REPORT TO COUNCIL
City of Sacramento

23

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

Public Hearing
July 31, 2007

Honorable Mayor and
Members of the City Council

Title: Northgate 880 / Panhandle (M05-031 / P05-077)

Location/Council District: South of Elkhorn Boulevard, north of Interstate 80, west of Northgate Boulevard and Sorento Road, and east of Gateway Park Boulevard and the Northpointe Park Planned Unit Development / Adjacent to Council District 1

Recommendation:

1) Adopt **a)** a Resolution certifying the Environmental Impact Report and adopting the Mitigation Monitoring Program; **b)** a Resolution approving the Reorganization; **c)** a Resolution approving the Tax Exchange Agreement; **d)** a Resolution approving the Pre-Annexation Agreement for M05-031/Northgate 880 south of Del Paso Road

2) Adopt **a)** a Resolution amending the General Plan Map land use designations; **b)** a Resolution amending the text of the North Natomas Community Plan; **c)** a Resolution amending the North Natomas Community Plan Map land use designations; **d)** an Ordinance amending the text of the Zoning Code (Sacramento City Code, Title 17); **e)** an Ordinance approving the Prezone for **Northgate 880 (M05-031) – South of Del Paso Road**

3) Adopt **a)** an Ordinance approving the Development Agreement between the City of Sacramento and Dunmore Land Company, LLC., the Richter-Kazer 1993 Irrevocable Trust, BD Properties, LLC, and Tasso Peter Cononelos; **b)** an Ordinance approving the Development Agreement between the City of Sacramento and the Marie Krumenacher Trust, the Alice Krumenacher Trust, and Vaquero Land Holdings, LLC.; **c)** a Resolution approving the Panhandle Finance Plan; **d)** a Resolution approving the Inclusionary Housing Plan (Panhandle North – Vaquero); **e)** a Resolution approving the Inclusionary Housing Plan (Panhandle Central and South – Dunmore); **f)** a Resolution approving the Inclusionary Housing Plan (Grant Joint Union High School District); **g)** a Resolution amending the General Plan Map land use designations; **h)** a Resolution amending the text of the North Natomas Community Plan; **i)** a Resolution amending the North Natomas Community Plan Map land use designations; **j)** a Ordinance approving the Prezone; and **k)** a Resolution establishing the **Panhandle Planned Unit Development (PUD) (P05-077) – North of Del Paso Road**

4) Deny the **Call-Up / Appeal** of the Planning Commission's approval of various entitlements and adopt a Resolution approving the Tentative Master Parcel Maps, Tentative Subdivision Maps, and Subdivision Modifications for the Panhandle project.

Contact: Scot Mende, New Growth Manager, 808-4756; Arwen Wacht, Associate Planner, 808-1964

Presenters: Scot Mende and Arwen Wacht

Department: Planning

Division: New Growth

Organization No: 4913

Description/Analysis

Summary: This proposal is comprised of two parts: the Northgate 880 portion (M05-031) and the Panhandle portion (P05-077). The entire project area is included in the Reorganization/Annexation and Tax Exchange Agreement requests. The Northgate 880 portion (M05-031) consists of the mostly developed industrial area located south of Sotnip Road and Del Paso Road. The Northgate 880 proposal includes requests for a General Plan Amendment, North Natomas Community Plan Text and Map Amendment, Zoning Code Text Amendment, and Prezone for this area. These requests are being proposed to make the land use designations consistent with the land uses that are already in place, which are primarily industrial, commercial, and office developments.

The Panhandle portion (P05-077) consists of the farmland located between Elkhorn Boulevard and Del Paso Road. The Panhandle proposal includes requests for a Finance Plan, Development Agreements, Inclusionary Housing Plans, General Plan Map Amendment, North Natomas Community Plan Text and Map Amendments, Prezone, Planned Unit Development Establishment, Tentative Master Parcel Maps, Tentative Subdivision Maps, and Subdivision Modifications for this area. These requests are being made to re-configure the land use designations to be consistent with the applicant's proposal, which is primarily residential, parks/open space, general public facilities, and commercial development.

On July 5, 2007, project was called up by Councilmember Tretheway. On July 6, 2007, a third party appeal was filed by Brigit S. Barnes & Associates, Inc., on behalf of Jim Gately (JB Properties). The appeal (see Attachment 3) speaks specifically to the environmental document and the overall project (not specifically the Tentative Maps and Subdivision Modifications).

Issues: Most of the land within the Northgate 880 area (M05-031 – generally south of Del Paso Road) has already been developed with industrial uses. Staff is proposing land use designations that will generally be consistent with the land use designations and existing development already in place in the County.

The applicants for the Panhandle area (P05-077 – north of Del Paso Road) are requesting to re-configure the land use designations to make them consistent with the applicant's proposal, which is primarily residential, parks/open space, general public facilities, and commercial development. The following issues have been identified and discussed in the Planning Commission report and/or attachments, and the environmental document:

- Loss of open space acreage and buffers
  - Elkhorn Boulevard
  - Sorento Road
- Lack of executive housing and density increases.
- Impacts to existing residents to the east (Valley View Acres) and west (Northpointe Park PUD – known to residents as Natomas Park and Regency Park).
- Traffic issues.
- Land use, vehicular, pedestrian, and bicycle interaction with Sorento Road and Northpointe Park.
- Provision of adequate municipal services in North Natomas.
- Flood and drainage issues.
- Inclusionary Housing Plan (regarding the location of affordable units and lack of for-sale affordable housing).
- Deficient Infrastructure south of Del Paso Road

Planning staff's workshop presentation to the City Council on July 17, 2007 is included as a supplement to this report. The presentation provides an abbreviated description of the project and the issues that have been discussed.

Policy Considerations: The Northgate 880 proposal (M05-031) is consistent with the General Plan goal to initiate annexations which preserve neighborhood identities and are consistent with the General Plan and Community Plan land use policies. The proposal is also consistent with the North Natomas Community Plan policy to support the annexation of unincorporated lands within the Community Plan area and implement this policy throughout the plan area.

The Panhandle proposal (P05-077) is consistent with General Plan goals, including: providing adequate housing opportunities for all income households and development in the City's new growth area that promotes efficient growth patterns and public service extensions, consistent with adjacent developments. The project is also consistent with the North Natomas Community Plan policies to accommodate projected growth while enhancing the existing attractive features of the community, provide adequate housing opportunities to attract new residents and employment centers, and increase the supply of decent and safe and affordable housing. The proposal is not consistent with several policies specific to agricultural buffers, open space, and greenbelts. Discussion regarding these policies is included in the attached Planning Commission report (see Attachment 1).

Strategic Plan Implementation: The recommended action conforms with the City of Sacramento Strategic Plan, specifically by adhering to policies that assist in achieving livability, increase opportunities for Sacramento residents to live in safe and affordable housing, and expand economic development in the City.

Committee/Commission Action: On May 24, 2007, the Planning Commission heard 3 hours of testimony and voted to continue the project to May 31, 2007. On May 31, 2007, the Planning Commission heard no testimony and voted to continue the project to June 14, 2007. On June 14, 2007, the Planning

Commission heard additional testimony and directed questions at the applicant and staff. The Planning Commission then voted to continue the project to June 28, 2007.

On June 28, 2007, the following motion by Planning Commissioner Banes, (seconded by Commissioner Givens) was passed by a vote of 4 ayes (Banes, Givens, Contreras, Woo), 2 noes (Wasserman, Samuels), and 2 abstentions (Yee, Notestine):

- Approve the staff recommendation with the following additions:
  - Inclusionary Housing Plan: The applicants, staff, and SHRA shall continue working on an appropriate mix of ownership & rental housing types for the inclusionary housing units.
  - Drainage: Condition the tentative map to require the developer to design and construct local drainage improvements consistent with the Agreement dated June 26, 2007 between Dunmore Homes and Valley View Acres Community Association.
  - Urban Design: Amend the Planned Unit Development Guidelines to include the recommendations provided by the City's Urban Design staff on June 28, 2007.
  - Global Warming: The developer shall offer photovoltaic (solar) panels and energy efficient products as optional features to homebuyers.
  - Street Tree Planting: Amend the Planned Unit Development Guidelines to state that the final selection of street trees shall be subject to the approval of the City Urban Forester (Arborist).

The vote essentially approved the Tentative Master Parcel Maps, Tentative Subdivision Maps, and Subdivision Modifications. The following "legislative entitlements" go forward with an affirmative recommendation:

- Reorganization
- Tax Exchange Agreement
- Zoning Code Text Amendment
- Development Agreements
- Finance Plan
- Inclusionary Housing Plans
- Planned Unit Development (PUD) Establishment

The following legislative entitlements essentially go forward without an affirmative recommendation:

- General Plan Amendments
- Community Plan Amendments
- Prezones

The distinction stems from the Commission's Rules of Procedure. The Rules establish minimum vote requirements as follows:

a. Section VIII(A)(4): "A motion to recommend to the City Council adoption or amendment of the General Plan, a community plan, or a specific plan,

> or to recommend a rezoning that requires a General Plan, community plan, or specific plan amendment shall be carried by not less than five (5) affirmative votes. If the Commission fails to adopt a motion of approval with the required five (5) affirmative votes and fails to adopt a motion of denial, the Commission shall forward the item, with a report of the votes taken, to the City Council without a recommendation."

The General Plan amendments, the NNCP amendments, and the prezoning ordinances required 5 affirmative votes. These items received 4 votes, which was a majority of the votes cast, but less than 5. Therefore, under the Planning Commission Rules of Procedure, "...the Commission shall forward [these] item[s], with a report of the votes taken, to the City Council without a recommendation."

On June 5, 2007, the Law & Legislation Committee recommended approval of the proposed Special Planning District Ordinance for the Northgate/880.

On July 17, 2007, Planning staff presented a workshop on the Northgate 880 / Panhandle project to the City Council.

Environmental Considerations: In accordance with CEQA Guidelines, Section 15081, Environmental Planning Services (EPS) determined that an EIR should be prepared for the proposed project. The Draft EIR identified significant impacts for Land Use and Open Space, Agricultural Resources, Population / Housing / Employment, Traffic and Circulation, Air Quality, Noise, Hazards/Risk of Upset, Biological Resources, Cultural and Paleontological Resources, Geology and Soils, Hydrology and Water Quality, Visual Resources, and Public Services and Utilities.

Mitigation measures were identified to reduce many project impacts to a less than significant impact. However, significant and unavoidable impacts remain for Land Use, Agricultural Resources, Population/Housing/Employment, Traffic and Circulation, Air Quality, Noise, Hydrology and Water Quality, Visual Resources, and Public Services and Utilities.

A Mitigation Monitoring Plan (MMP) that lists all of the mitigation measures and required implementing actions was prepared and is attached (Exhibit 1B).

The Draft EIR was prepared and released for a forty-five (45) day public review period, established by the State Clearinghouse, beginning on November 3, 2006, and ending on December 16, 2006.

The comment letters and responses to comments are included in the Final EIR. The FEIR responds to all comments received on the Draft EIR and revises text and/or analysis where needed.

Minor changes to the FEIR are included in an attached memo from Environmental Services (see Attachment 23).

Rationale for Recommendation: Overall, the proposals are consistent with the General Plan and North Natomas Community Plan policies on annexation, development, and land use.

Financial Considerations: The Finance Plan identifies the infrastructure set, the costs of the improvements, and proposed methodology to spread those costs over the development. There is currently $74 million in underfunded infrastructure in North Natomas. The proposed Panhandle Finance Plan provides for $8 Million for underfunded North Natomas facilities including the Library, Community Center and Transit Stations. In addition, $3.6 Million is provided for the North Natomas Regional Park (to be applied to the HCP fees and capital improvements). $68 Million is being provided for on-site public infrastructure including parks. Also, 100% of the park maintenance costs will be funded by the development.

A Tax Revenue Sharing Agreement has been negotiated that provides that the property tax in the annexed area be pooled and split equally between the City and County General Funds. Additionally, the County will keep the approximately $3 million in annual sales tax revenue currently generated in the Northgate /880 business park. The Rio Linda Elverta Recreation & Park District will continue to receive its current property tax revenue stream from the Northgate/880 business park, plus a 2% annual increase.

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

Respectfully Submitted by: Scot Mende

Scot Mende
New Growth Manager

Approved by: Carol Shearly

Carol Shearly
Director of Planning

Recommendation Approved:

for Ray Kerridge
City Manager

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ATTACHMENT 1 – JUNE 28, 2007 PLANNING COMMISSION STAFF REPORT

REPORT TO PLANNING COMMISSION City of Sacramento

915 I Street, Sacramento, CA 95814-2671

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PUBLIC HEARING
June 28, 2007

To: Members of the Planning Commission

Subject: Northgate 880 (M05-031) / Panhandle (P05-077)
A request to allow the annexation of 1,429.7± acres and the future development of 594.7± acres into the City of Sacramento.

A. **Environmental Determination: Environmental Impact Report (EIR);**
B. **Mitigation Monitoring Plan;**
C. **Reorganization** – Annexation to City of Sacramento and detachment from Rio Linda-Elverta Recreation and Parks District; Natomas Fire Protection District; County Service Area #1; and Sacramento County Water Maintenance District Zone #40;
D. **Tax Exchange Agreement** between the City of Sacramento and the County of Sacramento;

(M05-031 – Generally South of Del Paso Road)

E. **General Plan Map Amendment** to re-designate 835± acres from Rural Estates (RE), Low Density Residential (LDR), Heavy Commercial or Warehouse (HCW), Mixed Use (MU), Water (W), and Roadways to Special Planning District (SPD), Water (W), and Roadways;
F. **North Natomas Community Plan Text Amendment** to add references for the Northgate 880 Special Planning District;
G. **North Natomas Community Plan Map Amendment** to re-designate 835± acres from Rural Estates (RU), Low Density Residential (LDR), Medium Density Residential (MDR), Light Industrial (LI), Employment Center (EC-30), Parks/Open Space (POS), Roadways to Northgate 880 Special Planning District (N880-SPD), Parks/Open Space (POS), and Roadways;
H. **Zoning Code Text Amendment** to add a new chapter to Title 17 of the City Code relating to the establishment of the Northgate 880 Special Planning District (N880-SPD);
I. **Prezone** of 835± acres from the Flood (F - County), Light Industrial (M1 - County), Light Industrial – Flood Combining Land Use (M1F – County), Industrial Office Park (MP – County), and Industrial Office Park – Flood Combining Land Use (MPF – County) zones to the Flood (F) and Light Industrial Northgate 880 Special Planning District (M-1-N880-SPD) zones;

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(P05-077 - North of Del Paso Road)

J. **Development Agreement** between the City of Sacramento and Dunmore Land Company, LLC;
K. **Development Agreement** between the City of Sacramento and Vaquero Land Holdings, LLC;
L. **Finance Plan;**
M. **Inclusionary Housing Plan** (Panhandle North - Vaquero);
N. **Inclusionary Housing Plan** (Panhandle Central and South - Dunmore);
O. **Inclusionary Housing Plan** (Grant Joint Union High School District);
P. **General Plan Map Amendment** to re-designate 594.7± acres (north of Del Paso Road) from Low Density Residential (LDR), Medium Density Residential (MDR), Parks-Recreation-Open Space, and Public/Quasi-Public to Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Public/Quasi-Public-Miscellaneous (PQPM), Parks-Recreation-Open Space (PROS), and Community/Neighborhood Commercial and Offices (CNCO);
Q. **North Natomas Community Plan Text Amendment** to amend sections specific to Open Space;
R. **North Natomas Community Plan Map Amendment** to re-designate 594.7± acres (north of Del Paso Road) from Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Parks-Open Space (P-OS), and General Public Facilities (GPF) to Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Parks-Open Space (P-OS) (a reduction in acreage), General Public Facilities (GPF), Neighborhood Convenience Commercial (NCC), and Village Commercial (VC);
S. **Prezone** of 594.7± acres (north of Del Paso Road) from Permanent Agricultural Extensive Land Use (AG-80 - County) to the Standard Single-Family Planned Unit Development (R-1-PUD), Single-Family Alternative Planned Unit Development (R-1A-PUD), Multi-Family Planned Unit Development (R-2A-PUD), Multi-Family Planned Unit Development (R-2B-PUD), Multi-Family Planned Unit Development (R-3-PUD) zone, Multi-Family Planned Unit Development (R-3A-PUD) zone, Agriculture-Open Space Planned Unit Development (A-OS-PUD), Limited Commercial Planned Unit Development (C-1-PUD), and General Commercial Planned Unit Development (C-2-PUD) zones;
T. **Planned Unit Development (PUD) Establishment** to create PUD Guidelines and a Schematic Plan for the Panhandle Planned Unit Development (PUD);
U. **Tentative Master Parcel Map (Panhandle North - Krumenacher)** to subdivide 129.2± acres into 17 master parcels;
V. **Tentative Subdivision Map (Panhandle North - Krumenacher)** to subdivide 129.2± acres into single family, condominium, medium density residential, common area, park, open space, and landscape lots;
W. **Subdivision Modifications (Panhandle North – Krumenacher)** to modify radius, tangent length, alley width, ~~allow the use of CSD-1 standards, sewer and storm drain placement~~, street sections, exclude sidewalk along one side of a roadway, rolled curb and gutter, and to allow asphalt surface on private alleys;
X. **Tentative Master Parcel Map (Dunmore)** to subdivide 389.2± acres into ~~39~~ 38 master parcels;

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Y. **Tentative Subdivision Map – (Panhandle Central - Dunmore)** to subdivide 136.4± acres into single family, high density residential, medium density residential, commercial, condominium, park, detention basin, open space, and landscape lots;

Z. **Subdivision Modifications (Panhandle Central - Dunmore)** to modify alley width, ~~to allow the use of CSD-1 standards, sewer and storm drain placement~~, street intersection tangent, street sections, exclude sidewalk along one side of a roadway, rolled curb and gutter, and to allow asphalt surface on private alleys;

AA. **Tentative Subdivision Map (Panhandle South - Dunmore)** to subdivide 252.7± acres into single family, commercial, high density residential, medium density residential, condominium, school, park, landscape/paseo, open space, private landscape, and private recreation center lots;

BB. **Subdivision Modifications (Panhandle South - Dunmore)** to modify radius, intersection offset, tangent length, modified grid pattern, alley width, ~~to allow the use CSD-1 standards, location of sewer and storm drain~~, street sections, rolled curb and gutter, to allow asphalt surface on private alleys;

Location/Council District:

South of Elkhorn Boulevard, north of Interstate 80, west of Northgate Boulevard and Sorento Road, and east of Gateway Park Boulevard and the Northpointe Park Planned Unit Development, Sacramento, CA 95834 and 95835

Assessor's Parcel Numbers: 201-0320-016 and -018 through -021; 225-0050-003, -016, -020 through -022; 225-0060-021, -032 through -034, -040 through -042, -054 through -059, -061, and -066 through -068; 225-0941-001, -025, -027 through -029, -032 through -034, -036 through -038, -046 through -048, and -050 through -054; 225-0942-001, -006, -023 through -025, -028, -034, -035, -038 through -049, -051 through -054, 225-0943-001, -011, -016, -020, -023, -026 through -032, -034 through -037, 225-0944-002, -031 through -033, -042, -043, -054, -056, -057, -060, -064, -065, -068, -071, -073, -076, -078, -080 through -085, -091, -096 through -111, -114, and -115; 225-2310-001 through -007; 237-0011-016, -028, -029, -037, -046, -047, -049 through -057, -060 through -067, and -069 through -072; 237-0012-011 through -013; 237-0013-002; 237-0014-001; 237-0015-003, and -006 through -013; 237-0031-039; 237-0410-010, -011, -014 through -017, -019, -020, -024 through -027, -029 through -034, and -037 through -045; 237-0420-001, -007, -011 through -016, -018, -021, -022, -028 through -030, -032 through -045, and -048; 237-0600-001 through -008

Council District: Will be within District 1 (Currently Outside of the City Limits)

Recommendation: Staff recommends the Commission approve the request based on the findings and subject to the conditions listed in Attachment 1. Staff recommends the Commission approve items A through B and U through BB above and forward to City Council a recommendation of approval for items C through T. Staff also recommends that the Commission direct the applicants to modify their proposal to provide additional buffer land between the proposed Panhandle development and the existing rural estates properties to the east (Valley View Acres) and direct the applicants to work with staff to revise the proposed PUD Guidelines (regarding single-family development standards, walls along street frontages, permitted uses, and various minor

clarifications). The Commission's action on items A-B and U-BB are appealable to City Council.

