the General Plan Update Vision and Guiding Principles, the General and Community Plan designations of Heavy Commercial or Warehouse and Heavy Commercial respectively, the Central City Housing Strategy, and the City Council adopted Smart Growth Principles by providing new housing opportunities in the Central City, contributing to the creation of walkable neighborhoods, and strengthening the identity of an area in transition.

**Committee/Commission Action:** The Planning Commission heard the project on October 26, 2006. Three members of the public spoke in opposition of the project and two in favor. The Planning Commission approved the 401 Broadway project and forwarded the recommendation to the City Council for approval of the Community Plan Amendment and Rezone. At the same meeting, the Planning Commission approved the Tentative Map, Special Permits (alternative ownership housing, tandem parking spaces, parking waivers for retail and ministorage uses, offsite parking for residential, additional height for a mixed use building, and to allow ground floor retail in the R-5 zone), and Variances (to waive a masonry wall, to reduce the setback on 4<sup>th</sup> and X Street, and to allow an attached neighborhood identification sign) for the project. The Planning Commission also denied a Variance to allow an attached commercial sign to exceed the height requirements within 660 feet of a freeway.

**Environmental Considerations:** Environmental Planning Services has determined that the project, as proposed, may have potentially significant impacts to the environment; however mitigation measures have been incorporated into the project to reduce these impacts to a less than significant level. These mitigation measures address transportation and circulation, hazards, noise, and cultural resources. The mitigation measures are listed in the attached Mitigation Monitoring Plan (See Attachment 8, Exhibit B). The Mitigated Negative Declaration was available for public review during the period of Thursday, August 31, 2006 through Wednesday, September 20, 2006. During the public review and comment period, no comment letters were received. Therefore, staff recommends the approval of the Mitigated Negative Declaration and adoption of the Mitigation Monitoring Plan.

**Rationale for Recommendation:** Staff supports the request to amend the Community Plan from Heavy Commercial to Multi-Family Residential and the rezone from C-4 to R-5 since it will provide consistency between the land use designation, zoning, and the proposed use. This recommendation for approval is based on the project's consistency with the General Plan policies promoting infill development as well as the Central City Housing Strategy which encourages the reuse of existing commercial and warehouse property for residential purposes. Also, the project's density and design are appropriate because the project site is located in a transitional area between commercial, office, and residential uses.

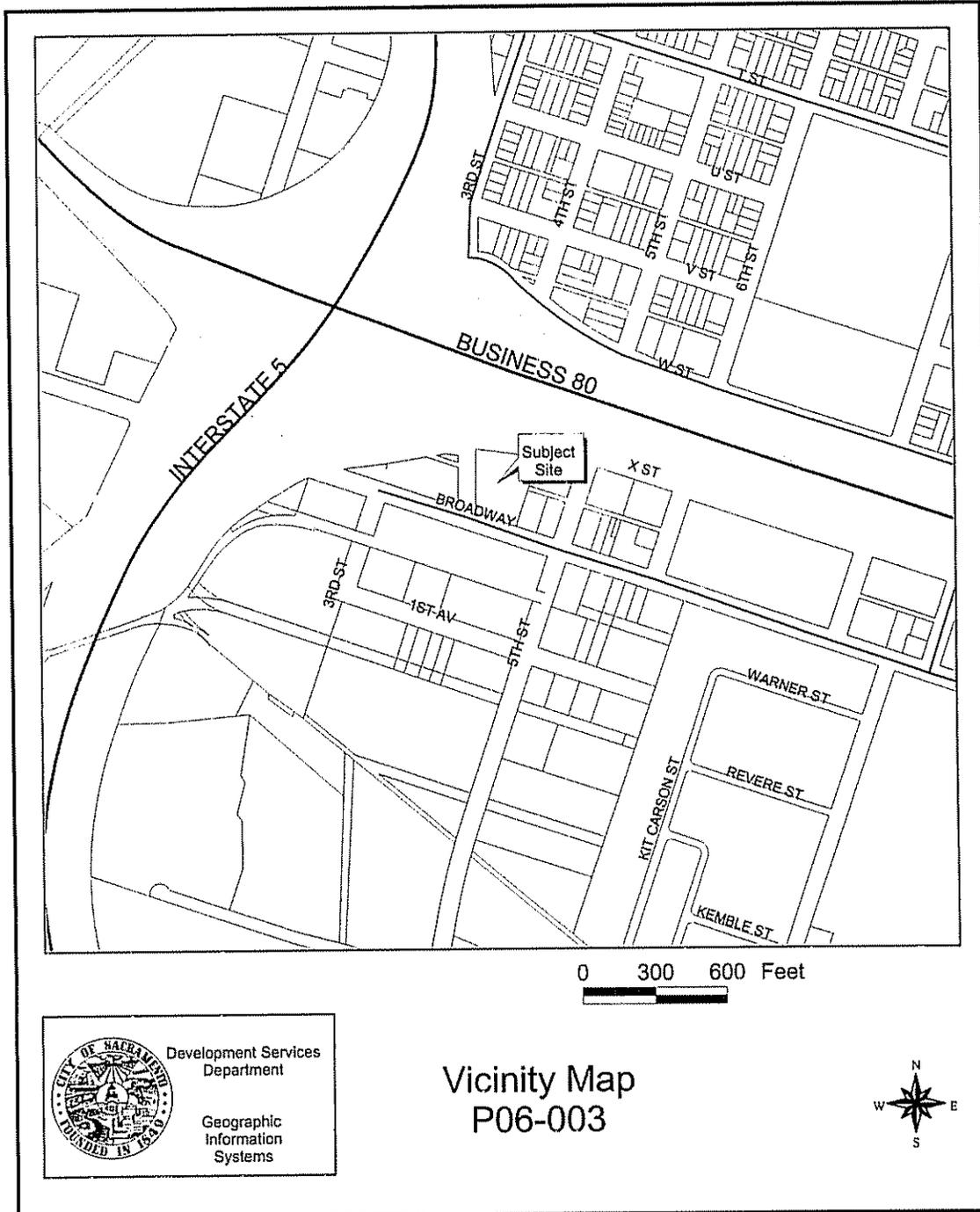
Staff recommends denying the appeal for the approval of the project because the sign is intended to be a neighborhood identification sign and not to advertise any specific business. The applicant conducted an onsite demonstration of the



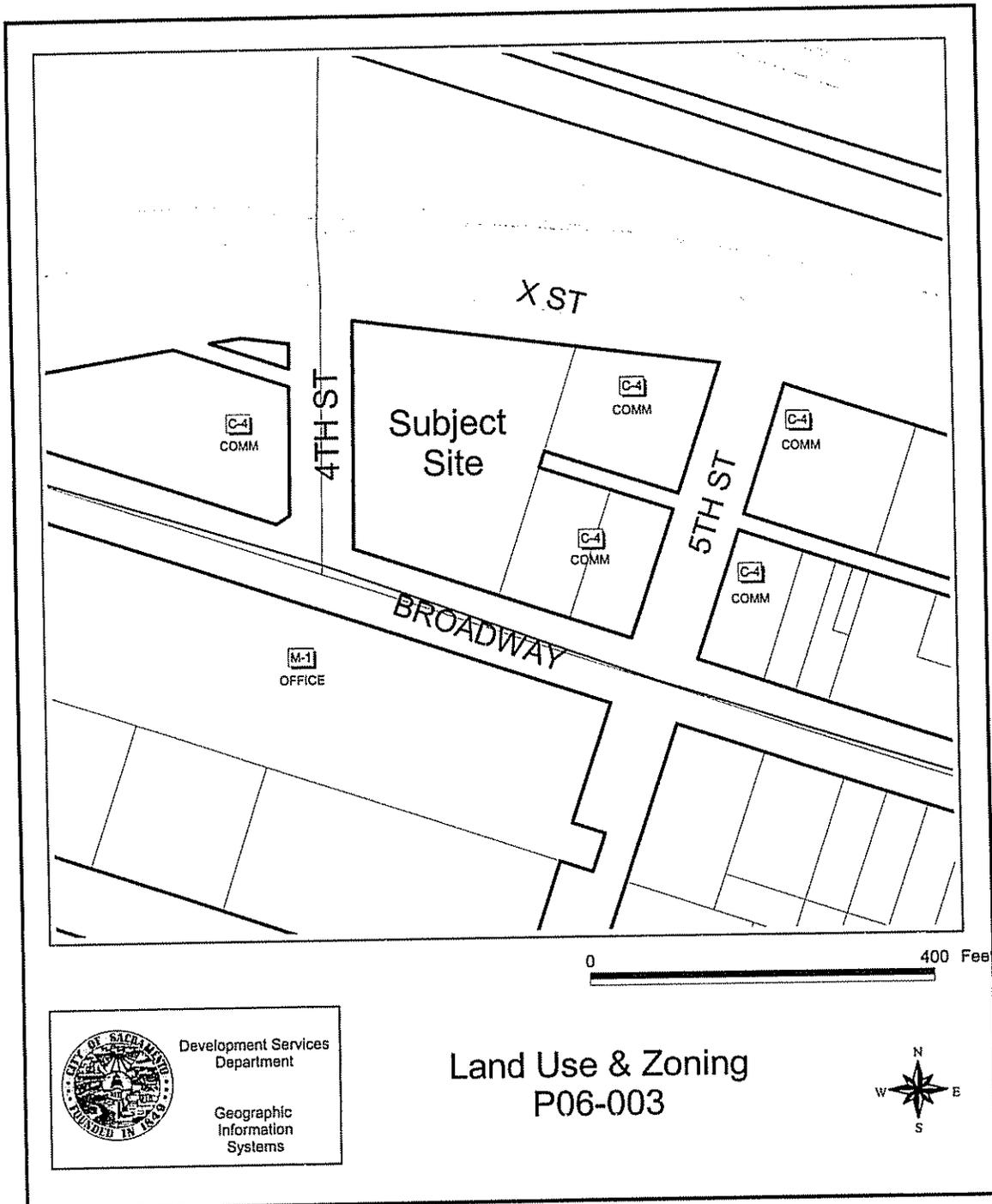
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Attachment 1 – Vicinity Map



Attachment 2 – Land Use Map



## Attachment 3 – Background Information

**Summary**

The applicant proposes to demolish an existing boat storage facility and construct two mixed use buildings on 1.38± acres in the Heavy Commercial (C-4) zone. The proposal is to subdivide the property into two lots. The northern parcel will remain a Heavy Commercial zone and the southern parcel will be rezoned to R-5, a Multifamily zone. Building 1 on the northern parcel will have 115,717 square feet of ministorage, 5,058 square feet of retail, and 1,911 square feet for a manager's unit. The structure will be four stories (46 feet) on .94± acres in the Heavy Commercial (C-4) zone. Building 2 on the southern parcel will have 7,639 square feet of retail and 36 loft units. The structure will be five stories (60 feet) on .44± acres in the Multifamily (R-5) zone. This proposal required various entitlements which were approved by the Planning Commission. While the applicant is not required to amend the Central City Community Plan to redesignate a portion of the site from Heavy Commercial to Multi-Family or rezone a portion of the site from C-4 to R-5 for the intended use, the applicant requested the redesignation and rezone in order to alleviate potential concerns for future condominium property owners in obtaining financing for property that may be considered as inconsistent with the land use designation and zoning.

