

RESOLUTION NO. 2007-135

Adopted by the Sacramento City Council

March 6, 2007

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:

Section 2. The City Council denies the third party appeal.

Section 3. 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.2007-134.

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, 4th 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 **Variances** 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 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 neighborhood with a sign to create an identity for the area 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 4th 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 4th 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 3rd and 5th 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 3rd and 5th 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 3rd and 5th 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 3rd Street, X Street or 5th 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 3rd 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 36th 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 4th 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 4th 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. 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 4th 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 4th 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, 4th Street, and X Street.

The **Variance** to allow an attached 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. A sign permit shall not be issued for the sign until an occupancy permit has been issued for the residential units located on Lot 2 of the tentative map approved as part of the 401 Broadway project.
75. Prior to issuance of a sign permit the applicant shall record a deed restriction, as approved by the Planning Commission, on the project site. The deed restriction shall prohibit the advertising of any business. The deed restriction shall restrict the sign to its approved content ("Broadway"), size, and location and shall prohibit any and all alterations or modifications of the sign, other than removal of the sign. The deed restriction shall remain in effect unless the sign is removed.
76. Final sign shall be reviewed and approved by the Planning Commission, with the exception of height, size, and location.
77. All other signage on the project shall be required to meet sign code requirements.
78. The sign shall be maintained as required by City Code section 15.148.730.

ADVISORY NOTES:

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

79. PG&E owns and operates gas transmission facilities which are located along the project boundaries within Broadway and 3rd 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;
80. 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;
81. 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;

82. 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;
83. 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;
84. 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. 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;
85. 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.

Table of Contents:

Exhibits A-J

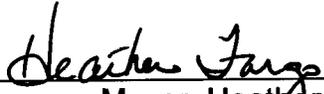
Adopted by the City of Sacramento City Council on March 6, 2007 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.

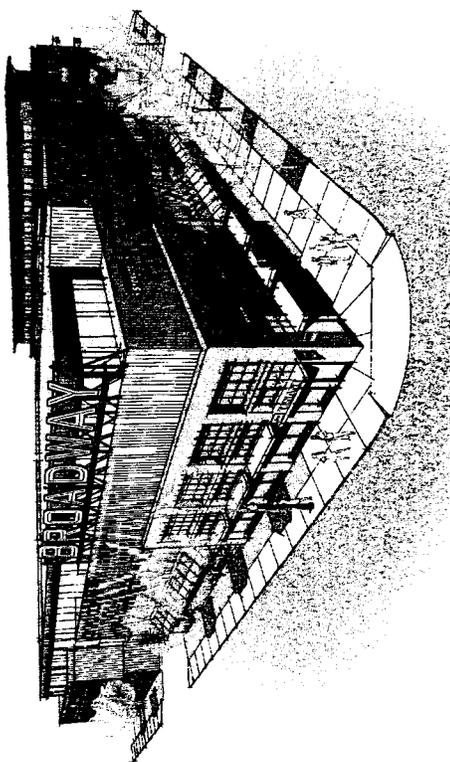


Mayor, Heather Fargo

Attest:



Dawn Bullwinkel, Assistant City Clerk



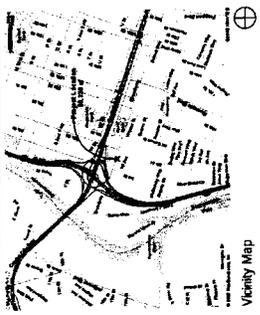
401 BROADWAY

Project Data:

Development, Mixed Use, 200,000 sq. ft.	
1,000 sq. ft. of Office Space	1,000 sq. ft. of Office Space
1,000 sq. ft. of Retail Space	1,000 sq. ft. of Retail Space
1,000 sq. ft. of Restaurant Space	1,000 sq. ft. of Restaurant Space
1,000 sq. ft. of Hotel Space	1,000 sq. ft. of Hotel Space
1,000 sq. ft. of Parking Space	1,000 sq. ft. of Parking Space
1,000 sq. ft. of Other Space	1,000 sq. ft. of Other Space
Total Development	6,000 sq. ft.

Development, Mixed Use, 200,000 sq. ft.	
1,000 sq. ft. of Office Space	1,000 sq. ft. of Office Space
1,000 sq. ft. of Retail Space	1,000 sq. ft. of Retail Space
1,000 sq. ft. of Restaurant Space	1,000 sq. ft. of Restaurant Space
1,000 sq. ft. of Hotel Space	1,000 sq. ft. of Hotel Space
1,000 sq. ft. of Parking Space	1,000 sq. ft. of Parking Space
1,000 sq. ft. of Other Space	1,000 sq. ft. of Other Space
Total Development	6,000 sq. ft.