Contact: Scot Mende, New Growth Manager, (916) 808-4756
Arwen Wacht, Associate Planner (916) 808-1964

Applicant: City of Sacramento, 915 I Street, Sacramento, CA 95814 (M05-031)
Vaquero Land Holdings, LLC, 4855 Ketchum Court, Granite Bay, CA 95746 (P05-077)
Dunmore Homes, LLC, 8781 Sierra College Boulevard Granite Bay, CA 95746 (P05-077)

Owner: Various (see Attachment 4)

Summary: This project is comprised of two parts: the Northgate 880 portion (M05-031) and the Panhandle portion (P05-077). The entire project area is included in the Reorganization/Annexation and Tax Exchange Agreement requests. The Northgate 880 portion (M05-031) consists of the mostly developed industrial area located south of Sotnip Road and Del Paso Road. The Northgate 880 proposal includes requests for a General Plan Amendment, North Natomas Community Plan Text and Map Amendment, Zoning Code Text Amendment, and Prezone for this area. These requests are being proposed to make the land use designations consistent with the land uses that are already in place, which are primarily industrial, commercial, and office developments.

The Panhandle portion (P05-077) consists of the vacant farmland located between Elkhorn Boulevard and Del Paso Road. The Panhandle proposal includes requests for a Finance Plan, Development Agreements, Inclusionary Housing Plans, General Plan Map Amendment, North Natomas Community Plan Text and Map Amendments, Prezone, Planned Unit Development Establishment, Tentative Master Parcel Maps, Tentative Subdivision Maps, and Subdivision Modifications for this area. These requests are being made to re-configure the land use designations to be consistent with the applicant's proposal, which is primarily residential, parks/open space, general public facilities, and commercial development.

Table 1a: Project Information – Northgate 880 (M05-031)
General Plan designation: Rural Estates, Low Density Residential (4-15 dwelling units per net acre); Mixed Use; Heavy Commercial or Warehouse; and Water
North Natomas Community Plan designation: Rural Estates, Low Density Residential (3-10 dwelling units per net acre); Medium Density Residential (7-21 dwelling units per net acre); Employment Center (30 employees per acre); Light Industrial; and Parks/Open Space
Existing zoning of site: Flood (F - County), Light Industrial (M1 - County), Light Industrial – Flood Combining Land Use (M1F – County), Industrial Office Park (MP – County), and Industrial Office Park – Flood Combining Land Use (MPF – County)
Existing use of site: industrial, commercial, office
Property area: 835± gross acres

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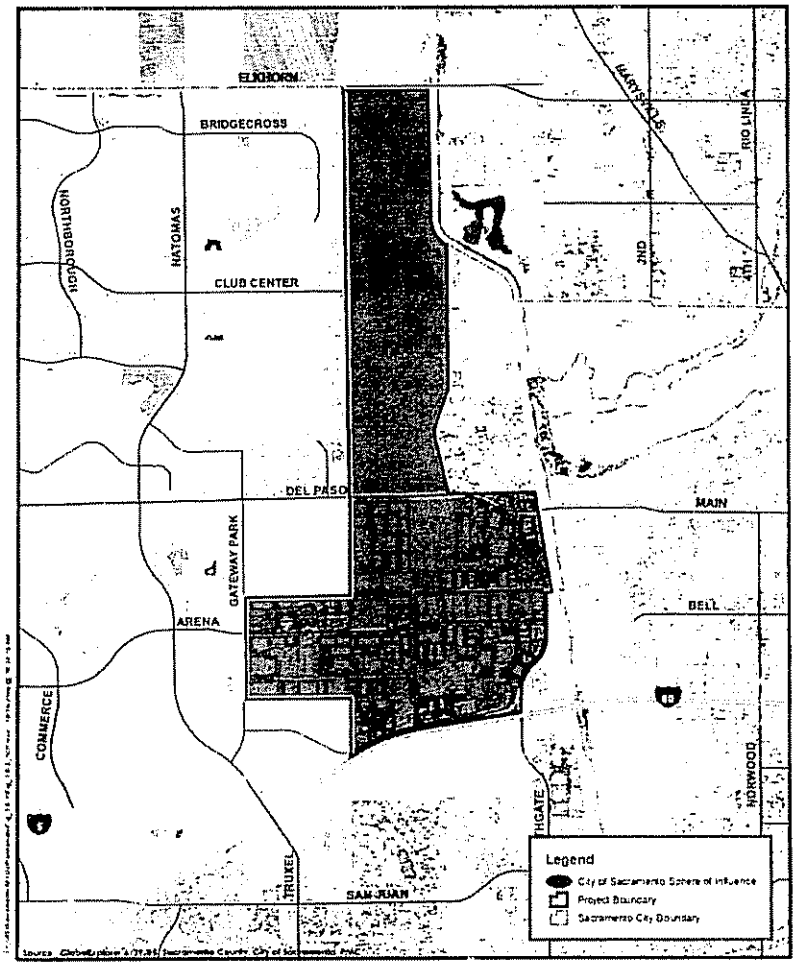

FIGURE 3.0-3
PROJECT LOCATION MAP

PMC

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Item #3

Table 1b: Project Information – Panhandle (P05-077)
General Plan designation: Low Density Residential (4-15 dwelling units per net acre); Medium Density Residential (16-29 dwelling units per net acre); Parks-Recreation-Open Space; and Public/Quasi-Public/Miscellaneous
North Natomas Community Plan designation: Low Density Residential (3-10 dwelling units per net acre); Medium Density Residential (7-21 dwelling units per net acres); High Density Residential (11-29 dwelling units per net acre); Parks/Open Space; and General Public Facilities
Existing zoning of site: Permanent Agricultural Extensive Land Use (AG-80 - County)
Existing use of site: single-family residence (Krumenacher); cellular tower
Property area: 594.7± gross acres

Background Information: On December 12, 2000, the City Council adopted a resolution (2000-734) initiating the Frying Panhandle Annexation (Reorganization) (M00-066). After several attempts to schedule this annexation project at Planning Commission, it was eventually withdrawn by staff, because of opposition from JB Company - the principal land owner south of Del Paso Road JB Company had objected to proposed prezoning that would have created non-conforming uses and prohibited certain types of development in the City that would have been allowed by right in the County. Also, the City was unable to provide reasonable assurances to JB Company that their tax burden would not increase upon annexation

At the direction of City Council, the Panhandle Working Group was formed to attempt to achieve consensus on various issues, in order to guide growth with in the Panhandle area. The Panhandle Working Group met eighteen (18) times within a ten (10) month period. A draft of the planning principles was created, but the group was unable to reach a consensus on the principles for developing the Panhandle area. The last draft of the planning principles is attached to this report (see Attachment 5)

On May 24, 2007, the Planning Commission heard 3 hours of testimony and voted to continue the project to May 31, 2007. On May 31, 2007, the Planning Commission heard no testimony and voted to continue the project to June 14, 2007.

On June 14, 2007, the Planning Commission heard additional testimony and the following motions were made by the Planning Commission:

> Commissioner Banes moved to approve the project with directions to the applicant per the staff recommendation to continue working out the open space / drainage issues with the Valley View Acres neighborhood, and to incorporate a knee wall (3' solid + 3' open fencing)
>
> Commissioner Samuels added a friendly amendment to require an ownership housing type as a component of the inclusionary housing plan

Commissioner Wasserman provided a substitute motion to continue until 06/28 and provide the following additional items:

1. City's Urban Design Review team review of the project (including, but not limited to, the PUD Guidelines)
2. Revised Open Space Plan that incorporates setbacks and integration with other open space in the project vicinity
3. Show how the open space network accommodates habitat requirements
4. Show an exhibit of the potential public transportation network; identify how the inclusionary housing and other multi-family housing relates to the transit corridors
5. Provide a diagram supporting the detail of connectivity (which roads from Regency Park connect – whether bike/ped or full vehicular – to Panhandle)
6. Provide a response to the flooding issue – what is the City's flood policy?

Commissioner Wasserman's substitute motion was seconded by Samuels. The Planning Commission then voted (4 ayes, 3 noes, 2 abstentions) to approve the substitute motion. City staff has attempted to address the six items in memos to the Planning Commission (see Attachment 11) The applicant will provide their responses and additional information at or prior to the June 28, 2007 Planning Commission hearing.

On June 5, 2007, the Law & Legislation Committee recommended approval of the proposed Special Planning District Ordinance for the Northgate/880.

Public/Neighborhood Outreach and Comments: The proposal was routed to the following neighborhood associations: Creekside Natomas Neighborhood Association (CNNA); Environmental Council of Sacramento (ECOS); Heritage Park; Heritage Park HOA; Natomas Chamber of Commerce; Natomas Community Association (NCA); Natomas Crossing HOA; Natomas Crossing Community Vision (NCCV); Natomas Journal; Natomas Park Master Association; North Natomas Alliance (NNA); North Natomas Community Association (NNCA); North Natomas Study Group (NNSG); River Oaks Community Association (ROCA); Sacramento Tree Foundation; Sundance Lake HOA; Valley View Acres Community Association (VVACA); WalkSacramento; Westlake Group; Westlake Master Association; West Natomas Community Association (WNCA); Westside Community Association (WCA); Witter Ranch; Jo Anne Whitsett; and Parks Citizens Advisory Committee (CAC).

The applicant presented the proposed project to the public at several meetings, including the Panhandle Working Group meetings, Natomas Chapter Partnership for Active Communities, North Natomas Alliance, public scoping meetings, Valley View Acres Community Association, Panhandle community open house meeting, and several applicant/neighborhood meetings A list of these public meetings/opportunities for public comment was provided by the applicant and is attached as Attachment 6.

Subject: Northgate 880 (M05-031) / Panhandle (P05-077) June 28, 2007

The Natomas Community Association (NCA) provided comments on the project in an e-mail dated November 28, 2005. The e-mail is attached as Attachment 7 of this report, and a summary of their comments is provided below:

- The amount of park open space should be calculated by the Quimby Act, in addition to the land already designated as open space buffer.
- Concerned that the loss of the open space buffer on the eastern side of the project site will not adequately protect the existing rural estates land uses to the east.
- Concerned that the proposal does not include executive housing (move-up housing).
- Concerned that the project's street lighting will negatively affect the adjacent rural estates properties to the east.
- Cumulative impacts from Joint Vision and up-zones, need to be evaluated.
- Concerns about detention basin locations
- No access to Sorento Road should be provided.
- Commercial uses should not be provided along Del Paso Road.
- Concerns about increases in density from what is currently designation in the North Natomas Community Plan.
- Buffers need to be provided between mixed housing densities.
- The proposal is not consistent with the Wolf Ranch Wildlife refuge and other amenities.
- The cumulative impacts of the proposal need to be evaluated, especially as it affects traffic.

The Natomas Park Master Association (NPMA) provided the following comments:

"Please stay true to the principles developed by the Panhandle Working Group."

"We are opposed to the high density apartments by the charter school. Would like the developer to present the project to the association."

The North Natomas Alliance (NNA) provided comments on the project in an e-mail on August 21, 2005. The e-mail is attached at Attachment 8 of this staff report, and a summary of their comments is provided below:

- Overall residential densities are acceptable. However, they believe this project would have been a good location for lower density, move-up or executive housing, which is currently lacking in the area.
- Appreciate the placement of low-density residential, parks, and open space adjacent to the existing Natomas Park and Regency Park neighborhoods to the west.
- Concerned about the elimination of open spaces buffers along the eastern and northern boundaries.
- Would be concerned if National Drive is downgraded from four lanes to two lanes.

- Concerned about connections being provided into the Natomas Park and Regency Park neighborhoods.

The Regency Park Neighborhood Association (RPNA) provided comments on February 5, 2007 (see Attachment 9). Their comments are summarized below:

- The proposed reduction in parks-open space acreage is unacceptable.
- The increase in housing density would result in a higher loss of life and property in case of a flood disaster.
- The increase in housing density would decrease the already low level of municipal, governmental, and community services in North Natomas.

The Valley View Acres Homeowners Association (VVAHOA) provided comments on February 20, 2006 (see Attachment 10). Their comments are summarized below:

- Concerned about decreases in low density residential acreage.
- Concerned about increases in medium density residential acreage.
- Concerned about decreases in parks/open space acreage.

Staff has also received concerns about the following issues: the proposed grade change between the existing single-family residences to the west and the Panhandle project site; drainage for the Valley View Acres area; and the loss of the buffer area adjacent to the Western Area Power Authority (WAPA) corridor. These issues and the issues identified previously are addressed throughout this staff report and within the environmental document.

Additional comments and letters have been received since the original Planning Commission date of May 24, 2007. Staff will provide copies of the comments and letters received in a supplemental packet at or prior to the Planning Commission meeting of June 28, 2007.

Environmental Considerations: In accordance with CEQA Guidelines, Section 15081, Environmental Planning Services (EPS) determined that an EIR should be prepared for the proposed project. The Draft EIR identified significant impacts for Land Use and Open Space, Agricultural Resources, Population/Housing/Employment, Traffic and Circulation, Air Quality, Noise, Hazards/Risk of Upset, Biological Resources, Cultural and Paleontological Resources, Geology and Soils, Hydrology and Water Quality, Visual Resources, and Public Services and Utilities.

Mitigation measures were identified to reduce many project impacts to a less than significant impact. However, significant and unavoidable impacts remain for Land Use, Agricultural Resources, Population/Housing/Employment, Traffic and Circulation, Air Quality, Noise, Hydrology and Water Quality, Visual Resources, and Public Services and Utilities.

- Medium Density Residential (MD): Target average density is 12 units per net acre and allowable density range is 7 to 21 units per net acre. Single family petite lot detached, single family attached, townhouse, and condominium units are included in this designation. (p. 6)
- High Density Residential (HD): Target average density is 22 units per net acre and allowable density range is 11 to 29 units per net acre. Condominium units, garden apartments, and conventional apartments are included in this designation. (p. 6)
- Neighborhood Convenience Commercial (NCC): The neighborhood commercial site, an average of one to two acres, is intended to serve the daily, carry-home goods and service needs of an immediate neighborhood. Uses could include a food market, drug store, coffee shop, service station or other convenient services (p. 7).
- Village Commercial (VC): The village commercial center is intended to serve as the focal point for two to four neighborhoods. The anchor tenant is a grocery store and/or drug store (p. 7).
- Annexations: The City should support the annexation of unincorporated lands within the Community Plan area and implement this plan throughout the plan area (p. 12).
- Each neighborhood shall provide a variety of housing densities, types, and prices to enhance a neighborhood identity, serve the wide array of residents, and avoid monotony. (p. 13)
- Each neighborhood shall have an elementary school as its focal point located near the center of the area (p. 13)
- Each dwelling should have convenient access to a commercial center. Convenient access should be provided along a local connection, such as a local street or ped/bike path, or residential collector, rather than on an arterial street (p. 13).
- At least 80 percent of the dwelling units shall be within 880 feet of open space Open space includes accessible public and private parks and parkways, drainage corridors, agricultural buffers, golf courses, lakes, and other open space opportunities. (p. 13)
- **Balance of Residential Densities in Each Neighborhood:** Each neighborhood shall strive for a balance of residential densities. Neighborhoods located within close proximity to transit and Town Center shall provide a higher overall density than those on the perimeter of the community. The medium density residential can be used as a "linchpin" to help balance the neighborhood. For example, in a neighborhood with primarily low density, the medium density should be designed to reflect a higher density type, i.e. more rental opportunities, smaller lots, etc. Likewise, in a higher density neighborhood, the medium density product type would reflect the low density types, i.e. ownership opportunities and larger lots. (p. 14)
- **Variety of Housing Types:** Because residents vary in their household size, the number of vehicles they own, the number of generations in their home, their willingness to maintain a yard, their tolerance of living near their neighbors, their ability to afford a large or small home, their preference to own or rent a home,

A Mitigation Monitoring Plan (MMP) that lists all of the mitigation measures and required implementing actions was prepared and is attached (Exhibit 1B).

The Draft EIR was prepared and released for a forty-five (45) day public review period, established by the State Clearinghouse, beginning on November 3, 2006 and ending on December 16, 2006. A public notice was placed in the Daily Recorder on November 3, 2006, which stated that the Panhandle Annexation and PUD Draft EIR was available for public review and comment. A public notice was posted with the Sacramento County Clerks Office on November 3, 2006. A Notice of Availability (NOA) dated November 2, 2006 was distributed to all interested groups, organizations, and individuals on November 3, 2006, for the Draft EIR. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Services Department, Environmental Planning Services, 2101 Arena Blvd., Suite 200, Sacramento, CA 95834. The NOA also indicated that the official forty-five day public review period for the Draft EIR would end on December 18, 2006.