Notice of the public hearing for the project and the appeal has been given by posting, publication, and mail for March 6, 2007 pursuant to Sacramento City Code sections 17.204.020(B), 17.208.020(C), and 17.200.010(C)(2)(d).

**Policy Considerations**

A summary of policy guidelines that apply to the proposed project are as follows:

General Plan Update Vision and Guiding Principles: The proposed project complies with the following guiding principles:

- a. Provides accessibility and connectivity between areas and safely and efficiently accommodates a mixture of cars, transit, bicyclists, and pedestrians;
- b. Includes a mix of housing types within neighborhoods to promote a diversity of household types and housing choices for residents of all ages and income levels to promote stable neighborhoods; and
- c. Uses the existing infrastructure and public facilities to increase infill and re-use, while maintaining important qualities of community character.

Central City Housing Strategy: The Central City Housing Strategy was adopted in the early 1990s to encourage new housing construction while also preserving existing housing stock and strengthening neighborhoods. The Zoning Ordinance was changed in response to the Housing Strategy to encourage housing in the Central City by allowing residential developments by right in commercial zones and with a Special

Permit in heavy commercial and industrial zones. The proposed project is consistent with the Central City Housing Strategy since it maximizes housing units on the site. Approval of the project would strengthen the residential identity of the area and add to the jobs/housing ratio in the Central City.

Central City Community Plan (CCCP): The Community Plan encourages the development of transitional land use areas with land uses that are compatible with adjacent developments. (See CCCP Page 8)

Smart Growth Principles: The proposed project is consistent with Smart Growth Principles. The project contributes to the creation of a range of housing opportunities and choices, fosters walkable neighborhoods, and promotes infill development.

Strategic Plan: The project is consistent with the Citywide Strategic Plan because it will contribute to the goals of achieving sustainability and livability and will increase opportunities for all Sacramento residents to live in safe and affordable housing.

Zoning Code: The project site is located in the Heavy Commercial (C-4) zone which allows for residential uses with the approval of a Special Permit. The applicant is pursuing a Community Plan Amendment and rezone of the southern parcel to residential. However, with the approval of the Special Permit for alternative ownership housing, the applicant will be able to final the map and start construction of the residential units. As previously mentioned, the project does not require legislative entitlements to construct the residential units. In order to facilitate the future financing of these units and to provide consistency of the intended use of the project with the Community Plan designation and the zoning, staff supports the request to amend the Community Plan to Multifamily Residential and the rezone to R-5 Multifamily.

Signage Requirements: On the X Street building façade, the applicant is proposing a large sign reading "BROADWAY." This sign exceeds standard requirements and requires an entitlement for approval. The sign is located 40 feet above ground level which is higher than the standard 20 feet maximum for signage within 660 feet of the freeway. Each letter in the "BROADWAY" sign is 10 feet tall and the total width of the sign is approximately 70 feet. The size of the sign is 700 square feet where signs are typically allowed only 200 square feet maximum. The Design Review Preservation Board (DRPB) reviewed the proposed neighborhood identification sign on October 4, 2006 and was strongly supportive of the size from a design perspective. The DRPB commented the sign was more a piece of art than a sign and compared the "BROADWAY" display to the blue neon light on the Esquire building and the neon work on the city water storage tank behind the Safeway on Alhambra Blvd.

Staff consulted with Caltrans and determined that no outdoor advertising permit is required since the purpose of the sign is to "identify the premises." Section 5272 of the Outdoor Advertising Act and Regulation, 2005 Edition explains this exception. A copy of this document can be found online at:

[www.dot.ca.gov/hq/oda/download/ODA Act & Regulations.pdf](http://www.dot.ca.gov/hq/oda/download/ODA_Act_&Regulations.pdf).

Signs on the X Street and 4<sup>th</sup> Street facades are signs advertising "California Storage Centers." According to the elevation plans, the signage is 35 feet high which is 15 feet higher than the standard maximum. In consultation with Design Review, staff does not see any issues with requiring these signs to comply with the zoning requirements. Staff does not find justification to allow a variance in the signage code. If allowed, this signage would also be visible from the freeway. Staff recommends the signage for tenants comply with the standard signage requirements.

### **Planning Commission Staff Report**

For further review of the original exhibits, attachments, and analysis within the Planning Commission staff report, please refer to the City's website at <http://www.cityofsacramento.org/dsd/council/commissions/planning/2006/cpc-10-26-06-agenda.cfm> and select the staff report link for 401 Broadway.

A hard copy of the report is also available at the Development Services Department public counter located at New City Hall, 915 I Street, Sacramento, CA.

Attachment 4 – Third Party Appeal

**CITY OF SACRAMENTO**

**DEVELOPMENT SERVICES DEPARTMENT**  
 915 I Street, New City Hall, 3<sup>rd</sup> Floor  
 Sacramento, CA 95814

**PLANNING DIVISION**  
 916-808-5419

**APPEAL OF THE DECISION OF THE  
SACRAMENTO CITY PLANNING COMMISSION**

DATE: 11/6/06

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning Commission on 10/26/06 (hearing date), for project number (P#) P06-003 when:

- Special Permit for SIGN
- Variance for SIGNAGE
- "R" Review for \_\_\_\_\_
- Other Tentative for LOT SPLIT  
MAP

was:  Granted by the City Planning Commission  
 Denied by the City Planning Commission

Grounds For Appeal: (explain in detail, you may attach additional pages)

See attached

- ⇒ Property Location: 401 Broadway
- ⇒ Appellant: LAND PARK COMMUNITY Daytime Phone: 916-761-7964  
(please print) ESON
- ⇒ Address: PO BOX 188285 SACTO CA 95818
- ⇒ Appellant's Signature: June Stebbins, Board Member

THIS BOX FOR OFFICE USE ONLY			
FILING FEE:	<input type="checkbox"/> \$1,192.00 By Applicant <input checked="" type="checkbox"/> \$298.00 By Third Party	RECEIVED BY: <u>Gudy Elias</u>	DATE: <u>11-06-06</u>
Distribute Copies To: CAS; DK; Project Planner; Mae Saetern (original & receipt)			
P# <u>06-003</u>		Forwarded to City Clerk: _____	

LAND PARK COMMUNITY ASSOCIATION  
APPEAL of City of Sacramento Planning Commission Action (October 26, 2006)

P06-003

401 BROADWAY MIXED-USE PROJECT:

1. Approving variance for a 700 square foot billboard sign using "neighborhood sign" ordinance as justification has never been used for a sign of this size or purpose and is precedent setting. Findings of Fact "O" cannot be made.
2. Approved variance for a 700 square foot sign using City's neighborhood sign ordinance is unjustified. It meets City's definition of a freeway (off site) sign under the City's Ordinance: 14.148.850 "such offsite sign is or would be visible by persons traveling on such freeway or proposed freeway".
3. Approved variance for "neighborhood" sign without having final design plans before the Commission. Variance should not have been approved and findings of fact cannot be made without knowing the particular dimensions, placement and design of this large sign. Findings of fact "O" cannot be made.
4. Approval of a variance for a large 700 square foot billboard size "neighborhood" sign creates a public nuisance because of location, size, and design and other legal requirements.
5. Notwithstanding the approval of Tentative Map to subdivide the property from one parcel into two parcels, the projects should be required to be built at the same time since the approval was based on the mixed-use benefits of the total project.
6. Sign Permit Conditions such as its message, maintenance and ownership would not necessary remain because the applicant can go to the Zoning Administrator for new conditions.
7. Condition O 4 should state that any future modifications requested to the sign, should be reviewed and approved by the Planning Commission, not just elevated to Commission level.

## Attachment 5 – Letter of Opposition from the Land Park Community Association




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 LAND PARK COMMUNITY ASSOCIATION
 

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**DATE:** October 25, 2006

**TO:** Planning Commission, City of Sacramento

**FROM:** *KMA* Kearse McCall, President, Land Park Community Association (LPCA)

**RE:** HEARING - October 26, 2006  
P060003 - 401 BROADWAY

The Land Park Community Association supports the proposed new mixed-use project, but opposes certain aspects of the proposal as currently drafted. LPCA opposes the neighborhood identification sign and the commercial business sign proposed on X Street (north elevation) and the placement of the commercial sign. While a mixed project, with retail and lofts facing Broadway will be a positive influence, we must oppose the signage on X Street (north elevation) because of the size, placement, maintenance and inability to enforce conditions approved by the CPC. We must also request that the Planning Commission approve this project as one parcel, so that the housing/retail and the commercial are built together.

The applicant's proposal for the neighborhood identification sign is precedent setting and there is no guarantee that it will be maintained as conditioned. LPCA believes that the neighborhood identification sign is not an on premise sign as presented by the applicant, such as San Francisco's Ferry Building, Pike's Market, Ghirardelli Square, and Ashby Hotel. Additionally, approving a split of the single lot into two parcels allows the applicant to build the mini-storage first -- and delay (or never build) the housing/ retail space. However, if the housing/ retail portion were built first, the shared entrance from 4<sup>th</sup> Street and on site parking for condominium owners might never materialize. A condition should be added that requires the applicant to build both buildings at the same time.

**NEIGHBORHOOD IDENTIFICATION SIGN (X Street - North Elevation):**

**Precedent Setting:** The proposed sign would be the first sign of its type and size erected within the Central City. The granting of a variance for a neighborhood identification sign constitutes a significant privilege to the property owner and sets a precedent for other property owners in the Central City. The staff findings (Variance "O (b)," page 17) promote a proliferation of these signs, which is a major concern to neighborhoods.

**Sign to Use Neon:** Prior to the Design Review Board hearing, the applicant stated that the sign would be a traditional neon design with letters in red neon -- and showed such traditional neon signs, such as the Ghirardelli Square. However, at the Design Review Board hearing, we heard for the first time that the proposed signage would be cabinet channel letters with interior neon and a clear lexon cover -- not traditional neon tubing.

401 Broadway  
Sacramento Planning Commission  
October 25, 2006  
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The sign is not integrated into the building design, but is designed to be seen by freeway drivers with the sign set on the roof of the mini-storage building. However, the most recent submittal appears to be the traditional neon tubing. Is this true? The CPC should, at a minimum, finalize this issue with the applicant and not allow this issue to be determined by staff.

**Size:** The city sign ordinance would allow up to 200 square feet for the X Street elevation. Yet, this neighborhood identification sign is 700 square feet and the business sign is 88 square feet for a total of almost 800 square feet – four times the 200 square feet limitation. The 700 square foot neighborhood identification sign would be equivalent to two billboards placed side-by-side, with 10 feet tall letters. In addition, the sign would be elevated on the roof of the building; the bottom of the sign would begin 40 feet above the sidewalk and end approximately 52 feet above the sidewalk. The applicant stated at the DRB hearing that the intent of the neighborhood identification sign is to be seen by freeway drivers.