Development, Mixed Use, 200,000 sq. ft.	
1,000 sq. ft. of Office Space	1,000 sq. ft. of Office Space
1,000 sq. ft. of Retail Space	1,000 sq. ft. of Retail Space
1,000 sq. ft. of Restaurant Space	1,000 sq. ft. of Restaurant Space
1,000 sq. ft. of Hotel Space	1,000 sq. ft. of Hotel Space
1,000 sq. ft. of Parking Space	1,000 sq. ft. of Parking Space
1,000 sq. ft. of Other Space	1,000 sq. ft. of Other Space
Total Development	6,000 sq. ft.



Vicinity Map

Exhibit B – Site Plan and First Floor Plan

401 Broadway

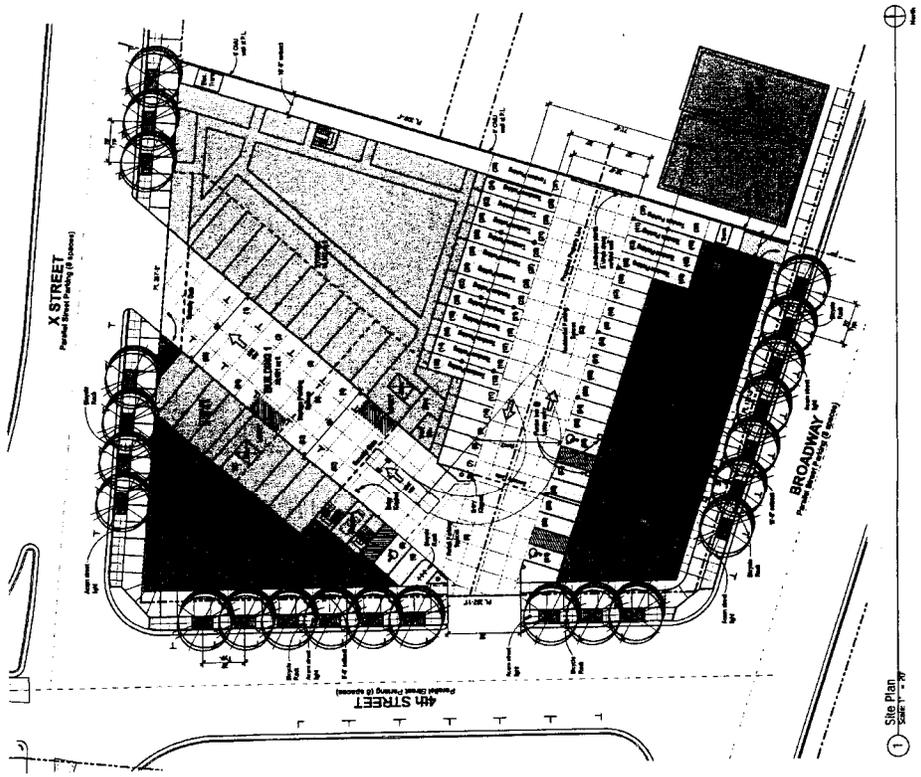


Exhibit C – Second and Third Floor Plan

401 Broadway

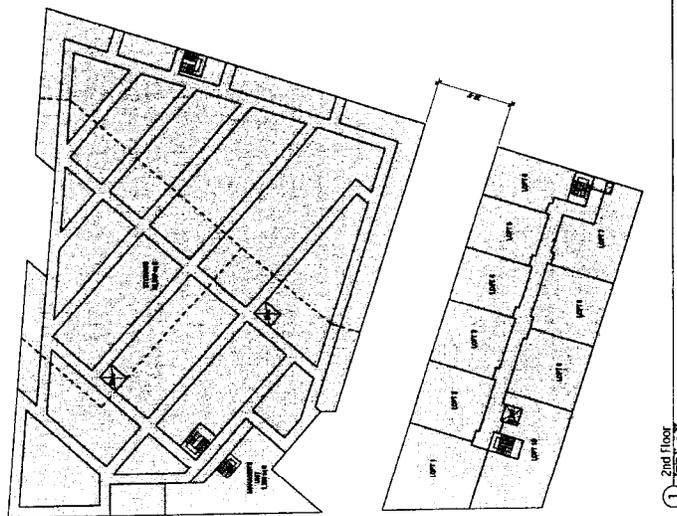
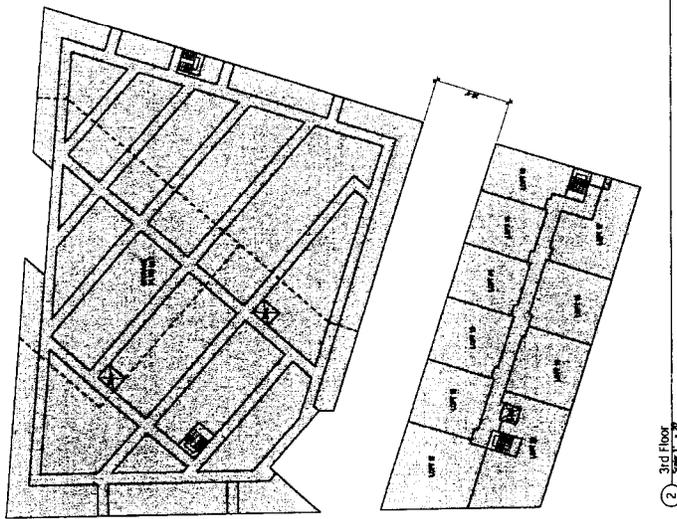