Comment letters on the Draft EIR were received from California Department of Water Resources (Christopher Huitt); Public Utilities Commission (Kevin Boles); Wright Law Office (on behalf of Robla School District) (William M. Wright); Sacramento Flood Control Agency (John A. Bassett); Office of Historic Preservation (Milford Wayne Donaldson); Rio Linda School District (Frank S. Porter); California Department of Transportation (Bruce deTerrra); Rio Linda-Elverta Recreation and Park District (Don Schatzel); County of Sacramento Planning and Community Development Department (Robert Sherry); Sacramento Local Agency Formation Commission (Don J. Lockhart); Sacramento Metropolitan Air Quality Management District (Jeanne Borkenhagen); Joe and Angela Angel (residents); Valley View Community Association (Anthony Trujillo and others); Watson, Khadadourian, and Iams, LLP (Franklin T. Watson); Brigit S. Barnes and Associates (Brigit Barnes); WALKSacramento (Anne Geraghty); SABA (Walt Seifert); and Natomas Community Association, Sierra Club, Environmental Council of Sacramento, and Friends of the Swainson's Hawk (Barbara Graichen and others). The comment letters and responses to comments are included in the Final EIR. The FEIR responds to all comments received on the Draft EIR and revises text and/or analysis where needed.

Policy Considerations:

Habitat Conservation Plan (HCP): The 1994 North Natomas Community Plan required the development and implementation of a Habitat Conservation Plan as mitigation for development in North Natomas. In 1997, the NBHCP was approved by the City of Sacramento, USFWS, and CDFG.

The NBHCP is a conservation plan supporting application for incidental take permits (ITP's) under Section 10(a)(1)(B) of the Endangered Species Act and under Section 2081 of the California Fish and Game Code. The purpose of the NBHCP is to promote biological conservation while allowing urban development and continuation of agriculture within the Natomas Basin. The NBHCP establishes a multi-species conservation program to mitigate the expected loss of habitat values and incidental take

of protected species that would result from urban development, operation of irrigation and drainage systems, and rice farming. The goal of the NBHCP is to preserve, restore, and enhance habitat values found in the Natomas Basin.

The USFWS and CDFG issued ITP's to the City of Sacramento. The NBHCP and ITP were subsequently challenged, the City of Sacramento and Sutter County jointly prepared a revised NBHCP and an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for use by the USFWS and CDFG. The Sacramento City Council adopted the revised NBHCP and EIR/EIS on May 13, 2003. On June 27, 2003 the USFWS issued a new Incidental Take Permit for the NBHCP for development within the Natomas Basin. HCP fees have not been paid for this site.

Smart Growth Principles: Sacramento City Council adopted a set of Smart Growth Principles in December 2001 in order to promote growth that is economically sound, environmentally friendly, and supportive of community livability. The Smart Growth Principles encourage:

- Providing a mix of land uses;
- Create a range of housing opportunities and choices with a diversity of affordable housing near employment centers;
- Concentrating new development and targeting infrastructure investments within the urban core of the region;
- Fostering a walkable community;
- Multi-modal transportation and land use patterns that support walking, cycling, and public transit.
- Provide a variety of transportation choices for people to bike, walk, take transit, or drive.

The Panhandle project (P05-077) is designed to incorporate many elements of the Smart Growth Principles listed above. The subdivision will be located in an area designated for urban development. The streets are designed to provide adequate connections for multi-modal transportation and the house plans will contribute to a pedestrian friendly streetscape. The streets will be developed with the City's 53' wide Pedestrian Friendly Street Standards, contributing to an inviting walking environment. A greenbelt with a bike/pedestrian path is being proposed along the WAPA corridor that runs north and south through the project site and the applicant is proposing a number of high quality parks through out the project site.

Reorganization: A reorganization is being proposed which includes an annexation into City of Sacramento and detachment from the Rio Linda-Elverta Recreation and Parks District; Natomas Fire Protection District; County Service Area #1; and Sacramento County Water Maintenance District Zone #40 (see Exhibit 1C)

Tax Exchange Agreement: The City and County will need to adopt a Property Tax Exchange Agreement. The Agreement (currently under negotiation) will address the property and sales tax split between the City and County. LAFCo is not a party to the

property tax negotiations. However, the City and County must present resolutions adopted by each entity agreeing to accept the exchange of property tax revenues before LAFCo can conduct public hearings on the annexation proposal [Section 99(b)(1)(B)(6) of the Revenue & Taxation Code]

Development Agreement: Two Development Agreements are being proposed for the land area north of Del Paso Road (P05-077): one (1) for the land controlled by Vaquero Land Holdings, LLC. and one (1) for the land controlled by Dunmore Land Company, LLC. The standard Development Agreement format, approved by the City Council on August 9, 1994, (Resolution No. 94-494), has been used by the applicant and the exhibits have been provided for the specific project. The draft Ordinances and Development Agreements for this project are included with this staff report (Exhibits 1I and 1J). The applicant is coordinating with the City Attorney's Office to complete the Development Agreements. Planning staff recommends the Planning Commission recommend approval of the Development Agreements and forward them to the City Council.

Inclusionary Housing Plan: The Panhandle project (P05-077) is located in North Natomas, which is identified in the City of Sacramento General Plan as a new growth area subject to the requirements of the Mixed Income Housing Ordinance. The City of Sacramento adopted a Mixed Income Housing Policy on June 27, 2000, as part of its Housing Element of the General Plan. That policy was implemented by adoption of a Mixed Income Housing Ordinance on October 3, 2000, that established what is commonly called an Inclusionary Housing Program. (Ordinance No. 2000-039) The purpose of the program is to assist the City to achieve a diverse and balanced community with housing available for households of all income levels. Qualified projects are required to prepare an Inclusionary Housing Plan to provide a percentage of single-family and multi-family residential units for the benefit of low and very low-income levels.

The Panhandle project is subject to the requirements of the Mixed Income Housing Ordinance. The applicants have coordinated with the Sacramento Housing and Redevelopment Agency (SHRA) and the City to develop three Inclusionary Housing Plans. They are attached to this staff report as Exhibits 1L, 1M, and 1N. The applicant is proposing to locate all 462 of the required affordable units within the project site as "rental" units for both low and very low income units. The "rental" units will be located in four High Density Residential parcels throughout the project site (Parcels 1, 9, 16, and 29). SHRA and City Planning staff have recommended that the applicant satisfy some portion of their inclusionary obligation with an ownership product. The applicants have chosen to satisfy their obligation with three family and one senior rental complexes, and SHRA and City staff have found the applicants' proposed Inclusionary Housing Plans acceptable.

General Plan: The Northgate 880 (M05-031) project site is currently designated as Rural Estates (RU), Low Density Residential (4-15 du/ac), Heavy Commercial or Warehouse (HCW), Mixed Use (MU), and Water (W) in the General Plan. The proposal includes amending the General Plan map to remove these land use designations and replace it

with Special Planning District (SPD) and Water (W) designations. The majority of the project site is already built out with industrial and heavy commercial uses that are consistent with the existing zoning in the County. The City does not have a General Plan land use designation that is completely consistent with the existing uses, therefore staff is proposing to establish the Northgate 880 Special Planning District (SPD) for this area. This SPD will provide consistency between the existing land uses and County land use designations and the proposed City land use designations.

Table 2a shows the existing and proposed General Plan land use designations. It also shows the number of residential units anticipated under the existing General Plan and proposed General Plan designations. The number of residential units assumed under the existing General Plan designation is based upon the maximum number of units allowed in that designation.

Table 2a
Northgate 880 (M05-031)
Existing and Proposed General Plan Designations

Designation	Existing		Proposed		Difference	
	acres	units	acres	units	Acres	units
Rural Estates	11.0	22	0.0	0	-11.0	-22
Low Density Residential (4-15 du/ac)	43.0	645	0.0	0	-43.0	-645
Mixed Use	307.0	2,225	0.0	0	-307.0	-2,225
Heavy Commercial or Warehouse	377.0	0	0.0	0	-377.0	0
Special Planning District	0.0	0	736.98	0	+736.98	0
Water	15.0	0	16.02	0	+1.02	0
Roadways	82.0	0	82.0	0	0.0	0
TOTAL	**835.0**	**2,893**	**835.0**	**0**	**N/A**	**-2,892**

The proposed development is consistent with the goals and policies of the General Plan, which directs the City to "initiate annexations which preserve neighborhood identities" and "are consistent with General Plan and Community Plan land use policies" (p. 1-34). The project is also consistent with the following General Plan policies:

- It is the policy of the City to actively promote the continued vitality and diversification of the local economy, and to expand employment opportunities for City residents. (p. 1-31)
- The City should initiate annexations which:
  a. Constitute fiscally sound additions to the existing City.
  b. Are consistent with State law and Local Agency Formation Commission standards and criteria.

c. Preserve neighborhood identities.
d. Ensure the provision of adequate municipal services.
e. Are consistent with General Plan and Community Plan land use policies. (p. 1-34)

- Allow industrial development only in those areas where potential impacts can be expanded to be minimized. (p. 4-20)

The Panhandle (P05-077) project site is currently designated as Low Density Residential (4-15 du/ac), Medium Density Residential (16-29 du/na), Community/Neighborhood Commercial and Offices, Public/Quasi-Public-Miscellaneous (PQPM), and Parks-Recreation-Open Space (PROS) in the General Plan. The applicant is requesting to amend the General Plan map to add Community/Neighborhood Commercial and Offices (CNCO) and High Density Residential (HDR), and to reduce the overall amount of Parks-Recreation-Open Space (PROS) (See Exhibit 1O). The project is in conformance with the proposed General Plan designations. Typical development in the Low Density Residential category includes single-family detached units, duplexes, halfplexes, townhouses, condominiums, zero lot-line units, and cluster houses. Typical development in the Medium Density Residential category includes condominiums, garden apartments, and light density apartment uses. Typical development in the Community/Neighborhood Commercial and Offices category includes shopping centers (less than 200,000 square feet), commercial strips, and smaller office developments which offer goods and services for the daily needs of adjacent residential areas.

Table 2b shows the existing and proposed General Plan land use designations. It also shows the number of residential units anticipated under the existing General Plan and proposed General Plan designations. The number of residential units assumed under the existing General Plan designation is based upon the maximum number of units allowed in that designation.

Table 2b
Panhandle (P05-077)
Existing and Proposed General Plan Designations

Designation	Existing		Proposed		Difference	
	acres	units	acres	units	Acres	units
Low Density Residential (4-15 du/ac)	303.9	4,558	309.2	4,638	+5.3	+80
Medium Density Residential (16-29 du/na)	62.9	1,824	55.4	1,606	-7.5	-218
High Density Residential (30+ du/na)	0.0	0	11.4	342	+11.4	+342

Community/ Neighborhood Commercial and Offices	0 0	N/A	33 9	N/A	+33 9	0
Parks-Recreation-Open Space	212 4	N/A	108.7	N/A	-103.7	0
Public/Quasi-Public/ Miscellaneous	15 5	N/A	76.1	N/A	+60 6	0
TOTAL	**594.7**	**6,382**	**594.7**	**6,586**	**N/A**	**+204**

The proposed development is consistent with the goals and policies of the General Plan's Housing Element, which directs the City to "encourage the development of a variety of housing styles and lot sizes to accommodate residents who wish to "move-up" within their community plan area." (p. 3.10-13). The project is also consistent with the following General Plan policies:

- New growth area development will be allowed when all necessary infrastructure is available or will be provided. If it is consistent with the City's urban growth and annexation policies, and promotes orderly and efficient growth. (p. 1-32).
- Enhance and maintain the quality of life by adhering to high standards for project and plan evaluation, such as protection of the urban and natural environment, improved air quality, and quality design. (p. 1-30)
- It is the policy of the City that adequate housing opportunities be provided for all income households and that projected housing needs are accommodated. (p. 1-35)
- It is the policy of the City to approve development in the City's new growth areas that promotes efficient growth patterns and public service extensions, and is compatible with adjacent developments. (p. 1-36)
- Develop residential land uses in a manner that is efficient and utilizes existing and planned urban resources (p. 2-15)
- Provide housing opportunities in newly developing communities and in large mixed developments in an effort to reduce travel time to and from employment centers. (p. 2-17)
- Actively support and encourage mixed use commercial, office, and residential development in identified areas of opportunity. (p. 4-14)
- Provide adequate parks and recreation services in all parts of the City, adopted to the needs and desires of each neighborhood and community. (p. 7-29)
- Encourage private development of recreational facilities that compliment and supplement the public recreational system. (p. 7-29)
- Locate community and regional nodal and linear recreation areas on or adjacent to major thoroughfares. (p. 7-29)

While the City's General Plan is being updated, the City Council has adopted a vision for the future of the City, as well as several guiding principles to help guide the update

and achieve this vision. This was done to ensure that new developments submitted during the ongoing update comply with the goals and policies that are being incorporated into the General Plan through the update. The applicable guiding principles with which this proposal complies include:

- Provide a diversity of neighborhood environments, from the *traditional* downtown core to well-integrated new growth areas.
- Promote livable and well-designed neighborhoods that are walkable and complete, with a mix of uses and services to support improved health and the needs of families, youth, seniors and a growing population.
- Promote the development of complete neighborhoods both in infill and new growth areas that foster a sense of place.
- Promote designs for development that are compatible with the scale and character of Sacramento's existing neighborhoods.
- Locate and design buildings, streetscapes, and public spaces that contribute to walkable neighborhoods.
- Promote developments that foster accessibility and connectivity between areas and safely and efficiently accommodate a mixture of cars, transit, bicyclists, and pedestrians.
- Provide a mix of housing to meet the needs of current and future residents, including an equitable distribution of affordable housing, throughout the city.
- Include 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 in order to promote stable neighborhoods.
- Provide a variety of transportation choices that promote accessible alternatives to the automobile including walking, bicycling, and taking transit.

In addition to being consistent with these principles, the proposal is not contrary to any of the other approved principles of the "General Plan Update Vision."

North Natomas Community Plan: The North Natomas Community Plan (NNCP) designations for the Northgate 880 (M05-031) project site are a combination of Rural Estates, Low Density Residential (3-10 du/na), Medium Density Residential (7-21 du/na), Light Industrial, Employment Center (EC-30), Parks/Open Space, and Roadways. The applicant is requesting to amend the North Natomas Community Plan designations to delete the Low Density Residential, Medium Density Residential, Light Industrial, and Employment Center (EC-30) land use designations and introduce the Northgate 880 Special Planning District land use designation. The project site is almost completely built out with industrial, office, and commercial uses, therefore the residential land uses are no longer applicable. The NNCP Light Industrial and Employment Center (EC-30) land use designations do not permit all of the land uses that are currently permitted by the County's existing land use designations. Therefore, staff is proposing to create the Northgate 880 Special Planning District to allow for development that is consistent with what has been developed in this project area. The proposed Special Planning District is also consistent with the surrounding City land use designations. Therefore, staff supports the proposed North Natomas Community Plan Map Amendment for the area south of Del Paso Road.

Table 3a shows the existing and proposed Community Plan land use designations for the project site. It also shows the number of residential units anticipated under the existing Community Plan and proposed Community Plan designations. The number of residential units assumed under the existing Community Plan is based upon the target number of units allowed in that Community Plan designation in the North Natomas Community Plan (NNCP):

Table 3a
Northgate 880 (M05-031)
Existing and Proposed Community Plan Designations

Designation	Existing		Proposed		Difference	
	acres	units	acres	units	acres	Units
Rural Estates	11.0	11	0.0	0	-11.0	-11
Low Density Residential (3-10 du/na)	37.0	212	0.0	0	-37.0	-212
Medium Density Residential (7-21 du/na)	5.0	51	0.0	0	-5.0	-51
Employment Center (30/acre)	307.0	1,485	0.0	0	-307.0	-1,485
Light Industrial	377.0	0	0.0	0	-377.0	0
Parks/Open Space	16.0	0	16.02	0	+0.02	0
Northgate 880 Special Planning District (SPD)	0.0	0	736.98	0	+736.98	0
Roadways	82.0	0	82.0	0	0	0
TOTAL	**835**	**1,759**	**835**	**0**	**0**	**-1,759**

* The number of units is calculated by multiplying the net acreage by the maximum number of units allowed in that North Natomas Community Plan (NNCP) land use designation. The net acreage is calculated by using the gross to net factor formula in the NNCP (p. 12). This formula is as follows: Gross Acres – Major Roads Acreage x Gross to Net (Minor Road) Factor = Net Acres

The proposed Northgate 880 land use designations (M05-031) are consistent with the following goals and policies of the North Natomas Community Plan (NNCP):

- Annexations: The City should support the annexation of unincorporated lands within the Community Plan area and implement this plan throughout the plan area (p. 12).

The North Natomas Community Plan (NNCP) designations for the Panhandle (P05-077) project site are a combination of Low Density Residential (3-10 du/na), Medium Density Residential (7-21 du/na), High Density Residential (11 -29 du/na), Parks-Open Space, and General Public Facilities. The applicant is requesting to amend the North Natomas Community Plan designations to reduce the amount of Low Density Residential, High Density Residential, and Parks/Open Space, increase the amount of Medium Density

Residential and General Public Facilities, and introduce Neighborhood Convenience Commercial and Village Commercial land use designations. The project offers a mixture of low and medium density single-family detached residences, multi-family development, mixed use, commercial, school, and open space land uses.