**Sign Conditions Not Enforceable:** The staff is rightfully concerned about controlling the sign's message. However, the staff's attempt to condition or limit the sign, including the message will not work. Thus, the city would not be able to enforce any conditions placed on the sign. The staff report as we read it specifies "the project has been conditioned to require the applicant to enter into an agreement with the city or pursue the Zoning Administrator Special Permit" (page 7 and conditions, page 26). **This could allow the applicant to ignore any sign conditions approved by the Planning Commission tonight. The actions taken by the CPC will not apply if a Zoning Administrator Special Permit is obtained for a "neighborhood" sign. The ZA Special Permit does not have to meet the conditions established by the CPC.** In addition, we believe the "Broadway" sign does not meet the city ordinance definition of neighborhood identification sign. Thus, if, at a minimum, the Planning Commission should approve a variance which only provides for conditions a, b, and c (see conditions and approval "O 1") the ZA Special Permit option should be eliminated.

**Maintenance:** Although staff proposes to have the applicant enter into an agreement with the City to: 1) transfer ownership of the sign to the city and 2) provide an easement for the sign on the building, the staff conditions allow the applicant to either provide maintenance for the sign or the applicant obtains a Zoning Administrator Special Permit for a neighborhood sign. This would eliminate conditions approved by the Planning Commission and allow the Zoning Administrator to set conditions – or no conditions. Once again, conditions a, b, and c should be approved and the ZA Special Permit option should be eliminated.

401 Broadway  
Sacramento City Planning Commission  
October 25, 2006  
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COMMERCIAL BUSINESS SIGN (X Street -North Elevation): We oppose the variance to the height requirements and support staff recommendation to deny it. We agree with staff findings that the variance "would constitute a special privilege extended to an individual property owner in that the variance would allow signage for advertising purposes to be oriented to the motoring public on the freeway and surface streets instead of the pedestrian" (P, a., page 17). The legal limit for such a sign is 20 feet off the ground. LPCA urges the Planning Commission to oppose the requested variance to exceed the height requirement by 15 feet and to allow the sign to be oriented to freeway traffic.

In conclusion, granting the variances to the city's sign ordinance for these two signs would constitute a special privilege to the applicant and set a precedent for individual property owners to be allowed signage of this type. If approved, these signs -- and future signs -- oriented to freeway drivers set a precedent for this city which does not benefit neighborhoods. The Land Park Community Association, along with the Southside Neighborhood Association, oppose the granting of these variances to the city's sign ordinance.

Thank you for your consideration of these issues.

Cc: Evan Compton, Associate Planner  
Sacramento City Planning Department

Attachment 6 – Letter of Opposition from the Southside Park Neighborhood Association

**Southside Park  
Neighborhood  
Association**

PO Box 1421  
Sacramento, CA 95812  
(916) 760-6064  
(voice or fax)  
southsidepark@gmail.com

Board of Directors:

Paul Trudeau,  
President

Sarah Soto-Taylor,  
Vice President

Joe Keefe, Treasurer

Tony Lopez

Nelson Lucas

Steve Vincent

*Dedicated to  
improving the quality  
of life in the  
community of  
Southside Park;  
to enhancing the  
livability of the area by  
establishing and  
maintaining open lines  
of communication with  
various government  
agencies and other  
neighborhoods, to  
acting as liaison for the  
neighborhood with  
various agencies and  
associations, and to  
providing an open  
process by which all  
members of the  
neighborhood may  
involve themselves in  
the affairs of the  
neighborhood*

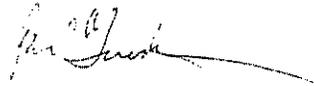
October 4, 2006

Re: DR06-004 401 Broadway

To whom it may concern,

Southside Park Neighborhood Association's consensus is that the proposed project at 401 Broadway, adjacent to our neighborhood, is very good and we are happy to see it happening. But, after considerable discussion, most recently at our September general membership meeting, there is also general consensus that we do not want to see any giant sign on the proposed building. The main reason is that we think granting a variance to allow this sign would set a precedent that other developments could point to in the future, leading to a proliferation of freeway-oriented signs along the stretches of freeway that run right through our neighborhood. We have no problem with a sign as allowed under current City sign ordinance, which we understand would be about 1/10 the size, as needed to communicate with street and pedestrian traffic, not the freeway.

We hope this sign issue can be concluded promptly and that the project can move forward.



Paul Trudeau  
President, SPNA

Attachment 7 – Letter of Support from the Greater Broadway Partnership



G R E A T E R B R O A D W A Y P A R T N E R S H I P

September 18, 2006

Evan Compton  
Associate Planner  
City of Sacramento  
915 I Street 3rd floor  
Sacramento, CA 95814

Re: 401 Broadway

Dear Mr. Compton:

This letter is to document our partnership's support of the proposed mixed-use project being developed by Bryant Properties at 401 Broadway. We are encouraged that the proposal will bring new and higher density retail, office, and housing to our Marina District. We also are in favor of the proposed "Broadway" signage that will help identify the project as well as the corridor. We are hopeful this project will serve as a catalyst for additional quality development in the area. Please contact me should you need additional information concerning our partnership's support of this proposed project.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Ramsey". The signature is written in black ink and is positioned above the printed name and title.

Chuck Ramsey  
President, Greater Broadway Partnership

916-737-1427  
Email: GreaterBroadway@aol.com  
P O Box 188182 Sacramento, CA 95818

**RESOLUTION NO. 2007-**

Adopted by the Sacramento City Council

**ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PLAN FOR THE 401 BROADWAY PROJECT, LOCATED AT 401 BROADWAY IN THE CENTRAL CITY, SACRAMENTO, CALIFORNIA. (P06-003) (APN: 009-0232-015)**

**BACKGROUND**

A. The City of Sacramento's Environmental Planning Services conducted or caused to be conducted an Initial Study on the 401 Broadway, P06-003 ("Project") to determine if the Project may have a significant effect on the environment.

B. The Initial Study identified potentially significant effects of the Project. Revisions to the Project made by or agreed to by the Project applicant before the proposed Mitigated Negative Declaration and Initial Study were released for public review were determined by City's Environmental Planning Services to avoid or reduce the potentially significant effects to a less than significant level, and, therefore, there was no substantial evidence that the Project as revised and conditioned would have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the Project was then completed, noticed and circulated in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures as follows:

1. On August 31, 2006 a Notice of Intent (NOI) to Adopt the MND dated August 30, 2006 was circulated for public comments for 20 days. The NOI was sent to those public agencies that have jurisdiction by law with respect to the proposed project and to other interested parties and agencies, including property owners within 500 feet of the boundaries of the proposed project. The comments of such persons and agencies were sought.

2. On August 31, 2006 the project site was posted with the NOI, the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.

C. The City Council has reviewed and considered the information contained in the MND, including the Initial Study, the revisions and conditions incorporated into the Project, and the comments received during the public review process and the hearing on the Project. The City Council has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.

D. The City Council has final approval authority over the following Project entitlements: Mitigated Negative Declaration; Mitigation Monitoring Plan; Central City Community Plan Amendment to redesignate .44± acres of Heavy Commercial to Multi-Family; Rezone of .44± acres of C-4 (Heavy Commercial) to R-5 (Multi-Family); Tentative Map to subdivide one (1) parcel of 1.36± acres into two (2) parcels in the Heavy Commercial (C-4) and proposed Multi-Family (R-5) zones; Special Permit to allow alternative ownership housing (condominiums) in the Heavy Commercial (C-4) and proposed Multi-Family (R-5) zones; Special Permit to allow tandem parking spaces; Special Permit to waive parking for retail and ministorage uses; Special Permit to allow required parking for a residential use to be located offsite; Special Permit to allow additional height above the 45 foot maximum for a mixed use building in the proposed Multi-Family (R-5) zone; Special Permit to allow ground floor retail in the Multifamily (R-5) zone; Variance to waive the masonry wall between a commercial and residential mixed use; Variance to reduce the 10 foot wide landscaped setback on 4<sup>th</sup> and X Street frontages for ministorage in the C-4 zone; Variance to allow an attached neighborhood identification sign that does not meet the standard size and location requirements within 660 feet of a freeway; Variance to allow an attached commercial sign to exceed the height requirements within 660 feet of a freeway.

E. Pursuant to CEQA 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.

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

Section 1. Based on its review of the MND and on the basis of the whole record, the City Council finds that the MND reflects the City Council's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment and there is no evidence before the City to indicate that the proposed project will have any potential for adverse effect on wildlife resources or the habitat upon which the wildlife depends.

Section 2. With respect to the entitlements over which the City Council has final approval authority, the City Council adopts the MND for the Project.

Section 3. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Plan 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 Plan.

Section 4. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination (NOD) with the Sacramento County Clerk and, if the project requires a discretionary approval from any state

agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and section 15075 of the State Environmental Impact Report (EIR) Guidelines adopted pursuant thereto.

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Exhibit A – Mitigated Negative Declaration

This information/document is available on the City of Sacramento Website at:  
[http://www.cityofsacramento.org/webtech/streaming\\_video/live\\_council\\_meetings.htm](http://www.cityofsacramento.org/webtech/streaming_video/live_council_meetings.htm)  
under Future and Archived Meetings and is on file in Hard Copy in the Office of the City  
Clerk at 915 I Street, Historic Building, First Floor.

Exhibit B – Mitigation Monitoring Plan

**MITIGATION MONITORING PLAN**

FOR  
401 BROADWAY (P06-003)

**TYPE OF ENVIRONMENTAL DOCUMENT:**  
INITIAL STUDY/ NEGATIVE DECLARATION

**PREPARED FOR:**  
CITY OF SACRAMENTO, DEVELOPMENT SERVICES DEPARTMENT

**DATE:**  
AUGUST 29, 2006

**ADOPTED BY:**  
CITY OF SACRAMENTO  
PLANNING COMMISSION

**401 BROADWAY (P06-003)  
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Development Services Department, Environmental Planning Services, 2101 Arena Blvd, Suite 200, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6

**SECTION 1: PROJECT IDENTIFICATION**

**Project Name / File Number:** 401 Broadway / P06-003  
**Owner/Developer- Name:** Broadway SPC, LLC (Eric Bryant)  
**Address:** 8483 Douglas Plaza Dr., Ste 120  
 Granite Bay, CA 95746

**Project Location / Legal Description of Property (if recorded):**

The project site is located at 401 Broadway, the site is bounded by X Street on the north, 5<sup>th</sup> Street on the east, Broadway on the south, and 4<sup>th</sup> Street on the west in the Central City Community Plan area of the City of Sacramento, Sacramento County (APN: 009-0232-015).