Exhibit D – Fourth and Fifth Floor Plan

401 Broadway

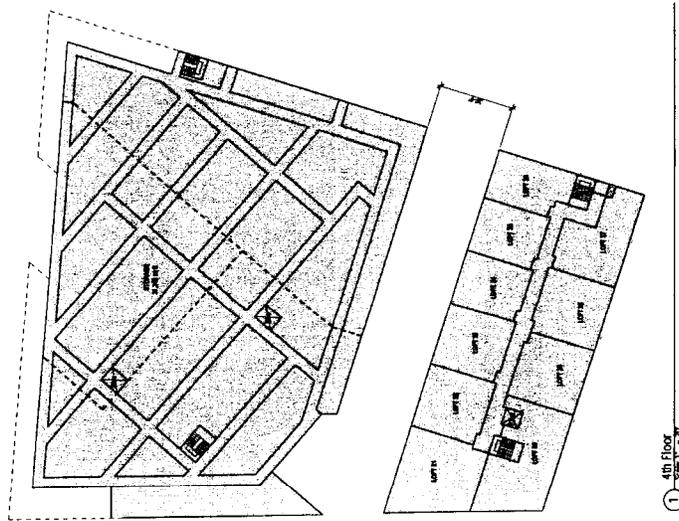
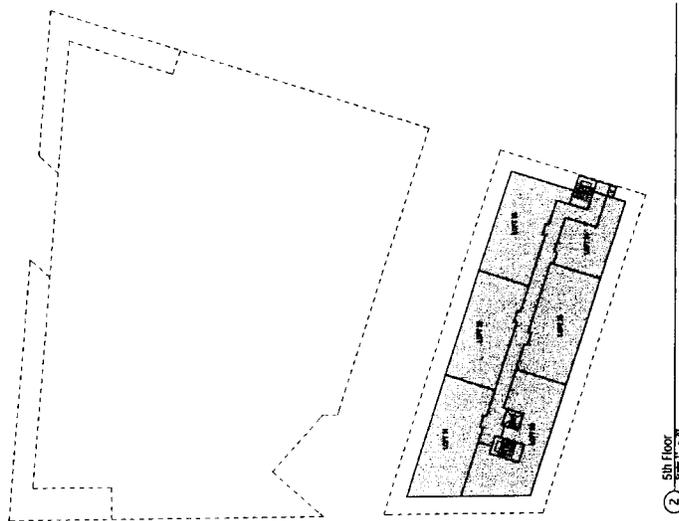
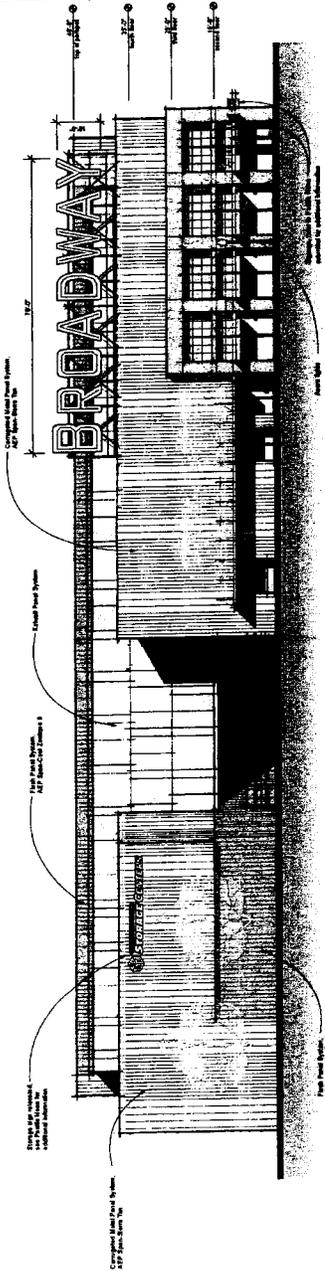
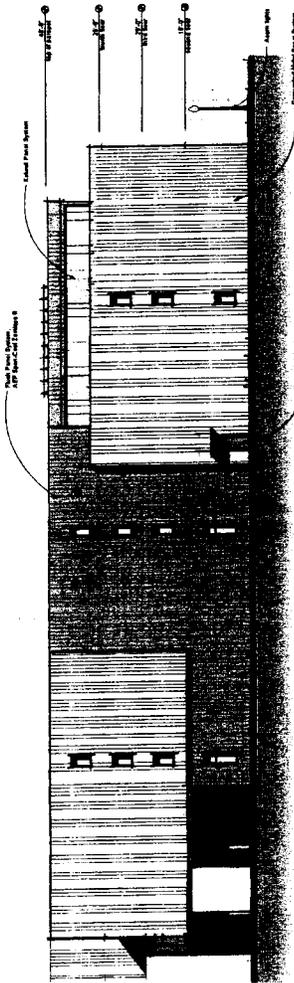