Table 3b shows the existing and proposed Community Plan land use designations for the project site. It also shows the number of residential units anticipated under the existing Community Plan and proposed Community Plan designations. The number of residential units assumed under the existing Community Plan is based upon the target number of units allowed in that Community Plan designation in the North Natomas Community Plan (NNCP):

Table 3b
Panhandle (P05-077)
Existing and Proposed North Natomas Community Plan Designations

Designation	Existing		Proposed		Difference	
	acres	units	acres	units	acres	Units
Low Density Residential (3-10 du/na)	314.0	2,574	276.0	2,263	-38	-311
Medium Density Residential (7-21 du/na)	19.1	340	71.1	1,269	+52	+929
High Density Residential (11-29 du/na)	43.7	1,102	28.9	729	-14.8	-373
Neighborhood Convenience Commercial	0.0	N/A	11.8	N/A	+11.8	N/A
Village Commercial	0.0	N/A	22.1	N/A	+22.1	N/A
General Public Facilities	5.5	N/A	76.1	N/A	+70.6	N/A
Parks/Open Space	212.4	N/A	108.7	N/A	-103.7	N/A
TOTAL	**594.7**	**4,016**	**594.7**	**4,261**	**0**	**+245**

* The number of units is calculated by multiplying the net acreage by the maximum number of units allowed in that North Natomas Community Plan (NNCP) land use designation. The net acreage is calculated by using the gross to net factor formula in the NNCP (p. 12). This formula is as follows: Gross Acres – Major Roads Acreage x Gross to Net (Minor Road) Factor = Net Acres

The proposed Panhandle development (P05-077) is consistent with the following goals and policies of the North Natomas Community Plan (NNCP):

- Low Density Residential (LD): Target average density is 7 dwelling units per net acre and allowable density range is 3 to 10 units per net acre. Single family detached and attached units (including patio homes, duplexes, halfplexes, and second residential units) are included within this designation. (p. 6)

- Medium Density Residential (MD): Target average density is 12 units per net acre and allowable density range is 7 to 21 units per net acre. Single family petite lot detached, single family attached, townhouse, and condominium units are included in this designation. (p. 6)
- High Density Residential (HD): Target average density is 22 units per net acre and allowable density range is 11 to 29 units per net acre. Condominium units, garden apartments, and conventional apartments are included in this designation. (p. 6)
- Neighborhood Convenience Commercial (NCC): The neighborhood commercial site, an average of one to two acres, is intended to serve the daily, carry-home goods and service needs of an immediate neighborhood. Uses could include a food market, drug store, coffee shop, service station or other convenient services (p. 7).
- Village Commercial (VC): The village commercial center is intended to serve as the focal point for two to four neighborhoods. The anchor tenant is a grocery store and/or drug store (p. 7).
- Annexations: The City should support the annexation of unincorporated lands within the Community Plan area and implement this plan throughout the plan area (p. 12).
- Each neighborhood shall provide a variety of housing densities, types, and prices to enhance a neighborhood identity, serve the wide array of residents, and avoid monotony. (p. 13)
- Each neighborhood shall have an elementary school as its focal point located near the center of the area (p. 13)
- Each dwelling should have convenient access to a commercial center. Convenient access should be provided along a local connection, such as a local street or ped/bike path, or residential collector, rather than on an arterial street (p. 13).
- At least 80 percent of the dwelling units shall be within 880 feet of open space. Open space includes accessible public and private parks and parkways, drainage corridors, agricultural buffers, golf courses, lakes, and other open space opportunities. (p. 13)
- **Balance of Residential Densities in Each Neighborhood:** Each neighborhood shall strive for a balance of residential densities. Neighborhoods located within close proximity to transit and Town Center shall provide a higher overall density than those on the perimeter of the community. The medium density residential can be used as a "linchpin" to help balance the neighborhood. For example, in a neighborhood with primarily low density, the medium density should be designed to reflect a higher density type, i.e. more rental opportunities, smaller lots, etc. Likewise, in a higher density neighborhood, the medium density product type would reflect the low density types, i.e. ownership opportunities and larger lots. (p. 14)
- **Variety of Housing Types:** Because residents vary in their household size, the number of vehicles they own, the number of generations in their home, their willingness to maintain a yard, their tolerance of living near their neighbors, their ability to afford a large or small home, their preference to own or rent a home,

their desire for shared recreational facilities and equipment, and their need for privacy, a variety of housing types are needed. Residential developers thrive on economies of scale and would prefer to build a minimal number of housing types. A balance is needed that will provide sufficient housing types so that each resident can be happy living in the community but not too many that the developer cannot provide an affordable product (p. 14)

- **Affordable Housing:** To provide a wide range of affordability, including ownership opportunities for low and moderate income residents, each development shall comply with the North Natomas Housing Trust Fund Ordinance. Development in North Natomas must also comply with the Inclusionary Housing and Fair Share Policies of the City of Sacramento. To incorporate affordable housing opportunities throughout the community, the following housing types are encouraged: 1) residential units over retail uses, 2) liver-work housing units, 3) "granny flats" and other ancillary units, and 4) a mix of duplex and fourplex units within single-family residential areas. (p. 16)
- **Maximum Apartment Complex Size:** The maximum size of an apartment complex is 200 units and 8 acres. High density residential projects in excess of 200 units and 8 acres must create multiple apartment complexes separated by a local street or other linkage. Apartment complex developers shall promote architectural variety and the use of varied exterior construction materials on adjacent complexes. Also, the height of apartment complexes shall be compatible when adjacent to single-family residences. Promote the placement of one/two-story multi-family units along streets and other linkages as a visual break (p. 16).
- **Noise Conflicts:** Residential land uses shall be allowed if located outside an area with a noise impact of greater than 60dB CNEL, as measured from the dwelling unit's rear yard. Residential land uses directly related to agriculture will be allowed within the 60dB CNEL noise contour. The potential noise sources within the community include the Sacrament Metropolitan Airport, I-5, I-80, and other major roadways; the Union Pacific railroad; and the Sports Complex. (p. 16)
- **Residential Streets:** Design residential streets to be as narrow as feasible to decrease the amount of land devoted to paving, to encourage motorists to drive more slowly, and to make a tree canopy easier to provide. Private streets shall be discouraged because they promote inaccessible subdivisions which create barriers to pedestrian and bicycle travel. (p. 16)
- **PUD Designation Required:** All development in the plan area shall be designated as a Planned Unit Development (PUD) and shall include a Schematic Plan and Development Guidelines for the PUD. A Special Permit shall be required for any development in the PUD. (p. 16)
- **Development Guidelines:** Each residential project shall comply with the North Natomas Development Guidelines as well as the specific PUD Development Guidelines. (p. 16)
- Provide commercial facilities that meet the daily and weekly needs of and are convenient to North Natomas residents, workers, and visitors (p. 25)
- Confine commercial to designated sites to avoid strip commercial (p. 25).
- Village Commercial Centers (VC): Each village commercial or village-sized transit commercial site is designed to serve two to four neighborhoods, between 9,500 to

19,000 residents. The village commercial sites range in size from 5 to 13 net acres with 60,000 to 160,000 square feet of building. The leading tenant is a grocery store and/or drug store and the center consists of 5 to 30 stores (p. 27).

- Neighborhood Convenience Commercial (NCC): Neighborhood convenience commercial (NCC) is intended to provide the day-to-day, carry-out convenience goods and services to an immediate neighborhood. A typical neighborhood convenience commercial tenant might be a coffee shop/ deli, convenience market, grocery store, service station, or dry cleaners/ Laundromat. There are twelve neighborhood convenience commercial sites distributed in the North Natomas Community. They range in size up to three acres. Their primary market area is the immediate neighborhood in which they are located. To avoid providing too much commercial space or injuring the markets of existing businesses, a market study shall be completed during the Special Permit entitlement process for any proposed commercial use that is not consistent with the plan.(p. 27)
- Link all land uses with all modes of transportation. (p. 38)
- Connect, don't isolate, neighborhoods and activity centers with a well-designed circulation system. (p. 38)
- Encourage an orderly development pattern through phasing that provides for adequate local circulation resulting in completion of the community-wide circulation system. (p. 38)
- Minimize air quality impacts through direct street routing, providing a support network for zero-emission vehicle, bicycles, and pedestrians, and sizing streets suitable to the distance and speed of the traveler. (p. 38)
- Provide multiple routes and connections to adjacent developments. (p. 38)
- Provide a system of on-street bicycle routes and off-street bicycle paths that connect all residential neighborhoods with activity centers in order to increase the likelihood of a person choosing the bicycle as a commute mode. (p. 46)
- Create pedestrian circulation opportunities and avoid impeding pedestrian or bicycle circulation with private development. (p. 46)
- Provide attractive recreational opportunities for bicyclists and pedestrians. (p. 46)
- **Residential Development:** All new residential development must reduce reactive organic gas emissions by a minimum of 20 percent compared to the single-occupant vehicle baseline. (p. 48)
- **Non-Residential Development:** All new non-residential developments must reduce reactive organic gas emissions by a minimum of 50 percent compared to the single occupant vehicle baseline. (p. 48)
- Every resident and worker shall have convenient access to active and passive recreational opportunities. (p. 56)
- **Parks and Open Space Access Standard:** Eighty percent of the residential units shall be located within 880 feet of some form of public or private open space element. The 880 foot access standard is calculated based on actual walking routes rather than radius. An open space element includes a public or private park, linear parkway, agricultural buffer area, drainage corridor, and other open space opportunity available to the residents. (p. 56)
- **Community parks** shall range between 6 to 60 acres in size and shall serve residents and workers within a three mile radius. Community parks should be

able to accommodate larger recreational activities and a greater variety of uses at its facilities than a neighborhood park. (p. 56)

- **Distinguished Gateways:** Heavier landscape treatment and high quality design must be included in specific gateways to the community to provide a suitable entry to the Capitol City...The arterial intersections that also serve as gateways to the community are:...2) Elkhorn Boulevard and National Drive... and 4) Del Paso Road and National Drive. (p. 86)
- All property owners in the Plan area will be required to: 1) participate equitably in the financing mechanisms necessary to finance the design, engineering, and construction of all library, fire, police, street, traffic, water, sewer, drainage improvements and all monitoring programs provided for in this Plan, and 2) pay an equitable share of all the costs incurred in the process of development of the Financing Plan. Guarantees for this shall be via development agreements or other means acceptable to the City staff. (p. 92)
- New development will annex into the North Natomas Public Facilities and Financing Plan.

Staff believes that overall the proposal provides appropriate adjacent uses to the existing residential uses to the west, the rural residential uses to the east, the industrial land uses to the south, and the agricultural land uses to the north. If the property were to be built out consistent with the existing land use designations, there would be low, medium, and high density residential, and a school site on this project area. The current proposal is not consistent with the following NNCP land use policies:

- **Agricultural Buffers:** The plan (NNCP) calls for an agricultural buffer along the north and west boundaries of the plan area. The north buffer along Elkhorn Boulevard includes a 250 foot wide strip of land along the south side of Elkhorn Boulevard, the 136 foot wide public right-of-way of Elkhorn Boulevard, and any maintenance road or irrigation canal on the north side of Elkhorn Boulevard. The uses allowed in the buffer include: pedestrian and bikeways, linear parks and open space, drainage canals or detention basins, irrigation canals, public roads and maintenance roads. (p. 59)
- **Other Open Space:** Other Open Space includes: 1) an open space buffer between the rural estates neighborhood and the low density residential uses to the west from Del Paso Road to Elkhorn Boulevard that includes the WAPA lines (170.5 acres)... (p. 59)
- **Greenbelt Along Northern and Western Boundary:** Develop a greenbelt along the northern and western boundaries of the planning area to create a strong edge between the community and adjacent areas of permanent agriculture. (p. 82)
- **Greenbelt Width:** The greenbelt will be a minimum of 250 feet in width, not including the Elkhorn Boulevard right-of-way and irrigation canals and maintenance roads on the north side of Elkhorn, which brings the total width to 500± feet. (p. 82)
- **Purpose of Greenbelt:** The greenbelt is intended to provide a low-maintenance, limited access open space that does not encourage active recreational use and that defines and preserves the urban limits of North Natomas. Limited access

would be available from the subdivisions via pedestrian and bikeways and not from Elkhorn Boulevard. (p. 82)

250 Foot Agricultural Buffer: The existing North Natomas Community Plan map designates at 250 foot agricultural buffer along Elkhorn Boulevard to the north. The applicant is proposing to eliminate the agricultural buffer along the northern boundary Although the 250 foot buffer has been provided on the lands to the west, staff is not as concerned with the loss of the 250 foot agricultural buffer along Elkhorn Boulevard. The City is currently working with the County on an overall plan for the future development of the County lands north of the city boundaries (Natomas Joint Vision), and should future development occur north of the project site, the 250 foot buffer would no longer be applicable. The property immediately north of the Panhandle is being used for an agricultural materials site (storage of agricultural machinery). The PUDs (Northpointe Park, Heritage Park, JMA, and Schumacher) to the west of the Panhandle have provided the required 250 foot buffer – consistent with the North Natomas Community Plan. The buffer is typically used for utilities – including detention basins – and may include bike/pedestrian trails

East of WAPA Lines: Although the NNCP map depicts a large open space area adjacent to the Western Area Power Administration (WAPA) lines, no financing mechanisms were put into place to acquire, develop, and/or maintain this area. Staff is supportive of a reduction in the amount of acreage provided for the eastern buffer, but would like to see a more substantial buffer area be provided than what is currently shown in the land use exhibits and in the Panhandle PUD Guidelines (pages 76 and 76 of the PUD Guidelines). The applicant is currently proposing a wall/fence and small landscape area that would separate the rear yards of the proposed single-family homes within the gated senior development from Sorento Road. Staff would recommend that the applicant provide a more significant separation that would include a more substantial land buffer and see-through fencing. This would allow for a physical separation, but still provide eyes-on visibility to Sorento Road. The Valley View Acres neighborhood is an enclave of rural estates that has special status which allows horses, goats, etc. The neighborhood is concerned that urban dwellers will be in conflict with the close proximity of the farm animals. Staff recommends that the Planning Commission direct the applicant to revise their land use maps to show a more substantial buffer along Sorento Road and work with staff on the proposed fencing along the west side of Sorento Road and consider requiring a disclosure notice in the sales and rental agreements for the Panhandle site.

North Natomas Community Plan Text Amendment (P05-077)

The applicant is requesting the following text amendments to the North Natomas Community Plan (NNCP) to address their requests to reduce the northern and eastern agricultural/open space buffers:

Page 52 of COMMUNITY SERVICES AND FACILITIES SECTION

OPEN SPACE

Open Space includes agricultural buffer areas along the north and west boundaries of the plan area, landscaped freeway buffer areas along Interstate 5 and Interstate 80, agriculture, a proposed golf course on Northpointe, and other open space areas. Other open space areas include the area along the Union Pacific railroad lines, the Ninos Parkway beneath ~~the area along~~ the Western Area Power Authority (WAPA) lines ~~in the County~~, a proposed lake in Northborough, and the Witter Ranch Historic Farm. The area devoted to open space in the plan is 950 acres.

Page 58 of OPEN SPACE SECTION

VISION

Open space is any parcel of land devoted to the preservation of natural resources, managed production of natural resources, public health and safety, and outdoor recreation. Also, open space creates an aesthetic viewshed between freeways and other land uses and can be used as a "containment edge" of urban uses. Open space in North Natomas includes several broad categories: agricultural buffer, landscaped freeway buffer, agriculture, a golf course, roadways, and other open space (see Figure 14). Other open space specifically includes: Witter Ranch Historic Farm, a proposed lake in the Northborough subdivision, an open space area along (Ninos Parkway) within the easement for the WAPA power lines, and an open space area along the Union Pacific railroad. Drainage canals, the swale, and nine detention basins can serve as open space areas also but are delineated in the Drainage System section, page 68.

Pages 58 and 59 of OPEN SPACE SECTION

IMPLEMENTING POLICIES

Agricultural Buffers: The plan calls for an agricultural buffer along the north and west boundaries of the plan area as one method to avoid land use conflicts between urban uses in the plan and agricultural operations outside of the plan. The north buffer along Elkhorn Boulevard includes a 250 foot wide strip of land along the south side of Elkhorn Boulevard, the 136 foot wide public right-of-way of Elkhorn Boulevard, and any maintenance road or irrigation on the north side of Elkhorn Boulevard. The uses allowed in the buffer include: pedestrian and bikeways, linear parks and open space, drainage canals or detention basins, irrigation canals, public roads and maintenance roads. The buffer along the west side of the plan is 200 feet wide and allows the same uses as the northern buffer. The area devoted to the agricultural buffer is 195.9 acres. As an alternative to agricultural buffers, other methods to reduce land use conflicts between urban and agricultural zoned lands include: 1) provide separation among uses through the placement of roadways and landscape corridors; 2) through design (i.e. orientation and heights of buildings); 3) provide disclosure of potential agricultural operations nearby and/or 4) provide temporary buffers that could be extinguished if agriculturally zoned property is rezoned to urban uses.

Subject: Northgate 880 (M05-031) / Panhandle (P05-077) June 28, 2007

Page 59 of OPEN SPACE SECTION

IMPLEMENTING POLICIES

Other Open Space: Other Open Space include: 1) an open space parkway (Ninos Parkway) from Del Paso Road to Elkhorn Boulevard that includes the WAPA lines (~~170.5~~ 46.6 acres); 2) an open space buffer along the eastern boundary of the plan area that includes the existing Natomas East Main Drainage Canal and the Union Pacific Railroad right-of-way (123 acres); 3) a proposed lake in the Northborough project (24 acres) and 4) the Witter Ranch Historic Farm located near the northeast corner of El Centro and San Juan Roads (26.2 acres). The area of land devoted to "Other Open Space" is ~~343.7~~ 219.8 gross acres.

As discussed previously staff is supportive of the reduction in the 250 foot agricultural buffer along Elkhorn Boulevard, but is not supportive of the extent of the reduction in the buffer between the project site and the rural estates land uses to the east. Therefore, staff is supportive of the requested NNCP text amendments as they apply to the northern buffer.

Prezone: The Northgate 880 (M05-031) project site is currently zoned Light Industrial (M1), Light Industrial – Flood Combining Land Use (M1F), Industrial Office Park (MP), and Industrial Office Park – Flood Combining Land Use (MPF) within the County and will need to be prezoned in order to bring this property into the City and accommodate the existing development. The City proposes to prezone this area from the existing County zones to the Light Industrial Northgate 880 Special Planning District zone (M-1-N880-SPD). City staff recommends that a new Special Planning District (SPD) be created to address the land use that currently exists within the project site. The proposed SPD is supportive of the existing land uses that are in place, and will allow for continued development that is similar to what is already in place.

Table 4a below shows the existing and proposed zoning designations for the proposed project. It also shows the number of residential units anticipated under the existing zoning and proposed zoning designations. The number of residential units assumed under the existing zoning is based upon the maximum number of units allowed in that zone in the Zoning Ordinance:

By using the maximum number of units for the proposed designations, the proposal would result in a significant decrease in the number of units for this site. Staff is not concerned with this decrease in the potential number of residential units for this area, in that the site is almost completely built out with industrial, commercial, and office land uses. Staff believes the prezone request is consistent with the proposed General Plan designations and the proposed Community Plan designations for this site, therefore Planning staff supports the rezone request.