**Project Description:**

The property is currently developed as a boat storage facility and the existing structure will be demolished. The applicant is proposing a mixed use development with a total of 115,014 square feet of mini-storage, a manager's unit with 1,911 square feet, 13,601 square feet of retail space, and 36 condominium units on 1.36± net acres. There will be a Tentative Map to divide one lot into two. Building 1 and Building 2 will be on separate parcels. Building 1 will be for mini-storage and retail. The parcel with Building 2 will contain retail and all 36 condominium units. A Community Plan Amendment and Rezone will also be processed. The site is zoned for Heavy Commercial (C-4) and the applicant is requesting to rezone the portion of the property with Building 2 to Multifamily (R-5). The other portion of the property with Building 1 will remain as Heavy Commercial (C-4). Requested entitlements for project approval include:

- **Community Plan Amendment** for Lot 2 to be changed from Heavy Commercial to Residential Mixed Use;
- **Rezone** for Lot 2 to be changed from Heavy Commercial (C-4) to Multifamily (R-5);
- **Tentative Map** to subdivide one parcel into two parcels on 1.36± acres;
- **Special Permit** for alternative ownership housing in the Heavy Commercial (C-4) and/or the proposed Multifamily (R-5) zone;
- **Special Permit** for the proposed tandem parking spaces for residential use;
- **Special Permit** for ground floor retail in the proposed R-5 zone;
- **Special Permit** to exceed the height requirement of 45 feet in the R-5 zone; and
- **Variance** to allow signage which does not meet the size requirements.

**SECTION 2: GENERAL INFORMATION**

The Plan includes mitigation for Transportation, Hazards, Noise, and Cultural Resources. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Initial Study for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the owner/developer identified above. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the proposed project.

The mitigation measures have been taken from the Initial Study and are assigned the same number they have in the document. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions. The developer will be responsible for fully understanding and effectively implementing the mitigation measures contained with the MMP. The City of Sacramento will be responsible for ensuring compliance.

**401 BROADWAY (P06-003)  
MITIGATION MONITORING PLAN**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials / Date)
<p><b>6. TRANSPORTATION / CIRCULATION</b></p> <p>T-1 The following measure would be needed to mitigate the impact on the Broadway/4<sup>th</sup> Street intersection:</p> <p><i>Install a pre-timed traffic signal with coordination on Broadway. The project applicant shall pay the fair share of the cost of this improvement</i></p>	Applicant / Developer	City Development Services Department (Development Engineering Division)/ City Department of Transportation	Written verification of compliance from the City of Sacramento Development Engineering Division	Measures shall be implemented prior to issuance of grading permits	
<p><b>9. HAZARDS</b></p> <p>H-1. The existing oil/water separator/clarifiers appear to be the source of soil and groundwater contamination. These features must be removed from the site before or at the time of development – not merely closed in-place.</p> <p>H-2. Any obviously grossly contaminated soil below the separators/clarifiers must be excavated and properly disposed of. Additional soil sampling at the base of the excavation is not required.</p> <p>H-3. Based on completion of mitigation measures H-1 and H-2 listed above, the developer shall provide to the City of Sacramento a “no further action” letter issued from the County of</p>	Applicant / Developer	City Development Services Department, Sacramento County Environmental Management Department	Measures shall be included on all demolition plans and Written verification of compliance from the Sacramento County Environmental Management Department	Prior to issuance of grading permits.	
	Applicant / Developer	City Development Services Department, Sacramento County Environmental Management Department	Measures shall be included on all demolition plans and Written verification of compliance from the Sacramento County Environmental Management Department	Prior to issuance of grading permits	
	Applicant / Developer	City Development Services Department, Sacramento County Environmental Management Department.	Measures shall be included on all demolition plans and Written verification of compliance from the Sacramento County Environmental	Prior to issuance of grading permits	

**401 BROADWAY (P06-003)  
MITIGATION MONITORING PLAN**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials / Date)
Sacramento Environmental Management Department, Water Protection Division for the subject property (Local Remediation Program Site No. C303).			Management Department in the form of a "no further action" letter.		
<b>10 NOISE:</b>					
<b>N-1.</b> The final project design of residential building facades facing the elevated highways shall consist of stucco or brick siding;	Applicant / Developer	City Development Services Department	Mitigation Measures shall be included on the Map and within the Standard Construction Specifications	Measures shall be implemented in field during grading and construction activities	
<b>N-2.</b> For lofts located on floors 2, 3, and 4, windows and sliding glass doors shall have an STC rating of at least 35;	Applicant / Developer	City Development Services Department	Mitigation Measures shall be included on the Map and within the Standard Construction Specifications	Prior to issuance of grading permits	
<b>N-3.</b> For 5 <sup>th</sup> floor lofts, two options are available  a. All windows shall have an STC rating of at least 35, and sliding glass doors must have an STC rating of at least 38;  or  b. Ceilerestory windows must have an STC rating of at least 40, and room windows and sliding glass doors must have an STC rating of at least 35;	Applicant / Developer	City Development Services Department	Mitigation Measures shall be included on the Map and within the Standard Construction Specifications	Measures shall be implemented in field during grading and construction activities	
<b>N-4.</b> Air conditioning or other suitable mechanical ventilation must be provided to allow residents to close windows for the desired	Applicant / Developer		Mitigation Measures shall be included on the Map and within the		



**401 BROADWAY (P06-003)  
MITIGATION MONITORING PLAN**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials / Date)
<p>determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.</p> <p>CR-2 If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</p>	Applicant / Developer	City Development Services Department	Mitigation Measures shall be included on the Map and within the Standard Construction Specifications.	Measures shall be implemented in field during grading and construction activities	

401 BROADWAY (P06-003)  
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials / Date)
<p>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted if historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements</p>					
<p>CR-3 If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.</p>	Applicant / Developer	City Development Services Department	Mitigation Measures shall be included on the Map and within the Standard Construction Specifications	Measures shall be implemented in field during grading and construction activities.	

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**DENYING THE THIRD PARTY APPEAL AND APPROVING THE ENTITLEMENTS NECESSARY TO DEVELOP THE 401 BROADWAY PROJECT LOCATED AT 401 BROADWAY, SACRAMENTO, CALIFORNIA. (P06-003) (APN: 009-0232-015)**

**BACKGROUND**

- A. On October 26, 2006, the 401 Broadway project was approved by the Planning Commission.
- B. On November 6, 2006 an appeal was made of the decision of the Planning Commission to approve the Tentative Map and a Variance to exceed the size and height of a proposed neighborhood identification sign.

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

Section 1. At the regular meeting of March 6, 2007, the City Council heard and considered evidence in the above entitled manner. Based on verbal and documentary evidence at said hearing, the City Council takes the following actions:

- A. The City Council denies the third party appeal.
- B. The City Council approves the 401 Broadway project based upon the following findings of fact and subject to the following conditions of approval:

**FINDINGS OF FACT:**

**Mitigated Negative Declaration and Mitigation Monitoring Program:** The Mitigated Negative Declaration for the 401 Broadway Project has been approved and a Mitigation Monitoring Program has been adopted as provided in Resolution No. \_\_\_\_\_.

The **Tentative Map** to subdivide the property from one parcel into two parcels **is approved** subject to 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 specific plans, and Chapter 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 or 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 or the type of improvements are not likely to cause serious public health problems;

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

2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, the Central City Community 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).

The **Special Permit** to allow alternative ownership housing in the C-4 zone or the proposed R-5 zone **is approved** subject to the following Findings of Fact:

a. Granting the Special Permit is based upon sound principles of land use in that the proposed project is compatible with the surrounding area of office and commercial and adds to the balance of housing types in the downtown neighborhood. The density of the proposed development is in keeping with the R-5 zone and the goals and policies of the Central City Housing Strategy to increase housing, contribute to a better jobs/housing balance, and provide a more active and vibrant Central City beyond the hours of 9 to 5.

b. Granting the Special Permit will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the

project will contribute positively to an area that is transitioning from a heavy commercial to mixed use. The proposed residential units are oriented to provide eyes on the street and have balconies and a roof deck for private outdoor space, and;

- c. The proposed project is consistent with the proposed Central City Community Plan designation of Multifamily Residential and the proposed Multifamily (R-5) zone as well as the heavy commercial zone in which housing is allowed by special permit. The project is also consistent with the General Plan policies which encourage infill development and will promote alternative modes of transportation such as bus, bike, lightrail, and walking which helps air quality and reduces urban sprawl.

The **Special Permits** to allow tandem parking spaces, partially waive parking for retail and ministorage uses, and allow required parking for residential to be located offsite in the C-4 zone or the proposed R-5 zone **are approved** subject to the following Findings of Fact:

- a. Granting the Special Permit is based upon sound principles of land use in that the proposed project is compatible with the surrounding areas of office and commercial and will contribute to the revitalization of a commercial corridor in the process of transition.
- b. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that the area has adequate street parking for the higher turnover retail uses. The project also provides adequate onsite parking for the ministorage use. Furthermore, the residents and their guests will each have a minimum of one independent parking space, and additional bicycle parking is provided, and;
- c. The proposed project is consistent with the proposed Central City Community Plan designation of Multifamily Residential and the proposed Multifamily (R-5) zone as well as the Heavy Commercial (C-4) zone which allows ministorage and retail uses in the Heavy Commercial (C-4) zone by right and ground floor retail uses in the Multifamily (R-5) zone with the issuance of a Special Permit.

The **Special Permits** to allow additional height for a mixed use building and ground floor retail in the proposed R-5 zone **are approved** subject to the following Findings of Fact:

- a. Granting the Special Permit is based upon sound principles of land use in that the proposed project will further the goals of creating walkable neighborhoods and will activate the streets with pedestrian friendly uses.
- b. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that the project will add planter areas to all the street frontages which enhance the street appeal from Broadway, 4<sup>th</sup> Street, and X Street.

- c. The proposed project is consistent with the proposed Central City Community Plan designation of Multifamily Residential and the proposed Multifamily (R-5) zone as well as the heavy commercial zone in which housing is allowed by special permit. The project is also consistent with the General Plan policies which encourage infill development and will promote alternative modes of transportation such as bus, bike, lightrail, and walking which helps air quality and reduces urban sprawl.

The **Variations** to waive the masonry wall between a commercial use on the north and residential mixed use on the south **is approved** subject to the following Findings of Fact:

- a. The variance is consistent with the general purpose and intent of the Zoning Ordinance, General Plan, and Central City Community Plan to encourage a mix of uses on a single site, housing opportunities, and maximization of residential densities in the Central City;
- b. Granting the variance does not constitute a special privilege extended to an individual property owner in that the variance would be granted to other property owners facing similar circumstances and the operation of the ministorage use will not have a negative impact on the proposed adjacent residential use;
- c. Granting the variance does not constitute a use variance in that residential is allowed by right in the Multifamily (R-5) zone, and with the issuance of a Special Permit in the Heavy Commercial (C-4) zone.

The **Variance** to allow a ministorage building to be constructed with less than the required 10 foot landscaped setback in the C-4 zone **is approved** subject to the following Findings of Fact:

- a. The variance is consistent with the general purpose and intent of the Zoning Ordinance, General Plan, and Central City Community Plan to improve existing business/commercial corridors outside the Central Business District and encourage a more compact and centralized development;
- b. Granting the variance does not constitute a special privilege extended to an individual property owner in that the variance would be granted to other property owners facing similar circumstances in that the development is across from the Capitol City Freeway and the reduced setback allows for larger landscape planters in the public right-of-way;

- c. Granting the variance would not be detrimental to the public welfare, nor result in the creation of a public nuisance, in that the property is adjacent to a vehicle oriented street and freeway offramp, and the increased planter area will add larger trees to the area to enhance the public realm, and;
- d. Granting the variance does not constitute a use variance in that ministorage and retail uses are allowed by right in the Heavy Commercial (C-4) zone.