Exhibit E: Building 1: North and East Elevations

401 Broadway



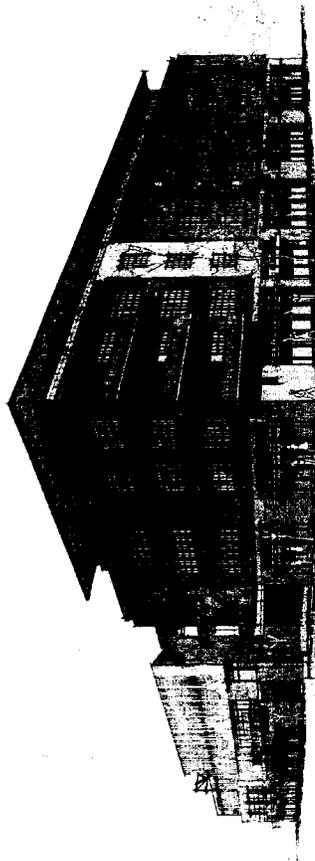
1 Building 1 - North Elevation - Revised



2 Building 1 - East Elevation - Revised

Exhibit G: Streetscape on Broadway

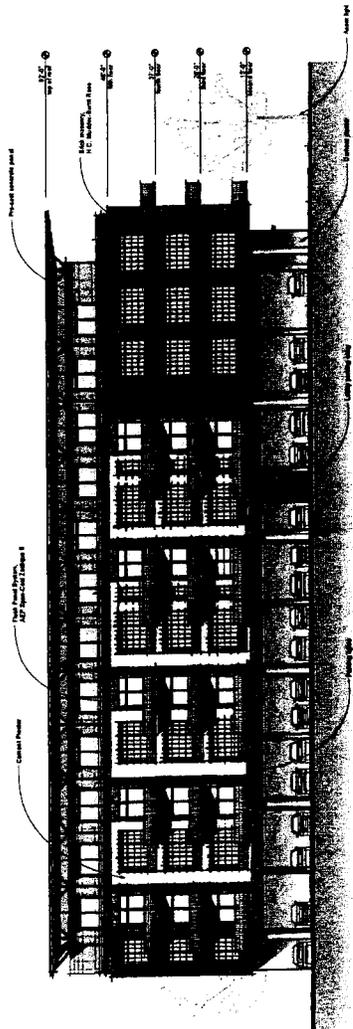
401 Broadway



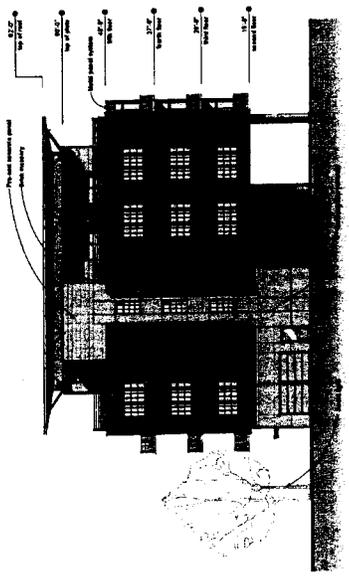
① Building 2 - Perspective
WCTH/SONAR

Exhibit H: Building 2: North and East Elevations

407 Broadway



1 Building 2 - North Elevation - Revised



2 Building 2 - East Elevation