Table 4a
Northgate 880 (M05-031)
Prezone Designations

Designation	Existing		Proposed		Difference	
	acres	units	acres	units	acres	units
Light Industrial (M1 - County)	403.0	0	0.0	0	-403.0	0
Light Industrial – Flood Combining Land Use (M1F – County)	63.0	0	0.0	0	-63.0	0
Industrial Office Park (MP – County)	232.0	0	0.0	0	-232.0	0
Industrial Office Park – Flood Combining Land Use (MPF – County)	54.0	0	0.0	0	-54.0	0
Flood (F - County)	1.0	0	0.0	0	-1.0	0
Light Industrial Northgate 880 SPD (M-1-N880-SPD)	0.0	0	737.0	0	+737.0	0
Flood (F)	0.0	0	16.0	0	+16.0	0
TOTAL	**753***	**0**	**753***	**0**	**0**	**0**

*The differences in acreage are due to the 82 acres for existing roadways within the project area

The Panhandle (P05-077) project site is currently zoned Permanent Agriculture Extensive Land Use (AG-80) within the County and will need to be prezoned in order to accommodate the proposed development. (see Exhibit 1R) The applicant is requesting to prezone the project site to R-1-PUD (Standard Single Family Planned Unit Development), R-1A-PUD (Single-Family Alternative Planned Unit Development), Multi-Family Planned Unit Development (R-2A-PUD, R-2B-PUD, R-3-PUD, R-3A-PUD), C-1-PUD (Limited Commercial Planned Unit Development), C-2-PUD (General Commercial Planned Unit Development), and Agriculture-Open Space Planned Unit Development (A-OS-PUD) zone. R-1 is a low density residential zone composed of single-family detached residences on lots with a minimum of 52 feet by 100 feet in size. R-1A is a low to medium density residential zone intended to permit the establishment of single-family, individually owned, attached or detached residences where lot sizes, height, area and/or setback requirements vary from standard single family. R-2A is a multi-family residential zone designated to provide for garden apartments and cluster housing. R-2B is a multi-family residential zone which offers broader density flexibility as a transition from the garden apartment setting to a more traditional apartment setting. R-3 is a multi-family

residential zone intended for more traditional types of apartments R-3A is a multi-family zone that is designed to provide development regulations that are consistent with goals for various residential areas. C-1 is a limited commercial zone which allows certain office, retail stores, and commercial service establishments which are compatible with residential developments. C-2 is a general commercial zone which provides for the sale of commodities, or performance of services, including repair facilities, offices, small wholesale stores or distributors, and limited processing and packaging. A-OS is an exclusive agricultural zone designed for the long term preservation of agricultural and open space land

Table 4b below shows the existing and proposed zoning designations for the proposed project. It also shows the number of residential units anticipated under the existing zoning and proposed zoning designations. The number of residential units assumed under the existing zoning is based upon the maximum number of units allowed in that zone in the Zoning Ordinance.

By using the maximum number of units for the proposed designations, the proposal would result in an significant decrease in the number of units for this site. When comparing the proposed PUD Schematic Plan for Panhandle area to the target number of units shown for the existing and proposed NNCP designations (Exhibit 1S and Table 5 below), there are one-thousand, nine-hundred and forty-one (941) units less than the targets for the existing NNCP designations and one-hundred and eighty-six (1,186) units less than the targets for the proposed NNCP designations. Staff believes the rezone request is consistent with the proposed General Plan designations and the proposed Community Plan designations for this site, therefore Planning staff supports the rezone request.

Table 4b
Panhandle (P05-077)
Prezone Designations

Designation	Existing		Proposed		Difference	
	acres	units	acres	units	acres	units
Permanent Agricultural Extensive Land Use (AG-80) County	594.7	7	0	0	-594.7	-7
Standard Single Family PUD (R-1-PUD)	0.0	0	119.5	956	+119.5	+956
Single-Family Alternative PUD (R-1A-PUD)	0.0	0	71.4	1,071	+71.4	+1,071
Multi-Family PUD (R-2A-PUD)	0.0	0	20.2	343	+20.2	+343

Multi-Family PUD (R-2B-PUD)	0.0	0	8.2	172	+8.2	+172
Multi-Family PUD (R-3-PUD)	0.0	0	12.1	350	+12.1	+350
Multi-Family PUD (R-3A-PUD)	0.0	0	16.8	604	+16.8	+604
Limited Commercial PUD (C-1-PUD)	0.0	0	11.8	0	+11.8	0
General Commercial PUD (C-2-PUD)	0.0	0	22.1	0	+22.1	0
Agriculture-Open Space PUD (A-OS-PUD)	0.0	0	108.7	0	+108.7	0
TOTAL	**594.7**	**0**	**594.7**	**3,496**	**0.0**	**+3,496**

NORTHGATE 880 SPECIAL PLANNING DISTRICT (SPD)

The Northgate 880 area (M05-031) is almost completely built out with land uses that are consistent with the County's land use designations for the site. The City does not have a zoning district that is consistent with all of the existing land uses that are currently in place. In order to maintain consistency with the existing land uses and land use designations, staff is proposing to create the Northgate 880 Special Planning District to address this specific area.

A special planning district designation appearing on official zoning and community plan land use maps means that the project is subject to the requirements set forth in the Special Planning Districts requirements of the Sacramento City Code. A special planning district (SPD) is a zoning district that encompasses one or more underlying zones and: 1) provide for flexibility to stimulate new development in existing neighborhoods that are experiencing obsolescence or decline; 2) provide incentives for private development that would not otherwise be possible through a strict interpretation of development standards; 3) provide for mechanisms for preserving and enhancing unique environmental features, wildlife habitat, or other considerations located on the property; and/or 4) encourage coordinated development of properties through a unified development theme consistent with the goals and criteria established for the individual special planning district (SPD)

In justifying the use of a SPD, the Planning Commission will need to determine that routinely used zoning and other standard regulatory ordinance provisions, as well as general and community plan policies, should be replaced by or supplemented with specifically tailored provisions intended to positively benefit the district and its immediate surrounding area. To assist in doing this, one or more of the following criteria should be applied:

A. The SPD provisions will offer a greater mix of land uses and/or intensities, thereby increasing the likelihood of attracting new private investment;

B. The SPD provisions will promote retention of unique geographic or historic features consistent with quality land use design practices;

C. The SPD provisions will promote a significant reversal in the long term trend of area economic stagnation or physical blight;

D. The SPD provisions will stimulate major multiple use development around a central or unique theme that has been supported by a market analysis;

E. The SPD provisions will encourage significant elimination of incompatible land uses and the aggregation or massing of problem parcels for better development potential;

F. The SPD provisions will retain or enhance highly significant environmental areas or feature worth retaining for the general public's benefit.

In creating the Northgate 880 SPD, staff believes the SPD will offer provisions that allow for a greater mix of land uses and/or intensities that any existing City industrial and/or employment center land use designation that is in place. Also, the SPD will provide for the development of non-conforming land uses within this SPD. Therefore, staff is supportive of the creation of the Northgate 880 Special Planning District.

Project Design/Land Use

PUD Schematic Plan and Guidelines: The Panhandle project site is currently outside of the City limits and is not designated for a Planned Unit Development (PUD). Therefore the applicant is requesting to establish a PUD Schematic Plan and Guidelines for the Panhandle Planned Unit Development (PUD). The PUD Guidelines will establish specific development standards, such as lot coverage, setbacks, and additional development criteria in order to ensure orderly development within the PUD (Exhibit 8). The proposed PUD Schematic Plan and Guidelines are consistent with North Natomas Community Plan policies and the project is consistent with the requirements of the zoning code for PUD Establishment, therefore staff is supportive of the proposed PUD Schematic Plan and Guidelines.

Table 5
Panhandle (P05-077)
PUD Schematic Plan Summary

Land Use	Dwelling Units	Acreage	Density
Single-Family (60' x 105' lots)	176	42.5	4.1
Single-Family (60' x 90' lots – senior)	152	35.0	4.3

Single-Family (50' x 100' lots)	194	33.8	5.7
Single-Family (55' x 95' lots)	264	53.7	4.9
Single-Family (45' x 100' lots)	100	18.6	5.3
Single-Family (40' x 80' lots)	246	32.7	7.5
Single-Family (45' x 75' lots)	92	14.1	6.5
Single-Family (40' x 60' lots)	244	29.0	8.4
Single-Family (Greencourt)	298	22.8	13.0
Single-Family (Villas)	277	25.3	10.9
Apartments	619	25.8	23.9
Condominiums	282	18.5	15.2
Live-Work	28	4.2	6.6
Mixed Use	74	4.6	16.0
Commercial	29	18.5	1.5
Park	0	41.1	-
Schools	0	69.3	-
Open Space/ Detention Basin	0	20.8	-
Open Space/ Parkway	0	45.6	-
R.O.W.	0	38.8	-
Total	**3,075**	**594.7±**	**N/A**

Tentative Master Parcel Map Design (Panhandle - Krumenacher)

1. Map Design

According to Title 16 of the City Code, Subdivision Regulations, a Master Parcel Map is a map that subdivides large tracts of land into smaller parcels for the purpose of later selling or otherwise transferring the parcels for further subdivision in accordance with the procedures specified in Title 16, or for the purpose of securing financing, together with planning and construction of infrastructure elements, but not for the purpose of creating either individual residential lots for sale to end-user homeowners, and not for the purpose of allowing construction or other improvements on non-residential parcels. The Panhandle – Krumenacher Tentative Master Parcel Map (Exhibit 1T) subdivides 129.2 acres into 17 master parcels. Master parcels are created so that portions of the project can be sold off to individual builders and so that the associated infrastructure can be phased with individual lot development. Some of the

master parcels (especially the residential lots) may be further subdivided into smaller buildable lots (as is the case with the Tentative Subdivision Map, to be discussed below).

2. Traffic and Transit

Circulation: The thoroughfares that provide primary east-west circulation for this project are Elkhorn Boulevard to the north and Del Paso Road to the south. National Drive will provide a future north-south connection between Elkhorn Boulevard and Del Paso Road.

The proposed master parcel configuration corresponds with the proposed land use designations and the proposed prezoning and is therefore supported by staff

Tentative Master Parcel Map Design (Panhandle - Dunmore)

1. Map Design

According to Title 16 of the City Code, Subdivision Regulations, a Master Parcel Map is a map that subdivides large tracts of land into smaller parcels for the purpose of later selling or otherwise transferring the parcels for further subdivision in accordance with the procedures specified in Title 16, or for the purpose of securing financing, together with planning and construction of infrastructure elements, but not for the purpose of creating either individual residential lots for sale to end-user homeowners, and not for the purpose of allowing construction or other improvements on non-residential parcels. The Panhandle – Dunmore Tentative Master Parcel Map (Exhibit 1U) subdivides 389.2 acres into 39 master parcels. Master parcels are created so that portions of the project can be sold off to individual builders and so that the associated infrastructure can be phased with individual lot development. Some of the master parcels (especially the residential lots) may be further subdivided into smaller buildable lots (as is the case with the Tentative Subdivision Map, to be discussed below).

2. Traffic and Transit

Circulation: The thoroughfares that provide primary east-west circulation for this project are Elkhorn Boulevard to the north and Del Paso Road to the south. National Drive will provide a future north-south connection between Elkhorn Boulevard and Del Paso Road.

The proposed master parcel configuration corresponds with the proposed land use designations and the proposed prezoning and is therefore supported by staff.

Tentative Subdivision Map Design (Panhandle North – Krumenacher)

1. Map Design

The applicant is proposing a Tentative Subdivision Map (Exhibit 1V) to subdivide 129.2± acres into approximately 510± single-family lots, 1 high density lot, 1 medium density multi-family lot (condominium), 1 common area lot, 3 park lots, 4 open space lots, and 7 landscape lots.

2. Traffic and Transit

Circulation: The project site will be served by several facilities currently existing and proposed. A description of these facilities is provided below:

Interstate 5 is a six-lane freeway providing north-south access throughout the Sacramento area.

Interstate 80 is a six-lane freeway providing east-west access throughout the Sacramento area.

Elkhorn Boulevard is currently a two-lane arterial providing east-west access along the northern border of North Natomas and through the County. Currently Elkhorn Boulevard extends from Power Line Road (County) to the west to Interstate 80 (County) to the east. The roadway then turns into Greenback Lane, east of Interstate 80. Access to the northern portion of the site is provided directly from Elkhorn Boulevard

National Drive will eventually be a four-lane roadway providing north-south access through the project site. National Drive currently extends from approximately Sierra Point Drive (County) to Del Paso Road (County). Eventually National Drive will extend from Del Paso Road to Sierra Point Drive to the southwest.

Sandmark Drive is a two-lane road providing east-west access in the city. Currently Sandmark Drive extends from Bridgecross Drive to the west and will continue into the project site to "R" Way to the east.

Domino Avenue is a two-lane road providing east-west access in the city. Currently Domino Avenue extends from Bridgecross Drive to the west and will continue into the project site to "H" Way to the east.

"A", "B", "C", "D", "E", and "F" Drives will be two lane roads providing access throughout the Panhandle North – Krumenacher portion of the project site.

"H" through "S" Ways and "T" Circle will be two lane roads that provide access throughout the Panhandle North – Krumenacher portion of the project site.

Alleys "1", "2", "3", "8", "9", "10", "11", "12", "13", and "15" will be private alleys that provide vehicular access to the alley-loaded single-family residences in the Panhandle North – Krumenacher portion of the project site

Air Quality/Transportation Management Plan (AQ/TMP): The applicant will implement air quality mitigation strategies by complying with the Transportation Systems Management (TSM) Plan Ordinance. The applicant will submit their TSM and Air Quality Plan to the City's Alternative Modes Coordinator for review and approval.

Staff recommends the Planning Commission approve the Tentative Subdivision Map for Panhandle North - Krumenacher, in that the map is generally consistent with the 1994 North Natomas Community Plan, General Plan, and the City's Subdivision Ordinance.

Subdivision Modification (Panhandle North – Krumenacher)

The applicant is requesting the following Subdivision Modifications for the Panhandle North – Krumenacher Tentative Subdivision Map, with the following justifications:

1. Deviation from the standard minimum 200' radius on a 53' residential street to a 126.5' radius on 'O' Way and 'H" Way as shown on the tentative map.

   Justification: Proposed curves are located at open space areas. Visibility is maintained across open space areas and will not create a safety hazard. Curves are included as a design feature to add interest in project layout.

2. Deviation from the standard minimum tangent length at Intersections to be less than the required 42' from and of curve to center of intersection at 'O' Way/ 'N' Way, 'H' Way/'M' Way, and 'O' Way/'S' Way as shown on the tentative map.

   Justification: Difference in lot products and lot widths require center line shift in 'N' Way. Showing a required tangent on 'S' Way would result in an awkward reverse curve. Deviation is minor and will not create a safety hazard.

3. Deviation from standard minimum alley width of 20' to a larger cross section of 25'

   Justification: This is proposed to allow for easier vehicular movement within the alleys.

4. Modification to Section 9.1 and 9.2 of the Design and Procedures Manual. Proposed to use CSD-1 standards for sewer average flow and design flow calculations.

Justification: The existing, downstream sewer system was designed using CSD-1 calculation methodology. The requested modification will eliminate the differences in the two flow calculation methods and will match the existing design of the downstream sanitary sewer system.

5. Modification to Section 9.4.4.4 and 11.9 of the Design and Procedures Manual. Propose to place the sanitary sewer on the west of the street centerline and storm drain on the east side of the centerline along National Drive, 'F' Drive, and 'G' Way, 'K' Way, 'R' Way, 'L' Way, 'O' Way and 'T' Circle.

   Justification: Will reduce potential for utility crossing conflicts and minimize design of inverted siphons in the storm drain system. Limited to streets along school, park and open space areas.

6. Modified "Residential Street" section to show a 57' total width as shown on the Tentative Map.

   Justification: The wider street section is justified for residential streets carrying additional residential traffic. The proposed 57' section is the same as the 53' street standard except 4 feet additional width is added to the pavement section. This section has been recommended by the Public Works Department for this project.

7. Modified "Residential Street" section to show a 57' total width for streets adjacent to elementary schools and park sites as shown on the Tentative Map.

   Justification: The wider street section is justified for residential streets adjacent to elementary schools and park sites. The proposed 57' section is the same as the 53' street standard except 4 feet additional width is added to the pavement section. This section has been recommended by the Public Works Department for this project.

8. 100' street section for the National Drive with sidewalk excluded on the east side where adjacent to the parkway.

   Justification: National Drive runs along the planned Niños Parkway that will include a 10-foot wide ped/bike path in close proximity to the National Drive frontage. Duplication of sidewalk next to parkway path would otherwise result. Excluding the sidewalk will allow more green space along parkway

9. Rolled curb & gutter (type #13) on 53-foot and 57-foot street sections as shown on the tentative map. (residential lot frontages only)

   Justification: Rolled curb provides greater flexibility in house/driveway orientation and design. Vertical curb & gutter and early construction of driveway cuts limit house/driveway options and limits creative variations in home products design. Rolled curb & gutter was used with success in the adjacent Northpointe Parke Subdivision.

10. Modified 57' street section on 'T' Circle with sidewalk excluded on a portion of the west side.

    Justification: 'T' Circle runs along the planned Niños Parkway that will include a 10-foot wide ped/bike path in close proximity to the 'T' Circle frontage. Duplication of sidewalk next to parkway path would otherwise result. Excluding the sidewalk will allow more green space along the parkway.

11. Deviation from the City of Sacramento standard for private alley surface of concrete to a surface of asphalt.

    Justification: To allow the placement and future maintenance of underground utilities. Both CSD-1 and S.M.U.D. will not allow their facilities to be placed under concrete.

Development Engineering staff has reviewed the requested modifications and has found the modifications acceptable, subject to the conditions contained in this staff report.

Tentative Subdivision Map Design (Panhandle – Dunmore Central)

1. Map Design

   The applicant is proposing a Tentative Subdivision Map (Exhibit 1W) to subdivide 136.4± acres into approximately 417± single-family lots, 1 medium density lot, 4 condominium lots (Greencourt), 1 high density lots, 1 neighborhood commercial lot, 3 park lots, 5 open space lots, and 11 landscape lots.

2. Traffic and Transit

   Circulation: The project site will be served by several facilities currently existing and proposed. A description of these facilities is provided below:

   Interstate 5 is a six-lane freeway providing north-south access throughout the Sacramento area.

   Interstate 80 is a six-lane freeway providing east-west access throughout the Sacramento area.

   Elkhorn Boulevard is currently a two-lane arterial providing east-west access along the northern border of North Natomas and through the County. Currently Elkhorn Boulevard extends from Power Line Road (County) to the west to Interstate 80 (County) to the east. The roadway then turns into Greenback Lane, east of Interstate 80. Access to the northern portion of the site will be provided from National Drive to Elkhorn Boulevard.

Club Center Drive is a two-lane roadway providing east-west access in North Natomas. Club Center Drive currently extends from Maybrook Drive to the west to this project site to the east. Eventually Club Center Drive will continue from East Commerce Way to the west to National Drive to the east. Access to the western portion of the site will be provided from Club Center Drive.

Sorento Road is a two-lane road providing north-south access in the City and County. Sorento Road extends from Del Paso Road to the south (City/County) to Elkhorn Boulevard to the north (County). Sorento Road borders the project site to the east.

National Drive will eventually be a four-lane roadway providing north-south access through the project site. National Drive currently extends from approximately Sierra Point Drive (County) to Del Paso Road (County). Eventually National Drive will extend from Del Paso Road to Elkhorn Boulevard to the north.