The **Variance** to allow an attached neighborhood identification sign that does not meet the standard size and location requirements within 660 feet of a freeway in the C-4 zone **is approved** subject to the following Findings of Fact:

- a. The variance is consistent with the general purpose and intent of the General Plan and Central City Community Plan to promote the re-use and revitalization of existing developed areas and to create more identifiable neighborhoods which have clear boundaries and a nucleus for activities;
- b. Granting the variance does not constitute a special privilege extended to an individual property owner in that the variance would be granted to other property owners facing similar circumstances where the owner seeks to provide the area with a neighborhood identification sign to create an identity or distinctive landmark;
- c. Granting the variance would not be detrimental to the public welfare, nor result in the creation of a public nuisance, in that the sign on the property will face a freeway and the lighting component of the sign will not create glare on the residential properties located north of the freeway and the motoring public;
- d. Granting the variance does not constitute a use variance in that signs are allowed by right Heavy Commercial (C-4) zone.

The **Variance** to allow an attached commercial sign to exceed the height requirement within 660 feet of a freeway in the C-4 zone **is denied** subject to the following Findings of Fact:

- a. Granting the variance would constitute a special privilege extended to an individual property owner in that the variance would allow signage for advertising purposes to be oriented to the motoring public on the freeway and surface streets instead of the pedestrian;
- b. Granting the variance would be detrimental to the public welfare, and result in the creation of a public nuisance, in that the approval can potentially create visual blight along X Street and the freeway.

**Conditions Of Approval****CONDITIONS:** Tentative Map

**NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P06-003). 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:

**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 Parcel 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 Development Engineering 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 Parcels 1 and 2, 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 (P06-033);
5. Show all continuing and proposed/required easements on the Parcel Map;
6. Obtain and comply with abandonment clearance letters for any abandonment proposed on the Tentative Map. Only letters executed by the appropriate recipients are acceptable. Letters shall be provided to the Development Engineering Division;
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;

8. Prior to submittal of improvement plans for any phase of this project, the developer's design consultant(s) shall participate in a pre-design conference with City staff. The purpose of this conference is to allow City staff and the design consultants to exchange information on project design requirements and to coordinate the improvement plan review process. Contact the Development Engineering Division, Plan Check Engineer at 808-7493 to schedule the conference. It is strongly recommended that the conference be held as early in the design process as possible;

**DEVELOPMENT ENGINEERING DIVISION: Streets**

9. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk fronting the property per City standards and to the satisfaction of the Development Engineering Division;
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 Development Engineering Division. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards;
11. The applicant shall install bulb outs/curb extensions where there is on-street parking in the central City area (bounded by Sacramento River to Alhambra, and Broadway to the American River) or as directed by the Department of Transportation (DOT) and Development Services Department (DSD). Locations must be approved by DOT/DSD;
12. This project shall require Historic (Acorn style) street lighting. There is an existing street lighting system around this project area. Improvements of the right-of-way may require modifications to the existing system. Electrical equipment shall be protected and remain functional during construction;
13. The applicant shall pay a fair share contribution for a future traffic signal at the intersection of Broadway and 4<sup>th</sup> street. The fair share contribution shall be for one quarter of the cost to design and construct a full signal at said intersection and shall be to the satisfaction of the Development Engineering Division;
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 foot sight triangle). Walls shall be set back 3 feet 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 feet in height. The area of exclusion shall be determined by the Development Engineering Division;
15. Construct A.D.A. compliant ramps at the north-east corner of the intersection of Broadway and 4<sup>th</sup> Street per City standards and to the satisfaction of the Development Engineering Division;

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

## **FIRE**

17. Provide an access easement for the shared driveway used for Fire Department access;

## **CITY UTILITIES**

18. Per City Code 13.04.070, except for separate irrigation service connections and fire service connections, each lot or parcel shall have only one (1) metered domestic residential water service. Excess services shall be abandoned to the satisfaction of the Department of Utilities;
19. The non-residential space such as retail/commercial shall have a separate street tap for a metered domestic water service. Requests for multiple domestic water service connections to a single commercial parcel, consistent with the Department of Utilities "Commercial Tap Policy", may be approved on a case-by-case basis by the Department of Utilities. Contact the Department of Utilities at (916) 808-1400 for a copy of the tap policy;
20. Per City Code, the point of service for water, sewer and storm drain service is located at the back of curb for separated sidewalks and at the back of sidewalk for attached sidewalks. The onsite water, sewer and storm drain systems shall be private systems maintained by the ownership association;
21. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy;
22. City water and sewer mains in the portion of the X Street Broadway alley between 3<sup>rd</sup> and 5<sup>th</sup> Street to be abandoned shall be relocated to the satisfaction of the Department of Utilities. City water and sewer mains in the portion of the X Street/Broadway Alley between 3<sup>rd</sup> and 5<sup>th</sup> Street not being abandoned shall be relocated and/or reconstructed to the satisfaction of the Department of Utilities;
23. No disruption of sewer, water or drainage service to the adjacent parcels served by the X Street Broadway alley shall be allowed. If water, sewer and/or drainage services must be relocated for any parcel served by the X Street Broadway alley between 3<sup>rd</sup> and 5<sup>th</sup> Street the applicant shall construct all relocations and provide to the Department of Utilities written approval by all property owners prior to issuance of a building permit;
24. If fire hydrants, fire service connections, or domestic water services are required in 3<sup>rd</sup> Street, X Street or 5<sup>th</sup> Street for the project, water main extensions will be required and shall be constructed to the satisfaction of the Department of Utilities.

The water mains currently serving the project site are a 6" water main in 3<sup>rd</sup> Street that ends south of X Street, a 6" water main in the Broadway/ X alley that is being abandoned within the project site, and a 12" water main in Broadway. There are no water mains in X Street adjacent to the project site. All water main extensions shall be looped systems;

25. An ownership association shall be formed and C.C. & R's shall be approved by the City and recorded assuring maintenance of sanitary sewer, water and storm drainage facilities within the condominium project and non-residential portion of the project. The onsite water, sewer and storm drain systems shall be private systems maintained by the association;
26. Either the lots must be graded so that drainage does not cross property lines or the applicant must enter into and record an Agreement for Conveyance of Easements with the City stating that a private reciprocal drainage easements shall be conveyed to and reserved from each parcel as needed, at no cost, at the time of sale or other conveyance of either parcel. A note stating the following must be placed on the Final Map: "THE PARCELS CREATED BY THIS MAP SHALL BE DEVELOPED IN ACCORDANCE WITH RECORDED AGREEMENT FOR CONVEYANCE OF EASEMENTS # (BOOK\_\_\_, PAGE\_\_\_);
27. Provide separate sanitary sewer services to each parcel to the satisfaction of the Department of Utilities;

#### **PPDD: Parks**

28. **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 under 16.64.030 and not satisfied by dedication. (See Advisory Note #84);
29. **Maintenance District:** The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annex the project into an existing parks maintenance district. The applicant shall pay all city fees for formation of or annexation to a parks maintenance district. (Contact Development Services Department, 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.);

#### **MISCELLANEOUS**

30. Form a Homeowner's Association. CC&R's shall be approved by the City and recorded assuring maintenance of private roadway(s). The Homeowner's Association shall maintain all private streets, lights, landscaping, irrigation, sewers, drains and water systems;

**CONDITIONS:**

The **Special Permit** to allow alternative ownership housing (condominiums) in the Heavy Commercial (C-4) and proposed Multi-Family (R-5) zones is hereby **approved** subject to the following conditions of approval:

**PLANNING**

31. The project shall meet the Design Review conditions in DR06-004.
32. Each residential unit shall have a minimum of one onsite, independently operating parking space designated solely for their use.
33. Each residential unit shall have access to one balcony and/or the rooftop deck.
34. No retail uses may be operated out of the ministorage units.
35. One parking space located on the southern parcel outside of the gated area shall be for the exclusive use of the 36<sup>th</sup> residential unit. Signage will indicate that the space is reserved. The other two parking spaces shall be designated as guest parking.
36. Historic Acorn street lighting shall be required for all new street lights.

**DEVELOPMENT ENGINEERING DIVISION**

37. Construct standard improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards;
38. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk fronting the property per City standards and to the satisfaction of the Development Engineering Division;
39. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P06-033);
40. Private reciprocal ingress, egress, maneuvering and parking easements are required for future development of the area covered by this Tentative Map. The applicant shall enter into and record an Agreement For Conveyance of Easements with the City stating that a private reciprocal ingress/egress, maneuvering, and parking easement shall be conveyed to and reserved from Parcels 1 and 2, at no cost, at the time of sale or other conveyance of either parcel;
41. The applicant shall install bulb outs/curb extensions where there is on-street parking in the Central City area (bounded by Sacramento River to Alhambra, and Broadway to the American River) or as directed by the Department of Transportation (DOT) and Development Services Department (DSD). Locations must be approved by DOT/DSD;

42. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Development Engineering Division;
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. The site plan shall conform to the parking requirements set forth in chapter 17 of City Code (Zoning Ordinance);
45. This project shall require street lighting. There is an existing street lighting system around this project area. Improvements of the right-of-way may require modifications to the existing system. Electrical equipment shall be protected and remain functional during construction;
46. The applicant shall pay a fair share contribution for a future traffic signal at the intersection of Broadway and 4<sup>th</sup> street. The fair share contribution shall be for one quarter of the cost to design and construct a full signal at said intersection and shall be to the satisfaction of the Development Engineering Division;
47. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering Division;
48. Construct A.D.A. compliant ramps at the north-east corner of the intersection of Broadway and 4<sup>th</sup> Street per City standards and to the satisfaction of the Development Engineering Division;
49. The applicant shall make provisions for bus stops, shelters, transit centers, etc. to the satisfaction of Regional Transit;

## UTILITIES

50. Per City Code 13.04.070, except for separate irrigation service connections and fire service connections, each lot or parcel shall have only one (1) metered domestic residential water service. Excess services shall be abandoned to the satisfaction of the Department of Utilities.
51. The non-residential space such as retail/commercial shall have a separate street tap for a metered domestic water service. Requests for multiple domestic water service connections to a single commercial parcel, consistent with the Department of Utilities "Commercial Tap Policy", may be approved on a case-by-case basis by the Department of Utilities. Contact the Department of Utilities at (916) 808-1400 for a copy of the tap policy.
52. Per City Code, the point of service for water, sewer and storm drain service is located at the back of curb for separated sidewalks and at the back of sidewalk for attached sidewalks. The onsite water, sewer and storm drain systems shall be private systems maintained by the ownership association.

53. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.
54. Prior to the initiation of any water, sanitary sewer or storm drainage services to the mixed use project, the owner(s) and ownership association shall enter into a utility service agreement with the City to receive such utility services at points of service designated by the Department of Utilities. Such agreement shall provide, among other requirements, for payment of all charges for the mixed use project's water, sanitary sewer and storm drainage services, shall authorize discontinuance of utility services at the City's point(s) of service in the event that all or any portion of such charges are not paid when and as required, shall require compliance with all relevant utility billing and maintenance requirements of the City, the Association will sub-meter in the future if required to do so by any law or regulation, and shall be in a form approved by the City Attorney.
55. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.
56. Post construction (permanent), stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Since the project is in an area served by a regional water quality control facility only source control measures are required. Refer to the "Guidance Manual for On-Site Stormwater Quality Control Measures" dated January 2000 for appropriate source control measures.
57. If this project disturbs greater than 1 acre of property, the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained at [www.swrcb.ca.gov/stormwtr/construction.html](http://www.swrcb.ca.gov/stormwtr/construction.html). The SWPPP will be reviewed by the Department of Utilities prior to issuing a grading permit or approval of improvement plans to assure that the following items are included: 1) vicinity map, 2) site map, 3) list of potential pollutant sources, 4) type and location of erosion and sediment BMPs, 5) name and phone number of person responsible for SWPPP, 6) signed certification page by property owner or authorized representative.
58. This project is served by the Combined Sewer System (CSS). Therefore, the developer/property owner will be required to pay the Combined Sewer System Development Fee prior to the issuance of any building permit. The impact to the CSS due to the mixed-use development is estimated to be 42 ESD. The Combined Sewer System fee at time of building permit is estimated to be \$47,386 plus any increases to the fee due to inflation. The fee will be used for improvements to the CSS.

59. Provide separate sanitary sewer services to each parcel to the satisfaction of the Department of Utilities.

## URBAN FOREST

60. Planter dimensions (measured from the inside) for each tree shall be a minimum of 12 feet by 7 feet.
61. The species selection shall be limited to the following trees or to the satisfaction of the UFS Division:
  - a. For the planters on Broadway and the southern planters on 4th Street, the applicant shall select either *Acer nigrum* (Greencolumn Maple) or *Ginkgo biloba* (Princeton Sentry).
  - b. For the northern planters along 4<sup>th</sup> Street, the applicant shall select one of the following species: *Quercus frainetto*, (Forestgreen Oak) or *Quercus robur*, (Skyrocket or Skymaster English Oak), or *Zelkova serrata*, (Musashino Zelkova)
  - c. For the planter along X Street, the applicant shall select one of the following species: *Acer rubrum*, (Bowhall), or *Carpinus betulus*, (Fastigiata), or European Hornbeam, or *Tilia americana*, (Boulevard Linden).
62. Each tree shall be irrigated by two 6" pop-up heads w/3' radius heads installed 30" to 40" from center trunk line.
63. No shrubs or ground covers shall be planted within 3' of the center trunk line of any tree.
64. All trees shall be mulched to a depth of 3" w/ wood chips and with playground fiber or coarser.

## FIRE

65. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.
66. Provide a water flow test. (Make arrangements at the North Permit Center's walk-in counter: 2101 Arena Blvd., Suite 200, Sacramento, CA 95834). Prior to or concurrent with the submittal of improvement plans, the applicant must provide a fire flow analysis. The water distribution system shall at least be designed so that at average maximum day demand plus fire flow, the operating or "residual" pressure in the area of the fire shall not be less than 20 pounds per square inch. Provide two points of connection to the public water distribution system for this subdivision. A main extension will be necessary to meet these requirements.
67. Provide the required fire hydrants in accordance with CFC 903.4.2 and Appendix III-B, Section 5.

68. Provide appropriate Knox access for site.
69. Roads used for Fire Department access that are less than 28 feet in width shall be marked "No Parking Fire Lane" on both sides; roads less than 36 feet in width shall be marked on one side.
70. Locate and identify Fire Department Connections (FDCs) on address side of building no further than 40 feet and no closer than 5 feet from a fire hydrant.

### **SOLID WASTE**

71. A recycling program shall be established. The developer should send the name of the service provider, the frequency of service, and the processing facility to the Solid Waste Division to verify that service has been established.
72. This project shall divert construction waste. The project proponent should plan to target cardboard, wood waste, scrap metal, brick, concrete, asphalt, and dry wall for recovery. The developer should submit the following information to the Solid Waste Division: Method of recovery, hauler information, disposal facility, diversion percentage, and weigh tickets documenting disposal and diversion.

The **Variance** to reduce the 10 foot wide landscaped setback on 4<sup>th</sup> and X Street frontages for ministorage in the C-4 zone is hereby **approved** subject to the following conditions of approval:

73. The applicant/owner/developer shall provide irrigation to the landscape planters on Broadway, 4<sup>th</sup> Street, and X Street.

The **Variance** to allow an attached neighborhood identification sign that does not meet the standard size and location requirements within 660 feet of a freeway is hereby **approved** subject to the following conditions of approval:

74. Prior to issuance of a sign permit the applicant shall enter into an agreement with the City that:
  - a. transfers ownership of the sign to the City;
  - b. provides an easement for the sign on the building, and;
  - c. provides maintenance of the sign for the life of the sign or until sign is removed
  - d. or instead of A, B, and C the applicant obtains a Zoning Administrator Special Permit for a neighborhood sign.  
[Amended by staff at hearing]
75. All other signage on the project shall be required to meet sign code requirements unless stated otherwise.
76. Final sign design to be reviewed and approved by the Planning Commission.  
[Added by Planning Commission]
77. If there is a future modification request related to the sign, the request shall be elevated to a Planning Commission level. [Added by Planning Commission]

**ADVISORY NOTES:**

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

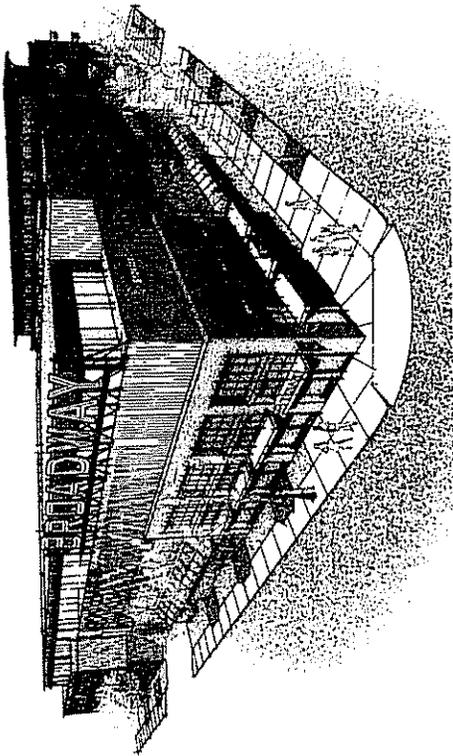
78. PG&E owns and operates gas transmission facilities which are located along the project boundaries within Broadway and 3<sup>rd</sup> street. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To insure compliance with these standards, project proponents should coordinate with PG&E early in the development of their plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities;
79. This project is served by the Combined Sewer System (CSS). Therefore, the developer/property owner will be required to pay the Combined Sewer System Development Fee prior to the issuance of any building permit. The impact to the CSS due to the mixed-use development is estimated to be 42 ESD. The Combined Sewer System fee at time of building permit is estimated to be \$47,386 plus any increases to the fee due to inflation. The fee will be used for improvements to the CSS;
80. 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. If there is not adequate pressure or flow to serve the proposed project water main extensions and/or larger mains shall be constructed by the owner to the satisfaction of the Department of Utilities;
81. Many projects in the City of Sacramento require on site booster pumps for fire suppression and domestic water systems. Prior to design of the fire suppression system, 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 engineers in the design of the on-site fire suppression system. If a fire suppression system is required for this project a separate fire service will be required;
82. The proposed project is located in the Flood zone designated as a **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 June 23, 2005. Within the **Shaded X** zone, there are no requirements to elevate or flood proof;
83. If this project disturbs greater than 1 acre of property, the project is required to

comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained at [www.swrcb.ca.gov/stormwtr/construction.html](http://www.swrcb.ca.gov/stormwtr/construction.html). The SWPPP will be reviewed by the Department of Utilities prior to issuing a grading permit or approval of improvement plans to assure that the following items are included: 1) vicinity map, 2) site map, 3) list of potential pollutant sources, 4) type and location of erosion and sediment BMPs, 5) name and phone number of person responsible for SWPPP, 6) signed certification page by property owner or authorized representative;

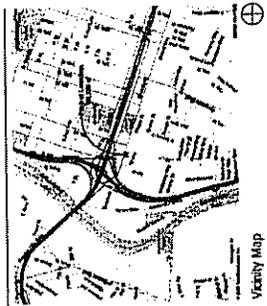
84. As per City Code, the applicant will be responsible to meet his/her obligations regarding:
- a. Title 16, 16.64 Park Dedication / In Lieu (Quimby) Fees, due prior to approval of the final map. The Quimby fee due for this project is estimated at \$100,320.00. This is based on (number & type) 38 multifamily condo residential units and an average land value of \$250,000 per acre for the Central City Planning Area, plus an additional 20% for off-site park infrastructure improvements, less 0 acres in land dedication. 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 due for this project is estimated at \$45,638.00. This is based on 38 multifamily condo units at the infill fee of \$1,201.00 each. 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.
  - c. Community Facilities District 2002-02, Neighborhood Park Maintenance CFD Annexation.

Exhibit A – Streetscape on X Street

401 Broadway



# 401 BROADWAY



**Project Data:**

<b>Project Name:</b>	401 Broadway
<b>Client:</b>	City of New York
<b>Address:</b>	401 Broadway, New York, NY 10013
<b>Project Type:</b>	Commercial Office Building
<b>Phase:</b>	Architectural Design
<b>Architect:</b>	Skidmore, OWINGS & Merrill LLP
<b>Engineer:</b>	ARCADIS URS
<b>Contract Value:</b>	\$10,000,000
<b>Start Date:</b>	2006
<b>Completion Date:</b>	2008

**Site Data:**

<b>Site Area:</b>	10,000 sq ft
<b>Building Footprint:</b>	5,000 sq ft
<b>Number of Floors:</b>	10
<b>Height:</b>	100 feet
<b>Orientation:</b>	North-South
<b>Surrounding Land Use:</b>	Commercial Office
<b>Neighborhood:</b>	Financial District
<b>Street Frontage:</b>	100 feet
<b>Setback:</b>	10 feet
<b>Height Limit:</b>	100 feet
<b>Other Regulations:</b>	See local zoning code