"A","B", "S", and "T or X" Drives will be two lane roads providing access throughout the Panhandle – Dunmore Central project site.

"C" through "R" and "V" through "Y" Ways will be two lane roads providing access throughout the Panhandle – Dunmore Central project site.

Alleys "1", "2", "3", and "4" will be private alleys that provide vehicular access to alley-loaded single-family residences in the Panhandle – Dunmore Central project site.

Air Quality/Transportation Management Plan (AQ/TMP): The applicant will implement air quality mitigation strategies by complying with the Transportation Systems Management (TSM) Plan Ordinance. The applicant will submit their TSM and Air Quality Plan to the City's Alternative Modes Coordinator for review and approval.

Staff recommends the Planning Commission approve the Tentative Subdivision Map for Panhandle – Dunmore Central, in that the map is generally consistent with the 1994 North Natomas Community Plan, General Plan, and the City's Subdivision Ordinance.

Subdivision Modification (Panhandle – Dunmore Central)

The applicant is requesting Subdivision Modifications for the Panhandle – Dunmore Central Tentative Subdivision Map, with the following justifications:

1. Deviation from the standard minimum alley width of 20' to a larger cross section of 25'.

Justification: This is proposed to allow for easier vehicular movement within the alleys and is an increase of standards

2. Modification to Section 9.1 and 9.2 of the Design and Procedures. Propose to use CSD-1 standards for sewer average flow and design flow calculations.

   Justification: The existing, downstream sewer system was designed using the CSD-1 calculation methodology. The requested methodology will eliminate the differences in the two flow calculation methods and will match the existing design of the downstream sanitary sewer system.

3. Modification to Section 9.4.2.2 and 11.9 of the Design and Procedures Manual. Propose to place the sanitary sewer on the west of the street centerline and storm drain on the east side of the centerline along National Drive, 'A' Drive and 'G' Way.

   Justification: Will reduce potential for utility crossing conflicts and minimize design of inverted siphons in the storm drain system. Limited to streets along open space areas.

4. Street intersections – tangents into curve 90 degrees ± 7 degrees, as shown on Tentative Map at 'N' Way and 'J' Way and 'M' Way and 'J Way'.

   Justification: Intersection angles are minor and do not create a safety hazard Including tangents at intersections as required by design standards would result in more curves and a more awkward centerline alignment.

5. Modified 'Residential Street' section to show a 57' total width as shown on the Tentative Map.

   Justification: The wider street section is justified for residential streets carrying additional residential traffic. The proposed 57' is the same as the 53' street standard except four feet additional width is added to the pavement section.

6. Modified 'Residential Street' section to show a 57' total width for streets adjacent to elementary schools and park sites as shown on the Tentative Map.

   Justification: The wider street section is justified for residential streets adjacent to elementary schools and park sites. The proposed 57' is the same as the 53' street standard except four feet additional width is added to the pavement section. This section has been recommended by the Public Works Department for this project.

7. 57' street section standard on 'A' Drive and 'M' Way with sidewalk excluded on a portion of the west side as shown on the Tentative Map.

   Justification: 'A' Drive runs along the planned Ninos Parkway that will include a 10-foot wide ped/bike path in close proximity to the 'A' Drive and 'M' Way frontages. Duplication of sidewalk next to the parkway path would otherwise result. Excluding the sidewalk will allow more green space along the parkway.

8. Rolled curb and gutter (type #13) on 53-foot and 57-foot street sections as shown on the tentative map (residential lot frontages only)

Justification: Rolled curb provides greater flexibility in house/driveway orientation and design. Vertical curb and gutter and early construction of driveway cuts limit house/driveway options and limits creative variations in home product design. Rolled curb and gutter was used with success in the adjacent Northpointe Park Subdivision.

9. Deviation from the City of Sacramento standard for private alley surface of concrete to a surface of asphalt.

   Justification: To allow the placement and future maintenance of underground utilities. Both CSD-1 and SMUD will not allow their facilities to be placed under concrete.

Development Engineering staff has reviewed the requested modifications and has found the modifications acceptable, subject to the conditions contained in this staff report.

Tentative Subdivision Map Design (Panhandle – Dunmore South)

1. Map Design

   The applicant is proposing a Tentative Subdivision Map (Exhibit 1X) to subdivide 252.7± acres into approximately 794± single-family lots, 2 high density lot, 1 medium density multi-family lot (condominium), 3 condominium lots (greencourt), 4 commercial lots, 1 school site, 3 park lots, 2 open space lots, 7 landscape/paseo lots, 4 private landscape lots, and 1 private recreation center lot.

2. Traffic and Transit

   Circulation: The project site will be served by several facilities currently existing and proposed. A description of these facilities is provided below:

   Interstate 5 is a six-lane freeway providing north-south access throughout the Sacramento area.

   Interstate 80 is a six-lane freeway providing east-west access throughout the Sacramento area.

   Elkhorn Boulevard is currently a two-lane arterial providing east-west access along the northern border of North Natomas and through the County. Currently Elkhorn Boulevard extends from Power Line Road (County) to the west to Interstate 80 (County) to the east. The roadway then turns into Greenback Lane, east of Interstate 80. Access to the northern portion of the site is provided directly from Elkhorn Boulevard

   National Drive will eventually be a four-lane roadway providing north-south access through the project site. National Drive currently extends from approximately Sierra Point Drive (County) to Del Paso Road (County).

Eventually National Drive will extend from Elkhorn Boulevard to Sierra Pointe Drive to the southwest.

Mayfield Drive is a two-lane road providing north-south access in the city. Currently Mayfield Drive extends from North Bend Drive to the west and continues to the project site, where it then becomes a pedestrian connection.

Aimwell Avenue is a two-lane road providing east-west access in the city. Currently Aimwell Avenue extends from North Bend Drive to the west and will continue into the project site to "K" Way.

Cadman Court is a two-lane court that current dead ends at the project site. Currently Cadman Court extends from Archcrest Way to the west and continues to the project site, where it then ends at a proposed park site and the rear of a single-family lot

"A" through "EE" Drive / Way will be two lane roads providing access throughout the Panhandle – Dunmore South project site.

"1" through "7" Courts will be two lane courts throughout the Panhandle – Dunmore South project site.

Alleys "1" through "9" will be private alleys that provide vehicular access to the alley-loaded single-family residences in the Panhandle – Dunmore South project site.

Air Quality/Transportation Management Plan (AQ/TMP): The applicant will implement air quality mitigation strategies by complying with the Transportation Systems Management (TSM) Plan Ordinance. The applicant will submit their TSM and Air Quality Plan to the City's Alternative Modes Coordinator for review and approval.

Staff recommends the Planning Commission approve the Tentative Subdivision Map for Panhandle – Dunmore South, in that the map is generally consistent with the 1994 North Natomas Community Plan, General Plan, and the City's Subdivision Ordinance.

Subdivision Modifications (Panhandle – Dunmore South)

The applicant is requesting Subdivision Modifications for the Panhandle – Dunmore South Tentative Subdivision map, with the following justifications:

1. Deviation from the standard minimum 1000' radius on a 4-lane arterial to a 750' radius on National Drive as shown on the Tentative Map.

   Justification: Reduced centerline radius related to planned slower design speed from 50 mph to 35 mph. This is part of the traffic calming measures to slow

traffic on National Drive through the project. Other features include on-street parking for portions of National Drive and traffic round abouts.

2. Deviation from the standard minimum intersection offset of 120' to 95' at 'F' Way and 'C' Drive as shown on the Tentative Map.

   Justification: A large drainage pipe (36") is planned to run south to north to serve the project. The street connection of 'C' Way is needed to keep the drainage pipe and overland release within a public street versus an easement between lots.

3. Deviation from the standard minimum tangent length at intersections to be less than the required 42' from end of curve to center of intersection. Applies to 'E' Way at 'L' Way, 'E' Way at 'K' Way, 'K' Way at 'B' Drive, and 'AA' Way at 'CC' Way as shown on the Tentative Map.

   Justification: The modified grid street/lot pattern and intersection angles require request in a limited number of cases. Modified grid pattern is more desirable urban design. Requested modifications are minor and will not create a safety hazard.

4. Deviation from the standard minimum alley width of 20' to a larger cross section of 25'.

   Justification: This is proposed to allow for easier vehicular movement within the alleys and is an increase of standards.

5. Modification to Section 9.1 and 9.2 of the Design and Procedures. Propose to use CSD-1 standards for sewer average flow and design flow calculations.

   Justification: The existing, downstream sewer system was designed using the CSD-1 calculation methodology. The requested methodology will eliminate the differences in the two flow calculation methods and will match the existing design of the downstream sanitary sewer system.

6. Modification to Section 9.4.2.2 and 11.9 of the Design and Procedures Manual. Propose to place the sanitary sewer on the west of the street centerline and storm drain on the east side of the centerline along National Drive, 'A' Drive and 'G' Way.

   Justification: Will reduce potential for utility crossing conflicts and minimize design of inverted siphons in the storm drain system. Limited to streets along open space areas.

7. Modified 'Residential Street' section to show a 57' total width as shown on the Tentative Map.

   Justification: The wider street section is justified for residential streets carrying additional residential traffic. The proposed 57' is the same as the 53' street standard except four feet additional width is added to the pavement section.

8. Modified 'Residential Street' section to show a 57' total width for streets adjacent to elementary schools and park sites as shown on the Tentative Map.

Justification: The wider street section is justified for residential streets adjacent to elementary schools and park sites. The proposed 57' is the same as the 53' street standard except four feet additional width is added to the pavement section. This section has been recommended by the Public Works Department for this project.

9. Modified 53' and 57' street sections as listed below and shown on the Tentative Map:

   1) 53' street section with attached 5' sidewalk on the west side of 'C' Drive where adjacent to the existing Natomas Charter School.

   2) 53' street section standard with enhanced sidewalk and planter (to be determined) for street between 'C' Drive and 'B' Drive.

   3) 57' street section on 'A' Drive with sidewalk excluded on a portion of the west side

   Justification:

   1) The existing, off-site school is 2-3 feet below planned grade for 'C' Drive. An attached walk will allow more flexibility in grading/slopes along the frontage and will help avoid use of retaining wall.

   2) This street is possible pedestrian corridor between the Natomas Charter School and the on-site 7.4 acre park site. The wider sidewalk and planter will enhance the connectivity between the school and park

   3) 'A' Drive runs along the planned Ninos Parkway that will include a 10-foot wide ped/bike path in close proximity to the 'A' Drive frontage. Duplication of sidewalk next to parkway path would otherwise result.

10. Rolled curb and gutter (type #13) on 53-foot and 57-foot street sections as shown on the tentative map (residential lot frontages only).

    Justification: Rolled curb provides greater flexibility in house/driveway orientation and design. Vertical curb and gutter and early construction of driveway cuts limit house/driveway options and limits creative variations in home product design. Rolled curb and gutter was used with success in the adjacent Northpointe Park Subdivision.

11. Deviation from the City of Sacramento standard for private alley surface of concrete to a surface of asphalt.

    Justification: To allow the placement and future maintenance of underground utilities. Both CSD-1 and SMUD will not allow their facilities to be placed under concrete.

Development Engineering staff has reviewed the requested modifications and has found the modifications acceptable, subject to the conditions contained in this staff report.

Subdivision Review Committee Recommendation

Subject: Northgate 880 (M05-031) / Panhandle (P05-077) June 28, 2007

On October 4, 2006, the Subdivision Review Committee, by a vote of three ayes, voted to recommend approval of the Tentative Master Parcel Maps and Tentative Subdivision Maps subject to the recommended conditions of approval for this project. Subsequently, the Tentative Master Parcel Maps and Tentative Subdivision Maps have been revised and the project returned to Subdivision Review Committee on April 4, 2007. Revised conditions were added to the Tentative Master Parcel Maps and Tentative Subdivision Maps.

Respectfully submitted by: _____
ARWEN WACHT
Associate Planner

Recommendation Approved:

_____
SCOT MENDE
New Growth Manager

Attachments:

Attachment 1	Recommended Findings of Fact and Conditions of Approval
Exhibit 1A	CEQA Findings of Fact and Statement of Overriding Considerations for the Northgate 880 / Panhandle Project
Exhibit 1B	Mitigation Monitoring Plan
Exhibit 1C	Draft Reorganization Resolution
Exhibit 1D	Draft General Plan Map Amendment Resolution (M05-031)
Exhibit 1E	Draft NNCP Text Amendment Resolution (M05-031)
Exhibit 1F	Draft NNCP Map Amendment Resolution (M05-031)
Exhibit 1G	Draft Zoning Code Text Amendment Ordinance (M05-031)
Exhibit 1H	Draft Prezone Ordinance (M05-031)
Exhibit 1I	Draft Development Agreement Ordinance (Dunmore) (P05-077)
Exhibit 1J	Draft Development Agreement Ordinance (Vaquero) (P05-077)
Exhibit 1K	Inclusionary Housing Plan Letter from SHRA dated May 14, 2007
Exhibit 1L	Draft Inclusionary Housing Plan Resolution (Vaquero) (P05-077)
Exhibit 1M	Draft Inclusionary Housing Plan Resolution (Dunmore) (P05-077)
Exhibit 1N	Draft Inclusionary Housing Plan Resolution (Grant) (P05-077)
Exhibit 1O	Draft General Plan Amendment Resolution (P05-077)
Exhibit 1P	Draft NNCP Text Amendment Resolution (P05-077)
Exhibit 1Q	Draft NNCP Map Amendment Resolution (P05-077)
Exhibit 1R	Draft Prezone Ordinance (P05-077)
Exhibit 1S	Draft Panhandle PUD Establishment Resolution (P05-077)
Exhibit 1T	Tentative Master Parcel Map Exhibit (Panhandle – Krumenacher)

Subject: Northgate 880 (M05-031) / Panhandle (P05-077) June 28, 2007

Exhibit 1U	Tentative Master Parcel Map Exhibit (Panhandle – Dunmore)
Exhibit 1V	Tentative Subdivision Map Exhibit (Panhandle North – Krumenacher)
Exhibit 1W	Tentative Subdivision Map Exhibit (Panhandle – Dunmore Central)
Exhibit 1X	Tentative Subdivision Map Exhibit (Panhandle – Dunmore South)
Exhibit 1Y	Draft Tax Exchange Agreement Resolution
Exhibit 1Z	Draft Finance Plan Resolution (P05-077)
Attachment 2	Vicinity Map
Attachment 3	Land Use & Zoning Map
Attachment 4	Property Owner List
Attachment 5	Panhandle Working Group Draft Principles
Attachment 6	Panhandle Presentation List
Attachment 7	NCA Comments Dated November 28, 2005
Attachment 8	NNA Comments Dated August 21, 2005
Attachment 9	RPNA Comments Dated February 5, 2007
Attachment 10	VVAHOA Comments Dated February 20, 2006
Attachment 11	Staff Response Memo for Planning Commission

ATTACHMENT 2 - THIRD PARTY APPEAL DATED JULY 6, 2007

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Sacramento, CA 95814

North Permit Center
2101 Arena Blvd., Suite 200
Sacramento, CA 95834

APPEAL OF THE DECISION OF THE
SACRAMENTO CITY PLANNING COMMISSION

DATE: July 6, 2007

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning Commission on June 28, 2007 (hearing date), for project number (P#) 05-077 MO~~5~~-031 when:

_____	Special Permit	for _____
_____	Variance	for _____
_____	"R" Review	for _____
XX	~~Other~~ Panhandle Annexation Certification, Adoption, and Approval	for Items A, B, U-Z, AA and BB

XX Granted by the City Planning Commission

_____ Denied by the City Planning Commission

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

Please see attached letter dated July 6, 2007.

⇒ Property Location: _____

⇒ Appellant: Jim Gately, et al (please print) Daytime Phone: 916-660-9555

⇒ Address: 3262 Penryn Road, Suite 200, Loomis, CA ~~95603~~ 95650 Brigit S. Barnes & Associates, Inc. on behalf of Appellant

⇒ Appellant's Signature: [signature]

THIS BOX FOR OFFICE USE ONLY

FILING FEE: ____ $1,192.00 By Applicant
X $298.00 By Third Party

RECEIVED BY: J. Broker
DATE: 7-6-07

Distribute Copies To: Project Planner (original & receipt)
P# 05-077 Forwarded to City Clerk: _____

Brigit S. Barnes & Associates, Inc.
A Law Corporation

Brigit S. Barnes, Esq
Susan M Vergne, Esq

Land Use and Environmental Paralegal
Jaenalyn Jarvis

Legal Assistants
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3262 Penryn Road
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Website landlawbybarnes.com

July 6, 2007

Hand Delivered

City of Sacramento
c/o Planning Department
New City Hall
915 I Street, Third Floor
Sacramento, CA 95814

Attn: Arwen Wacht and Scot Mende

Re: **NOTICE OF APPEAL OF PLANNING COMMISSION DECISION**
Action Taken: Hearing of 6/28/07
Certification, Adoption and Approval of Item Nos.
A, B, U through Z, AA and BB
Natomas Panhandle Annexation Project (M05-031)
EIR for the Panhandle Annexation, etc. (P05-077)
SCH#2005092043
Our Clients: Jim Gately/J B Management, L P /J B Properties/J B Company
Our File No: 2219
Clients' Parcel Nos:
225-0060-033, -034, -054 through -059, -061, -066 through -068
225-0941-001, -027 through -029, -032 through -034, -037
225-0942-**013, -014, -015,** -035, -038, -043 through -049, -051, -052, -053
225-0943-027 and -028
237-0011-047
237-0410-029, -030, -032
237-0420-001, -028 through -030
*[Note The 3 **bolded** parcels owned by our clients do not show on the proposed resolution of annexation]*

Dear Sir/Madam:

On behalf of our clients, Jim Gately, J B Management, L P ("J B Management"), J B Properties, and J B Company, we hereby appeal the Planning Commission's June 28, 2007 decision to Certify the Environmental Impact Report (Item A), Adopt the Mitigation Monitoring Plan (Item B) and Approve the Tentative Subdivision Maps and Subdivision Modifications for the Krumenacher/Dunmore applicants (Items U through Z, AA and BB) for the Natomas Panhandle Annexation Project ("Annexation Project").

The Annexation Project, which involves 28 entitlement requests accompanied by a Staff Report of over 600 pages, attempts to rezone the proposed annexation property, provide for preliminary zoning & PUD formation for the Krumenacher/Dunmore subdivisions and

> (3) Specific economic, social, legal, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, made infeasible the mitigation measures or project alternatives identified in the EIR

The EIR fails to adequately address the concerns raised in the numerous substantive comment letters received from not only Appellants, but, among others, the Department of Water Resources, Caltrans, LAFCO, the County of Sacramento, SMAQMD, and local school, park and other facilities districts. Because so much of the mitigation, relied upon by the City's consultants, remains to be fleshed out, the EIR should be redrafted and recirculated when all mitigation plans are completed and the recent FEMA hazard issue is addressed. Otherwise, the EIR violates CEQA by segmenting this project into stages of approval. CEQA Guidelines Section 15003(h); Bozung v. LAFCO (1975) 13 Cal 3d 263, 283

The proposed findings identified in Exhibit 1A themselves impermissibly permit the project applicant to arrange further mitigation to resolve the destruction of open space and farm land, traffic impacts, and develop a future finance plan for review. The statutory and case law violations are cited in explicit sections below.

HYDROLOGY AND WATER QUALITY

Flooding

As set forth in the Staff Report at pp. 175 and 194-196, the proposed project area is protected by a levee system that has been determined by the Sacramento Area Flood Control Agency (SAFCA) to be at risk of underseepage and erosion hazards during a 100-year storm event. FEMA is expected to soon issue revised Flood Insurance Rate Maps showing that the Natomas Basin is within a special flood hazard area. FEIR, at p. 3.0-29. These hazards would remain present until SAFCA implements necessary levee improvements, to be constructed within the next 2 to 5 years. Until these improvements are made, the project places housing and persons in an area subject to flooding hazards. See Impact 4.11.3. The proposed project, in combination with planned and proposed development in the region, would contribute to exposing additional residents and businesses to flood hazards. The EIR states that this contribution is considered cumulatively considerable. See Impact 4.11.6. The flood risk is compounded by the fact that Open Space has been reduced by 100-acres, or 50% of the PUD project area. This loss increases local flooding risk by removing 100 acres of natural drainage land capacity. Thus, these combined unmitigated risks raise broad policy issues regarding expanding City liability to the public, in addition to CEQA issues.

The proposed mitigation (MM 4.11 3), requiring development within the project site to comply with FEMA regulations and the City's Floodplain Management Ordinance in existence as of the date of the issuance of building permits, and to fund said improvements upon the completion of a nexus study, violates CEQA

CEQA Guideline 15130(a)(3) states that an EIR may find that a project's contribution to cumulative impacts is less than significant if the project is required to implement or fund its "fair share" of mitigation measures designed to alleviate the cumulative impact However, the lead agency "shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable " CEQA Guideline 15130(a)(3). Since the City has not completed a "nexus" or "rough proportionality" study pursuant to the constitutional principles established by Nollan/Dolan, any fair share contribution by the applicant cannot be determined to be less than cumulatively considerable

"The commitment to pay fees without any evidence that the mitigation will actually occur is inadequate " Save our Peninsula Committee v. Monterey County Board of Supervisors (2001) 87 Cal App 4th 99, 140, citing Kings County farm Bureau v. City of Hanford (1990) 221 Cal App 3d 692, 728 In Anderson First Coalition v. City of Anderson (2005) 130 Cal App 4th 1173, the Court of Appeal held that bare recitation that a project would pay "fair share" fees towards highway improvements was too speculative to be deemed an adequate mitigation measure Id , at pp 1193-1194 The Court of Appeal ruled that to be sufficient under CEQA, a "fair share" mitigation fee measure must (1) specify the actual dollar amount based on current or projected construction costs; (2) specify the improvement projects for which the fair share will be used; (3) if the fair share contribution is a percentage of costs which are not yet known, then specify the percentage of costs; and (4) make the fees part of a reasonable enforceable plan or program which is sufficiently tied to actual mitigation of traffic impacts at issue

There is no evidence of the amount of money represented by "fair share," no evidence as to how the "fair share" will be calculated, no evidence that the amount of "fair share" funding will be adequate to construct the infrastructure which comprises the mitigation measures, and no evidence that any other party or entity will contribute amounts towards their unspecified "fair shares" which are sufficient to construct the infrastructure which comprises the mitigation measures

The failure to provide enough information to permit informed decision-making is fatal When the informational requirements of CEQA are not complied with, an agency has failed to proceed in a manner required by law Save our Peninsula Committee v. Monterey County Board of Supervisors (2001) 87 Cal App 4th 99, 118

Finally, because the EIR did not adequately analyze the flood issue and, in response to comments, has added significant new information regarding the flood issue after the public review period had began, the EIR is required to be recirculated for further review and comment Public Resources Code §21092 1; 14 Cal Code Regs 15088 5; Laurel Heights Improvement Association v. Regents of University of California (1993) 6 Cal 4th 1112 The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of conclusions drawn from it Save our Peninsula Comm. v. Monterey County Board of Supervisors (2001) 87 Cal App 4th 99, 131; Sutter Sensible Planning, Inc. v. Board of Supervisors (1981) 122 Cal App 3d 813, 822

Stormwater Runoff

As acknowledged in the Panhandle DEIR, development of the project would introduce sediments and constituent pollutants typically associated with construction activities and urban development into stormwater runoff These pollutants will have the potential of degrading downstream storm water quality This impact is considered to be potentially significant See Impact 4 11 2 Mitigation Measure 4 11 2b requires compliance with the State General Construction Activity Storm Water Permit (the CGP discussed in detail below) However, the FEIR does not incorporate the most recent conditions of the Storm Water Permit as Best Management Practices (BMPs) As stated in Mitigation Measures 4 11 2 a and b. an NPDES Permit will be required for the project An NPDES Permit is required pursuant to the Clean Water Act, Section 402(p), the intent of which is to attain water quality standards and protection of beneficial uses through the effective implementation of BMPs The State CGP is issued through the SRWCB, which is charged with implementing the NPDES program under Section 402(p) of the CWA

On March 2, 2007, the SWRCB issued a Preliminary Construction General Permit (PCGP) that departs markedly from the existing California General Construction Stormwater Permit.[1] The PCGP includes unprecedented control strategies that have never been included in a stormwater construction general permit issued by EPA or any state administering the federally delegated program These new provisions include: Action Levels (ALs) (extensive monitoring and analysis); Advanced Treatment Systems (ATSs) (retention ponds, pumping, chemical treatment, extensive testing, and controlled effluent release); a 5-acre limitation on the total area under active construction (which actually limits construction to a much smaller size due to activities other than actual construction -- i e stockpiling, fire protection buffers, etc -- to approximately 3 active acres); Numeric Effluent Limits (NELs) (for pH, turbidity

[1] The current permit was originally adopted in 1999, litigated in the Baykeeper cases, subsequently amended in 2001, and expired in 2004 A SWRCB-commissioned Blue Ribbon Panel examined feasibility of numeric effluent limits in June 2006 and found numeric limits were technically feasible in **very limited** circumstances, and the panel was generally critical of the current stormwater regulatory programs

and toxicity with associated testing); and provisions for post-construction hydromodification control The controls on post-construction hydromodification are required in order to prevent downstream erosion and sedimentation-channel instability Runoff volume must approximate pre-development Sites over 2 acres must preserve drainage divides and time of runoff concentration Sites over 50 acres must preserve drainage patterns and place controls close to source

As stated in the PCGP. modification of a site's runoff and sediment supply and transport characteristics (hydromodification) is a significant cause of degradation of the beneficial uses established for water bodies in California Construction activities can cause hydromodification This General Permit requires all discharges to maintain pre-development hydrologic characteristics, such as flow patterns and surface retention and recharge rates, in order to minimize post-development impacts to offsite water bodies PCGP, Finding No 9

The formal draft of the Construction General Permit (CGP) is expected in June 2007. SWRCB Hearings on the CGP will be conducted in August 2007 The new CGP could be effective as early as Fall 2007. The new CGP governs all construction sites over 1 acre

The Panhandle EIR does not discuss the state of the CGP At the very least, the EIR should have acknowledged the spirit and intent of the proposed new GCP, and set forth mitigation requiring compliance with the newly adopted GCP CEQA was intended to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language CEQA Guidelines, Cal Code Regs Title 14 §15003(f); Friends of Mammoth v. Board of Supervisors (1972) 8 Cal 3d 247

PUBLIC SERVICES & UTILITIES

As set forth in the Staff Report at p 179, the proposed project at buildout would require connection into the existing wastewater conveyance facilities that may not have adequate capacity See Impact 4 13 4 1 Existing SRCSD facilities serving the North Natomas area are capacity constrained Ultimate capacity will be provided by construction of the Lower Northwest and Upper Northwest Interceptors, currently scheduled for completion in 2010 The proposed mitigation (MM4 13 4 1a and b) requires connection to the sewer system and a future sewer study Additional proposed mitigation (MM14 13 4 1c), acquiring land on behalf of SRCSD for the Upper Northwest Interceptor Project to install pipelines and facilities, is speculative and uncertain In Sundstrom v. County of Mendocino (1988) 202 Cal App 3d 296, the appellate court concluded that because the success of mitigation was uncertain. the county could not have reasonably determined that significant effects would not occur This deferral of environmental assessment until after project approval violated CEQA's policy that impacts must be identified before project momentum reduces or

eliminates the agency's flexibility to subsequently change its course of action The only way around Sundstrom is for the City to commit itself to making sure the mitigation actually occurs As stated in the Staff Report at p 208, the developer has been charged with responsibility for effectively implementing the mitigation measures contained in the Mitigation Monitoring Program

As set forth in the Staff Report at p 197, the proposed project would contribute to cumulative demands for wastewater treatment services within the SRCSD and CSD-1 service areas, and the associated need to expand wastewater facilities See Impact 4 13 4 3 These impacts, in combination with the impacts from other development, would contribute to the cumulative impacts assessed in the EIR for the SRWTP 2020 Master Plan Expansion Project As acknowledged in the Staff Report at p 198, the SRWTP 2020 Master Plan Expansion Project EIR has been challenged in court pursuant to CEQA As such, the mitigation requiring connection to these facilities is uncertain An EIR need not identify and analyze all possible resources that might service the proposed project should the anticipated resources fail to materialize However, because of the uncertainty surrounding the anticipated sources for wastewater treatment, the EIR cannot decline to address other possible resources The decision-makers and the public should be informed if other sources exist and, at least in general terms, be informed of the environmental consequences of tapping such alternate resources Without either such information or a guarantee that the resources identified in the EIR will be available, the decision-makers simply cannot make a meaningful assessment of the potentially significant environmental impacts of the proposed project Napa Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal App 4th 342; Sierra Club v. State Bd. of Forestry (1994) 7 Cal 4th 1215, 1237

LAND USE AND OPEN SPACE

The project would result in the substantial loss of existing open space, by converting almost 530 acres from open space to urban uses See Impacts 4 1 3 and 4 1 5 The proposed mitigation (MM 4 1 3), requiring coordination between the applicant, the City, and LAFCO to identify appropriate off-site lands to be set aside in a permanent conservation easement, violates CEQA in that no such appropriate site is identified, much less evaluated Laurel Heights v. Regents of University of California (Laurel Heights) (1988) 47 Cal 3d 376, 400-403; Citizens of Goleta Valley v. Board of Supervisors (Goleta) (1988) 197 Cal App 3d 1167, 1178-79

The proposed project would result in the conversion of almost 100 acres of Prime Farmland and 1 2 acres of Farmland of Statewide Importance See Impacts 4 2 1 and 4 2 3 The proposed mitigation (MM 4 2 1), requiring the establishment of farmland easements or other appropriate mechanism to protect like quality agricultural land within the County, violates CEQA in that no such location for these easements has been identified, no showing is made

that remaining farmland in the area is adequate to its purposes and/or equal to the quality of land to be taken out of production CEQA requires local agencies to adopt feasible mitigation measures and alternatives identified in the EIR San Francisco Ecology Center v. City and County of San Francisco (1975) 48 Cal App 3d 584, 590-591 These essential mitigations are left to the future in violation of Laurel Heights and Goleta

Annexation requires ultimate approval by LAFCO, which is charged with the duty of discouraging urban sprawl through the premature conversion of prime agricultural and open space lands to urban uses pursuant to the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000, et seq); FEIR at p 2 0-7-2 0-8 LAFCO has stated that the EIR does not adequately analyze the impacts regarding the loss of agricultural land, and it therefore is unable to evaluate the project for consistency with LAFCO policies FEIR, at p 3 0-68 The EIR response to LAFCO's concern in this regard referred LAFCO back to the inadequate DEIR analysis and stated that, since LAFCO had not identified any specific deficiencies in the analysis, it was not making any revision to the analysis FEIR, at p 3 0-73

AIR QUALITY

The EIR relies on the future preparation of an Air Quality Mitigation Plan required by the SMAQMD

As set forth in the Staff Report at p 188, emissions of ozone-precursor pollutants (ROG and NOx) would exceed SMAQMD's significance thresholds and could result in a significant contribution to ambient concentrations that could potentially exceed applicable NAAQS and CAAQS for which the SVAB is currently designated non-attainment See Impact Nos 4 5 3 and 4 5 8 The proposed mitigation (MM 4 5 3), requiring coordination between the project applicant, the City, and SMAQMD to develop and approve a future Air Quality Management Plan (AQMP), and thus violates CEQA law prohibiting deferred mitigation In San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App 4th 645, 670, the court held that simply requiring a project applicant to obtain a management plan and then comply with the recommendations in the management plan was an improper deferral of mitigation See also Endangered Habitats League, Inc. v. County of Orange (2005) 131 Cal App 4th 777, 793

TRAFFIC AND CIRCULATION

As set forth in the Staff Report at pp 184-186, the project would generate additional traffic for freeway facilities in the project area vicinity, project area roadways, and project area state highway systems already operating below acceptable levels of service See Impact Nos 4 4 3, 4 4 7 and 4 4 8 As acknowledged in the Staff Report at pp 185-186, the proposed

mitigation (MM 4 4 3), requiring the payment of a fair share contribution to the Downtown – Natomas-Airport Light Rail Extension (DNA), will not ensure that the impacts will be fully mitigated As discuss in the sections addressing flood control and loss of farmland, an EIR must describe the mitigation measure for each significant environmental impact Pub Res Code §§21002 1(a), 21100(b)(3); 14 Cal Code Regs §15126 4 In San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal App 4th 645, 670, the court held that simply requiring a project applicant to obtain a management plan and then comply with the recommendations in the management plan was an improper deferral of mitigation See also Endangered Habitats League, Inc. v. County of Orange (2005) 131 Cal App 4th 777, 793 Without adequate descriptions, neither the City nor LAFCO can evaluate the adequacy of the proposed mitigation or fee program

Furthermore, as set forth in the Staff Report at p 185, the City has not completed a "nexus" or "rough proportionality" study pursuant to the constitutional principles established by Nollan/Dolan, and thus any fair share contribution would be secured under the terms of a development agreement The development agreement has yet to be negotiated and executed, therefore the mitigation is speculative and uncertain, which is not allowed under Sundstrom, supra

In addition, Caltrans has stated that impacts to the mainline State Highway System can feasibly be mitigated by improving the SR-99/I-5 Interchange and I-80 auxiliary lanes, and by making a fair share contribution to the mainline State Highway System FEIR, at p 3 0-52 The EIR dismisses such mitigation and instead states that the fair share contribution to the DNA project will mitigate some of the project's impacts, but not all FEIR, at p 3 0-53 An adequate EIR must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible While the response need not be exhaustive, it should evince good faith and a reasoned analysis Los Angeles Unified School District v. City of Los Angeles (1997) 58 Cal App 4th 1019, 1029

On two occasions, the County of Sacramento Department of Transportation (DOT) requested that the EIR analyze traffic impacts to all roadway segments and major intersections along Elkhorn Boulevard (between SR-99 and Watt Avenue), Northgate Boulevard (between Del Paso Road and I-80) and National Drive (between Elkhorn Boulevard and I-80) FEIR, at p 3 0-90 The EIR's response to DOT's request was that the additional roadway segment and intersection analysis was not necessary because project-generated traffic at those locations would be minimal FEIR, at p 3 0-92 Courts have held that an agency failed to proceed as required by law because the EIR's discussion and analysis of a mandatory EIR topic was so cursory it clearly did not comply with the requirements of CEQA El Dorado Union High School District v. City of Placerville (1983) 144 Cal App 3d 123, 132

If staff meant to impose a fee program for the light rail system, it was required to set out in detail how the imposition of fees will assure the traffic mitigation will result The EIR is silent on this issue, and therefore violates CEQA Kings County Farm Bureau v. City of Hanford (1990) 221 Cal App 3d 692, 727; Save Our Peninsula Committee v. Monterey County Board of Supervisors (2001) 87 Cal App 4th 99, 140

Adequate responses to comments on the draft EIR are of particular importance when significant environmental issues are raised in comments submitted by experts or by regulatory agencies, like Caltrans, with recognized specialized expertise Santa Clarita Org. for Planning the Environment v. County of Los Angeles (2003) 106 Cal App 4th 715, 131 The response must be detailed and must provide a reasoned good faith analysis 14 Cal Code Regs §15088(c). The responses to comments must state reasons for rejecting suggestions and comments on major environmental issues Conclusory statements unsupported by factual information are not an adequate response Id ; Cleary v. County of Stanislaus (1981) 118 Cal App 3d 348 The need for a reasoned, factual response is particularly acute when critical comments have been made by other agencies or experts People v. County of Kern (1976) 62 Cal App 3d 761, 722; Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners (2001) 91 Cal App 4th 1344, 1367

CLIMATE CHANGE COMMENTS (FEIR, CHAPTER 3.0)

Contrary to the statements in the DEIR, 4 5-34 to 36, and Comment 7-58, only generic responses to the issue of project impacts to climate change were provided by the City California's Attorney General has publicly challenged numerous general plan and development-related EIRs since 2006, precisely on the grounds that the impacts of increasing population in an area necessitating an admitted increase in traffic planning must be considered significant where the incremental effects of the annexation are viewed in connection with the effects of other current projects, and the effects of probably future projects Pub Res Code §21083(b)(2) A draft EIR must consider the increase in carbon emissions anticipated to result from the proposed project in light of AB 32 [See for example, Communities for a Better Environment v. CA Resources Agency (2002) 103 Cal App 4th 98, 119-120: the test for a significant cumulative impact is "not one additional molecule"]

The California Legislature has found that "Global Warming poses a serious threat to the economic well-being, public health, natural resources and the environment of California " Health and Safety Code §38501(a) Global Warming is obviously a serious environmental impact CEQA requires that a public agency undertaking a project with the potential to harm the environment must prepare an EIR that uncovers, analyzes and fully discloses the reasonably foreseeable effects on the environment of the project, and adopts all feasible measures available to mitigate those effects Neither the absence of a CEQA guideline that

requires consideration of global warming impacts, nor lack of a regulatory standard for Green House Gas (GHG) emissions for projects justifies the conclusion that it is not possible to determine whether GHG emissions of a project constitute a significant cumulative environmental impact. Such a determination is, in effect, a conclusion that the potential cumulative impacts are not significant – a determination that must be supported by evidence and analysis. CEQA Guidelines encourage but do not require agencies to publish thresholds of significance. §15064.7(a). CEQA Guidelines also recognize that "An ironclad definition of significant effect is not always possible on scientific and factual data." §15064(b).