Exhibit B – Site Plan and First Floor Plan

401 Broadway

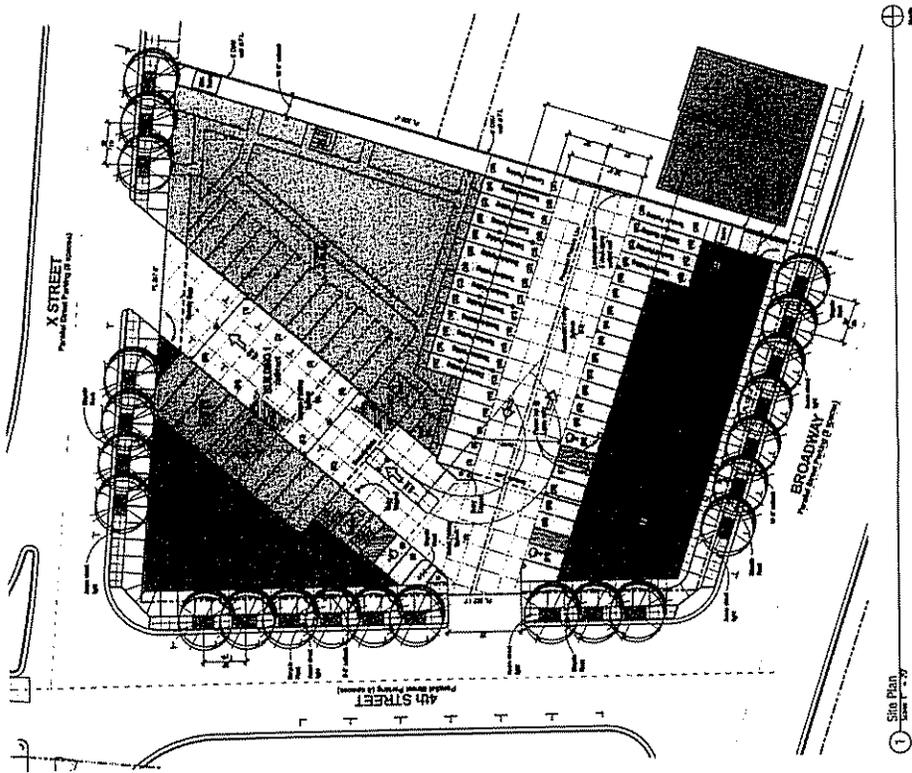


Exhibit C – Second and Third Floor Plan

401 Broadway

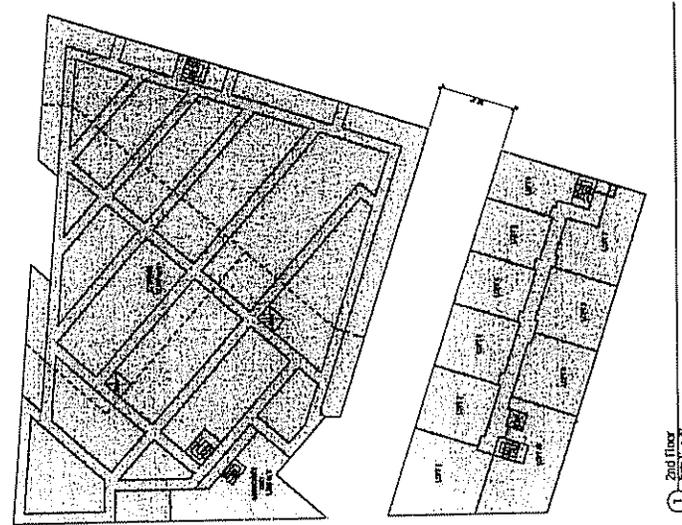
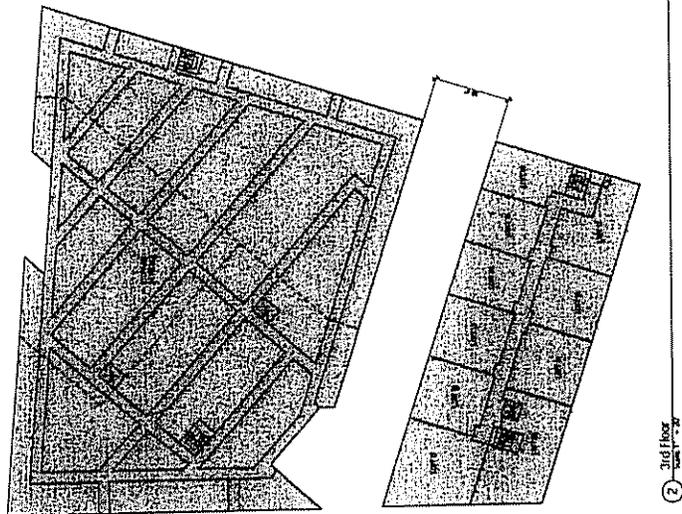


Exhibit D – Fourth and Fifth Floor Plan

401 Broadway

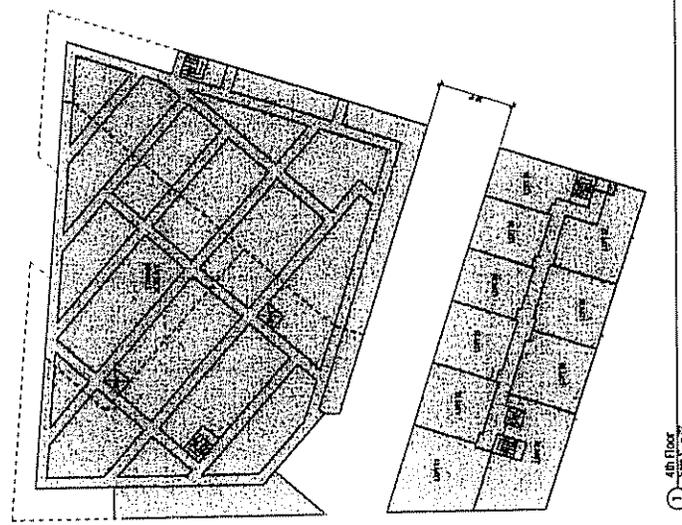
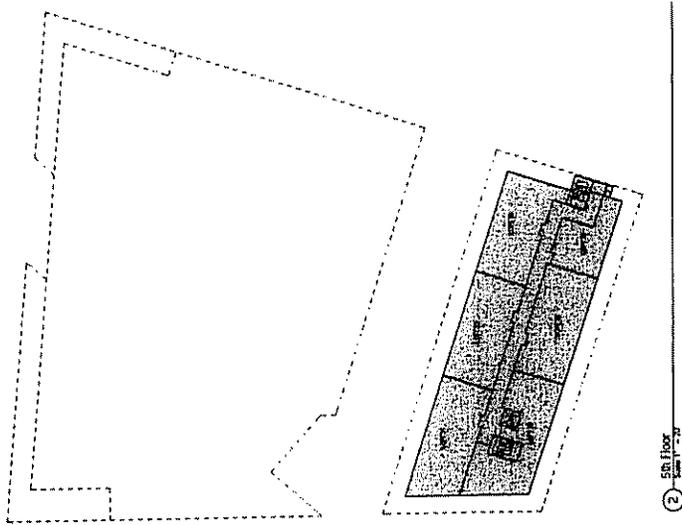


Exhibit E: Building 1: North and East Elevations

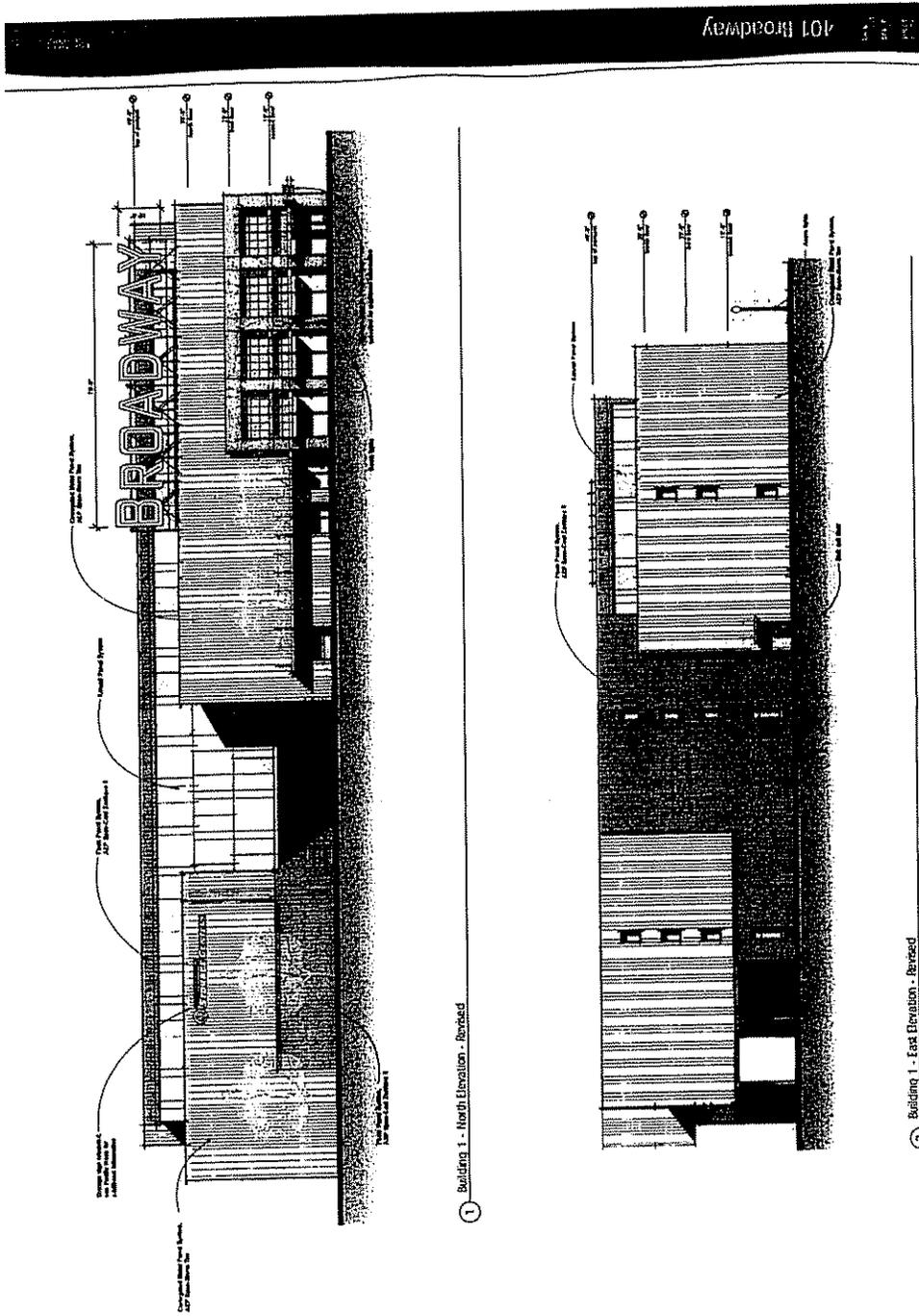


Exhibit F: Building 1: South and West Elevations

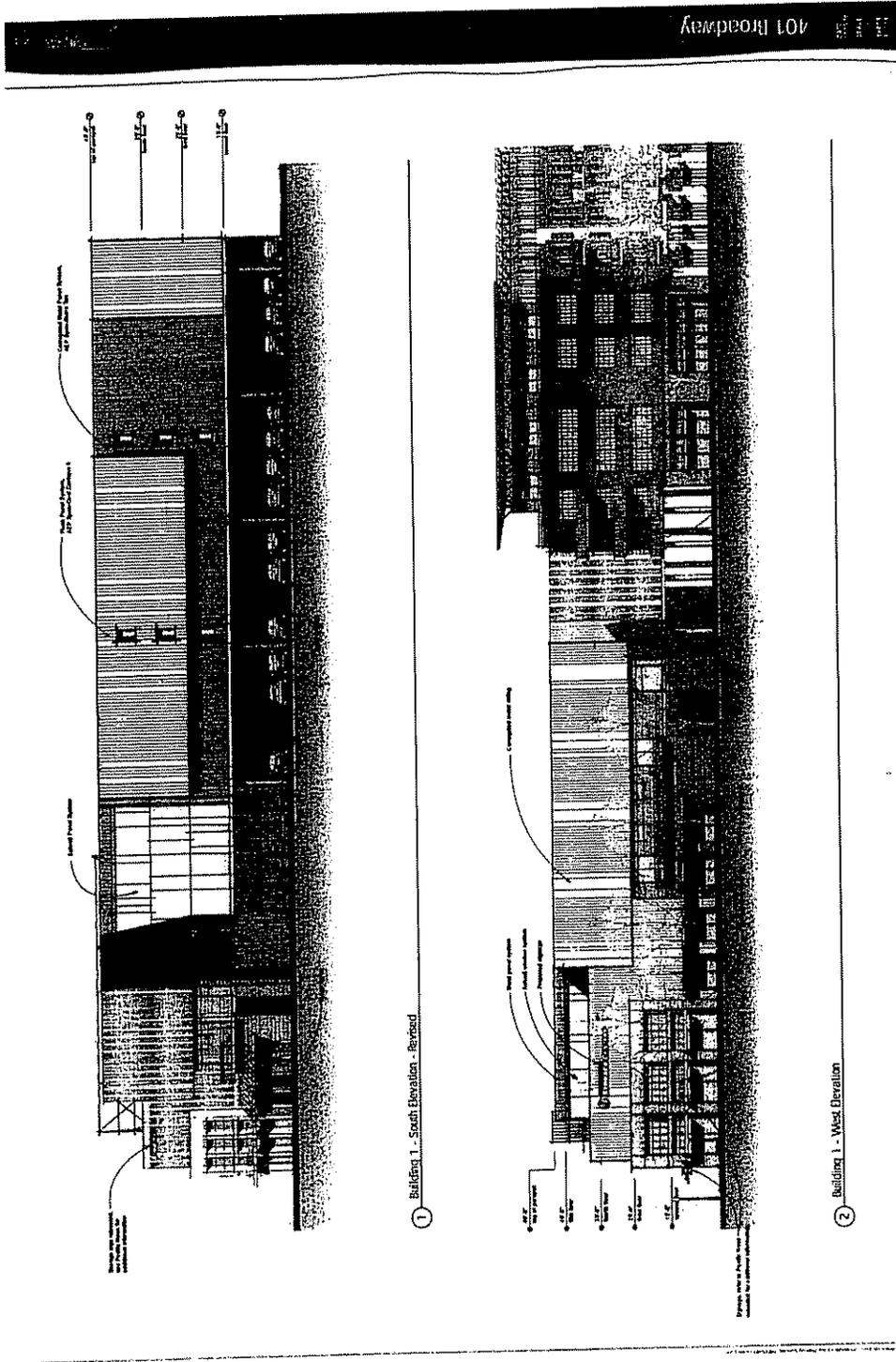
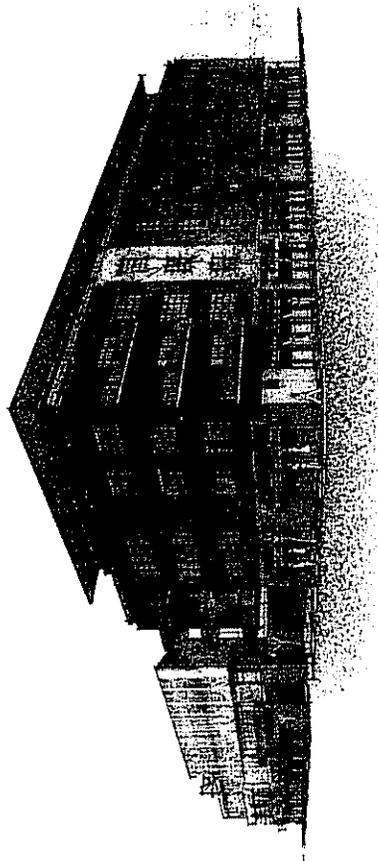


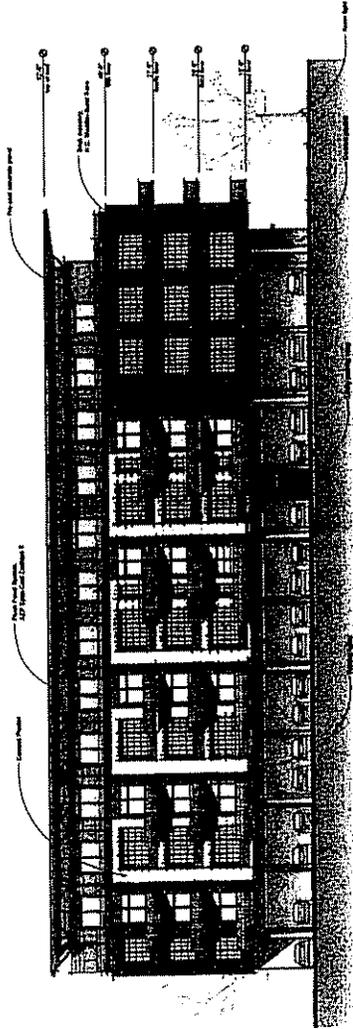
Exhibit G: Streetscape on Broadway



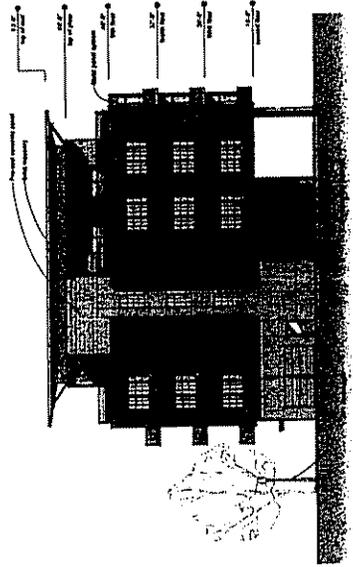
① Building 2 - Perspective  
4/12/04

Exhibit H: Building 2: North and East Elevations

401 Broadway



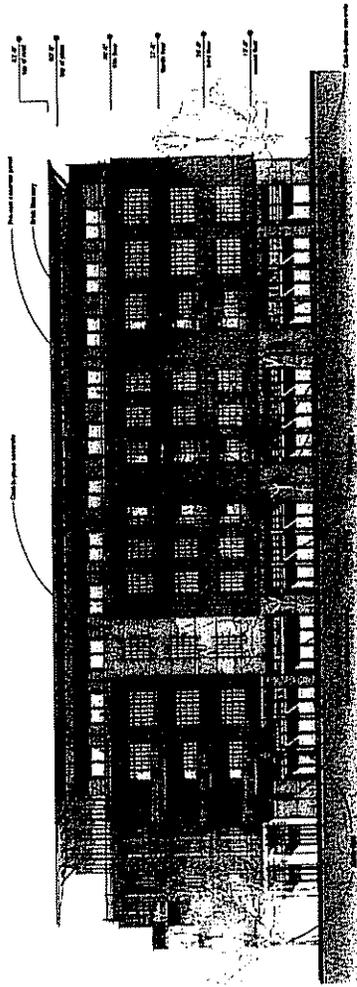
① Building 2 - North Elevation - Revised



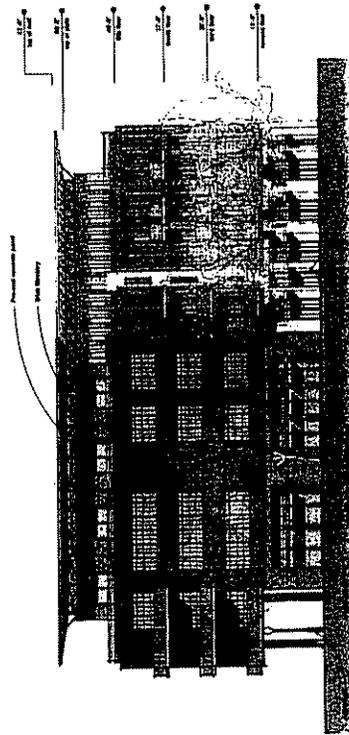
② Building 2 - East Elevation

Exhibit I: Building 2: South and West Elevations

401 Broadway



① Building 2 - South Elevation



② Building 2 - West Elevation



**RESOLUTION NO.**

Adopted by the Sacramento City Council

**AMENDING THE CENTRAL CITY COMMUNITY LAND PLAN USE MAP FOR  
.44± NET ACRES FROM HEAVY COMMERCIAL TO MULTI-FAMILY  
RESIDENTIAL FOR THE PROPERTY LOCATED IN THE CENTRAL CITY,  
SPECIFICALLY AT 401 BROADWAY, SACRAMENTO, CALIFORNIA. (P06-  
003) (APN: 009-0232-015)**

**BACKGROUND**

The City Council conducted a public hearing on March 6, 2007 concerning the Central City land use map and based on documentary and oral evidence submitted at the public hearing, the City Council hereby finds:

- A. The proposed land use amendment is consistent with the conversion of a .44± acre portion of this site to multi-family residential to implement the goals and policies of the Central City Community Plan and the Housing Strategy to maintain a balance between housing and jobs and to meet future housing needs;
- B. The proposed Plan Amendment is compatible with the surrounding uses; and
- C. The proposal is consistent with the policies of the Community Plan to promote a variety of housing types within neighborhoods to encourage economic diversity and housing choice.

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

**Section 1.** The property (APN: 009-0232-015), as described on the attached Exhibit A, within the City of Sacramento is hereby designated on the Central City's Community Land Use map as Multi-Family Residential.

**Table of Contents:**

Exhibit A: Community Plan Amendment – 1 page



**ORDINANCE NO.**

Adopted by the Sacramento City Council

**AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE, TITLE 17 OF THE CITY CODE, BY REMOVING .44± ACRES FROM THE HEAVY COMMERCIAL (C-4) ZONE AND PLACING IT IN THE MULTI-FAMILY (R-5) ZONE, FOR THE PROPERTY LOCATED AT 401 BROADWAY, SACRAMENTO, CALIFORNIA (P06-003) (APN: 009-0232-015), COUNCIL DISTRICT 4**

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

SECTION 1

The property generally described, known and referred to as 401 Broadway (APN: 009-0232-015) which is shown on attached Exhibit A, consists of 1.38± acres and is currently in the Heavy Commercial (C-4) zone established by the Comprehensive Zoning Ordinance (Title 17 of the City Code). Said territory is hereby removed from the C-4 zone and placed in the Multi-Family (R-5) and Heavy Commercial (C-4) zone.

SECTION 2

The rezoning of the property shown in the attached Exhibit A, by the adoption of this Ordinance, will be considered to be in compliance with the requirements for the Community Plan Amendment and rezoning of property described in the Comprehensive Zoning Ordinance, Title 17 of the City Code, as amended, as those 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 maps, which are part of said Ordinance to conform to the provisions of this Ordinance.

**Table of Contents:**

Exhibit A: Rezoning Map – 1 Page