Under Assembly Bill [AB] 32, the California Global Warming Solutions Act, Health and Safety Code §38500, et seq., GHG emissions are required to be reduced by 25% by the year 2020. To the extent that a project's direct and indirect GHG-related effects, considered in the context of the existing and projected cumulative effects, may interfere with California's ability to achieve the 25% reduction goal, an agency must make the determination that the project's global warming-related impacts should be considered cumulatively significant. This approach is similar to the question posed in the CEQA Guidelines, Appendix G – Environmental Checklist Form for Air Quality Impacts (with respect to criteria pollutants): could the project "Conflict with or obstruct implementation of the applicable air quality plan?" The agency could easily ask, "Could project emissions conflict with or obstruct implementation of AB32?"

The greater the environmental problem, the lower the threshold for significance of cumulative impacts should be. Communities for a Better Environment v. California Resources Agency (2002) 103 Cal App 4th 98, 120. Global Warming presents very significant, widespread threats to the environment and public health; every feasible opportunity to reduce GHG impacts must be pursued. The question is not how the effect of the project compares to the pre-existing cumulative effect, but whether any additional amount of effect should be considered significant in the context of the existing cumulative effect. Communities for a Better Environment, supra, at 119-120; Kings County Farm Bureau v. City of Hanford (1990) 221 Cal App 3d 692, 718; Los Angeles Unified School District v. City of Los Angeles (1997) 58 Cal App 4th 1019, 1025-1026. For a project that emits air pollutants, the test for significant cumulative impact is not one additional molecule. Communities for a Better Environment, supra, at 119-120; Kings County Farm Bureau, supra, at 718. The City must apply this rule of reason: are GHG emissions of the project enough that, along with new emissions from other projects, the cumulative emissions could interfere with achieving the reductions of AB32? Approving projects without requiring feasible measures to reduce or avoid GHG emissions will make it more difficult to achieve the reductions required by AB32, place a greater burden on other sources of emissions, and result in greater cost to achieve the required reductions.

Cases interpreting NEPA are persuasive authority as to requirements of CEQA No Oil, Inc. v. City of Los Angeles (1974) 13 Cal 3d 68, 86 fn 21 In Border Power Plant Working Group v. DOE (S D Cal 2003) 260 F Supp 2d 997, 1028-29, the court found that NEPA required consideration of potential environmental impacts from a proposed natural gas turbine's emission of carbon dioxide, a greenhouse gas, and rejected the argument that consideration of this impact is not required since EPA has not designated carbon dioxide as a criteria pollutant

GHG emissions of the project must be quantified based on best available information (i e , URBEMIS to estimate increased VMT; CARB's Proposed Methodology to Model Carbon Dioxide Emissions and Estimate Fuel Economy (2002); CARB's EMFAC model; Caltrans' California Motor Vehicle Stock Travel and Fuel Forecast (MVSTAFF) and CARB's OFFROAD Model) Feasible methods to avoid or reduce impacts must be identified and adopted (Models to evaluate mitigation benefits include Center for Clean Air Policy, Transportation Emissions Guidebook, Emissions Calculator, California Energy Commission, The Energy Yardstick: Using PLACE3S to Create More Sustainable Communities and Clean Air and Climate Protection Software – a Joint Project of STAPPA/ALAPCO, ICLEI and the EPA) Feasible mitigation measures are found from many sources, such as LEED Green Building standards, ICLEI, Climate Action Team Report, Climate Action Program at Caltrans (December 2006), Renewable Energy Sources, and California Energy Commission's New Solar Homes Partnership

As set forth in the FEIR at pp 3 0-10, 12 and 13, the City has determined that the impacts of global warming are too speculative for evaluation However, this is not true The City can estimate the amount of GHG emissions from the proposed project and make a determination whether that amount of emissions constitutes a potential significant cumulative impact under CEQA For GHG emissions from the proposed project that cannot be avoided, mitigation could include reduction of other existing GHG emissions

The Panhandle EIR proposes no measures to specifically reduce greenhouse gas emissions After the City received comments on the DEIR pointing out its lack of analysis of global warming and lack of mitigation measures to address global warming, a generalized discussion of global warming was added to the FEIR However, the FEIR contains no inventory of the current, baseline greenhouse gas emissions from the project, no estimate of the increase in greenhouse gas emissions that will result from the project, and no analysis of the effects of these increases on the reductions in greenhouse gas emissions mandated by AB32 The FEIR fails to respond adequately to comments on Global Warming by failing to adequately address the statutory mandate of AB32

LONG-TERM WATER SUPPLY (DEIR, CHAPTER 4.13)

The FEIR is fatally flawed because it fails to identify clearly allocated sources of water to be used by the project, as required by the recent Vineyard decision In Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal 4th 412, the California Supreme Court held that an EIR failed to adequately inform decision makers and the public regarding its plan for long-term water supply The Court ruled that, although the EIR identified the intended water sources in general terms, it did not clearly and coherently explain, using material properly stated or incorporated in the EIR, how the long-term demand was likely to be met with those sources, **the environmental impacts of exploiting those sources, and how those impacts were to be mitigated**, as required by Public Resources Code §21100(b) While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can Laurel Heights Improvement Association v. Regents of University of California (1988) 47 Cal 3d 376, at 398-399 [an EIR must address the impacts of reasonably foreseeable future activities related to the proposed project] Before approving a project, the decision makers must be informed of the intended source of water for the project, **and what the impact will be if supplied from a particular source or possible sources, and if that impact is adverse, how it will be addressed** Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal App 4th 182, at 206

According to the Panhandle DEIR (at 4 13-18), one of the project's water sources includes the Fairbairn Water Treatment Plant, which is subject to the Water Forum Agreement (WFA) The WFA is the product of the Water Forum, a stakeholder group that undertook long-term planning to meet increased demand for American River water through 2030 According to the DEIR's cumulative analysis of water supply and demand projections, the WFA "was developed to address cumulative development of this area " DEIR, at p 4 13-22 As in the Panhandle Annexation EIR, the EIR in Vineyard, supra, relied on the WFA, which includes plans for increased surface water diversions by several water purveyors, including new diversions by the year 2030 totaling as much as 78,000 acre-feet annually (afa) The EIR for the WFA extensively analyzed the environmental impacts of the planned increases in surface water diversion, as well as the cumulative impacts of the Agreement and other foreseeable changes in area water supply and demand It found that, in spite of measures included in the proposal for water conservation, increased use of American River water under the WFA **is likely to cause significant and potentially significant impacts within the Lower American River and Folsom Reservoir, including effects to certain fisheries, recreational opportunities and cultural resources** In addition, it found that impacts to water supply, water quality and power supply were likely to occur outside the American River system As such, given the actual language of Vineyard, the FEIR must be

recirculated to reconsider its conclusions relating to Increased Water Demand (Impact 4 13 3 1) and Supply (4 13 3 2). that they have been determined to be **less than significant**. DEIR, at pp. 4 13-20. 21 and 22

Because the EIR failed to explicitly incorporate the impacts and mitigation discussion in the WFA Final EIR, it lacks, contrary to CEQA's requirements, enforceable mitigation measures for the surface water diversions intended to serve the project The County could have incorporated the WFA mitigation measures into the Panhandle Annexation EIR. But absent such incorporation, the EIR, and the findings based on it, are inadequate to support project approval under CEQA because they do not discuss the impacts of new surface water diversions. enforceable measures to mitigate those impacts, or the remaining unmitigated impacts CEQA Guidelines, Cal Code Regs Title 14. §15126 4(a)(2); Vineyard, supra, at 444

A second identified source is the City's reliance on "claimed" pre-1914 water rights, and a 1957 water rights settlement agreement with the U S. Bureau of Reclamation, which provides that USBR will operate its facilities so as to provide a reliable supply of the City's water rights water to the City's diversion intakes, so long as the City doesn't exceed its agreed-upon diversion of 326,800 afa The Water Supply Assessment identifies that the City has adequate water supplies secured by the 1957 USBR contract to meet the project's and cumulative demands through 2030 DEIR, at p 4 13-22 In Santa Clarita Organization for Planning the Environment v. County of Los Angeles (2003) 106 Cal App 4th 715, the EIR's cumulative impact analysis for a project, which was to be supplied water by the local water agency, relied on the water agency receiving its full entitlement of afa The Court held that the EIR's water supply discussion was inadequate because it assumed that such water futures or "paper water" would be made available

As the court stated in Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal 4th 412, at 430-431, while the applicable case law states no definitive standard of certainty for analysis of future water supplies, they do articulate certain principles for analytical adequacy under CEQA. First, CEQA's informational purposes are not satisfied by an EIR that simply assumes a solution to the problem of supplying water to a proposed project Decision makers must, under the law, be presented with sufficient facts to "evaluate the pros and cons of supplying the amount of water that the [project] will need" [citing to Santiago County Water District v. County of Orange (1981) 118 Cal App 3d 818] Second, the future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations ("paper water") are insufficient bases for decision-making under CEQA [citing Santa Clarita. supra, at pp 720-723] An EIR must also address the **impacts** of likely future water sources. and the EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability [citing California Oak Foundation v. City of Santa Clarita (2005) 133

Cal App 4th 1219, 1238-1239, 1244] The ultimate question under CEQA, moreover, is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project Vineyard, supra, at p 434 The Panhandle DEIR fails to adequately address the impacts associated with the paper water sources, which are, in-and-of-themselves, legally inadequate

As further proof of water supply, the EIR states that the City has developed an Urban Water Management Plan to ensure the conservation and efficient use of available water supplies and to ensure an appropriate level of reliability in its water service sufficient to meet the needs of its customers DEIR, at p 4 13-18 When an individual land use project requires CEQA evaluation, the urban water management plan's information and analysis may be incorporated in the water supply and demand assessment in lieu of an independent analysis only "if the projected water demand associated with the proposed project was accounted for in the most recently adopted urban water management plan " Water Code §10910(c)(2) The Water Supply Assessment does provide any specific information regarding the UWMP and how it will address the project's impacts, nor does it indicate whether the UWMP includes the project's demands, or attach or incorporate the UWMP into the EIR

The DEIR states (at 4 13-14) that the City currently operates 32 active municipal groundwater supply wells within the City limits The impacts to the City's well system as a result of the proposed project have not been adequately set forth As in San Joaquin Raptor Rescue Center v. Jaxon Enterprises, Inc. (2007) 149 Cal App 4th 645, the EIR simply provides information on the amount of water needed to support the project The court held that this information, without more, was inadequate to inform the public and decision makers regarding groundwater impacts The court questioned what impact there would be on other groundwater users Without such information, the true impact of the project on groundwater supplies cannot be adequately evaluated As in Vineyard, the court held that the EIR must include "facts to evaluate the pros and cons of supplying the amount of water that the project will need " Id , at 663

WETLAND/RIPARIAN ISSUES (DEIR, CHAPTER 4.8)

The EIR fails to take into account SWRCB's new Wetland and Riparian Area Protection Policy, in determining whether impacts to riparian areas should be treated as Significant In 2001, the U S Supreme Court's SWANCC[2] decision disclaimed federal jurisdictional protection over certain isolated waters On January 25, 2001, the California State Water Resources Control Board (SWRCB) prepared a Memorandum reacting to the SWANCC decision, clarifying that disclaimed waters were still subject to California jurisdictional protection Governor Schwarzenegger's Action Plan for California's Environment directed

[2] Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) (2001) 531 U S 159

state agencies to fill any gaps in wetlands protection [For example, the SWRCB has not yet adopted its own definitions of wetlands and riparian areas It relies on the federal definition used to administer the CWA Section 401 and 404 programs However, most riparian areas do not meet the federal wetland criteria, which makes identification and protection of these areas difficult]

The SWRCB Report to the Legislature on Regulatory Steps Needed to Protect and Conserve Wetlands Not Subject to the Clean Water Act (State Water Board 2003) identified several such gaps in wetland and riparian area protections and outlined a series of steps needed to fill the gaps In 2004, the SWRCB General Waste Discharge Requirements for Dredge and Fill to Wetlands (SWRCB Order No 2004-004-DWQ) was issued On June 25, 2004, the SWRCB issued Guidance for Regulation of Discharges to Isolated Waters On September 24, 2004, the SWRCB's issued its 2004 Workplan: Filling the Gaps in Wetlands Protection (State Water Board 2004b), which further memorialized these steps by establishing tasks necessary to improve protection of wetlands and riparian areas in the state In an effort to fulfill its obligations, SWRCB has developed a proposed Wetland and Riparian Area Protection Policy

Most recently, on April 9, 2007, the SWRCB held a Scoping Meeting for the CEQA analysis on its Proposed Wetland and Riparian Area Protection Policy The proposal contains alternative approaches in order to resolve what it describes as insufficient protections in the past which led to significant historic losses of California's wetlands and riparian areas Among the alternatives being considered are: #3 (the adoption of new, broader definitions of wetlands and riparian areas (more protective and much broader than federal definitions of wetlands and waters); the adoption of state policy that better protects wetlands and riparian areas from dredge and fill than CWA §404(b)(1) guidelines); and #4 (same protections as #2, plus the adoption of state policy that protects wetlands and riparian areas from hydromodification (discussed infra), vegetation clearing and invasive species

Most recently, on June 5, 2007, the Corps and EPA issued several memoranda and an instructional guidebook providing guidance to their field offices to ensure that jurisdictional determinations are consistent with recent case law interpreting the SWANCC decision The guidance includes requiring a fact-specific analysis to determine whether certain types of waters (including swales, small washes and roadside ditches) have a significant nexus with a traditional navigable water, based on ecological and hydrological factors

As a result of the SRWCB's new policy and the recent Guidance from the Corps and EPA, the project has the potential to significantly impact these resources, which have yet to be identified under the new definitions and significant nexus criteria At the very least, the EIR should acknowledge the spirit and intent of the proposed new policies and set forth mitigation requiring compliance with the newly adopted policy CEQA was intended to be

interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language CEQA Guidelines, Cal Code Regs Title 14 §15003(f); Friends of Mammoth v. Board of Supervisors (1972) 8 Cal 3d 247

INCONSISTENCY WITH OTHER PLANS

Inconsistency with the City of Sacramento General Plan

Development of the proposed project prior to upgrade of the levees to 100-year level of flood protection (current FEMA and Corps of Engineers standards) would be inconsistent with Sacramento City General Plan Section 8, Goal A, Policy One. Flood Hazards, which states:

> "Prohibit development of areas subject to unreasonable risk of flooding unless measures can be implemented to eliminate or reduce the risk of flooding "

The general plan has been aptly described as the "constitution for all future developments" within the city or county The propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan The consistency doctrine has been described as the "linchpin of California's land use and development laws; it is the principle which infuses the concept of planned growth with the force of law " Families Unafraid to Uphold Rural etc. County v. Board of Supervisors (1998) 62 Cal App 4th 1332, 1336; Corona-Norco Unified School District v. City of Corona (1993) 17 Cal App 4th 985, 994 The proposed project, therefore, is valid only to the extent that it is consistent with the City's General Plan A project is consistent with the general plan if it will further the objectives and policies of the general plan and not obstruct their attainment It must be compatible with the objectives, policies, and general land uses and programs specified in the general plan Future, supra, at 1336; Corona-Norco, supra, at 994

The DEIR indicated that the General Plan designations for the Southern Portion would be changed from Rural Estates, Low Density Residential, and Mixed Use to Heavy Commercial or Warehouse, Water, and Roadways The NNCP designations would be changed from Rural Estates, Low Density Residential, Medium Density Residential, and Employment Center to Light Industrial, Parks/Open Space, and Roadways The pre-zoning designations would be changed from Flood, Light Industrial (M1), Light Industrial—Flood Combining, Industrial Office Park—Flood Combining, and EC30 SPD Employment Center to M1 SPD Light Industrial

The Staff Report states that the General Plan is removing the former land use designations and replacing them with Special Planning District, Water, and Roadways (instead of

Commercial or Warehouse, etc) (SR p. 12) However. Figure 3.0-7 shows the Proposed City General Plan Designations for Southern Portion as Heavy Commercial or Warehouse, etc The Proposed Community Plan designations remove the former land use and replace it with Northgate 880 Special Planning district (SPD), etc. However. Figure 3 0-9 still shows Proposed North Natomas Community Plan Designations for Southern Portion as Light Industrial, etc. Obviously, for consistency all documents need to indicate that the GP, CP, and pre-zoning in the Southern Portion will be Northgate 880 Special Planning District M1 (light industrial)

Inconsistency with the North Natomas Community Plan

As set forth in the Staff Report at p 22, the proposed project is not consistent with NNCP land use policies regarding Agricultural Buffers, Open Space and Greenbelt Boundaries, Widths, and Purposes Although NNCP Text Amendments are proposed to rectify said inconsistencies, there is no guarantee that those text amendments will be approved

As set forth in the Staff Report at p 183, the proposed project would result in 316 more residents than what would be allowed under the current NNCP land use designations, which would induce substantial population growth See Impact Nos 4 3 1 and 4 3 4 There is no proposed mitigation to reduce these impacts

The EIR conflicts with the land use vision and policy provision of the North Natomas Community Plan See Responses 2-2 and 2-3, pp 3 0-113 and 114 of the FEIR

The location of National Drive is different than that envisioned in the NNCP

Development of the proposed project prior to upgrade of the levees to 100-year level of flood protection (current FEMA and Corps of Engineers standards) would be inconsistent with the NNCP Flood Control Guiding Policy A , which states:

> "One hundred year flood protection must be obtained prior to any new residential development in the North Natomas Community"

The consistency doctrine has been described as the "linchpin of California's land use and development laws; it is the principle which infuses the concept of planned growth with the force of law." Families Unafraid to Uphold Rural etc. County v. Board of Supervisors (1998) 62 Cal App 4th 1332, 1336; Corona-Norco Unified School District v. City of Corona (1993) 17 Cal App 4th 985, 994 The proposed project, therefore, is valid only to the extent that it is consistent with the applicable community plan A project is consistent with the community plan if it will further the objectives and policies of the plan and not obstruct their attainment It must be compatible with the objectives, policies, and general land uses and

programs specified in the plan Future, supra, at 1336; Corona-Norco, supra, at 994

FINDINGS NOT SUPPORTED BY THE EVIDENCE

The EIR does not fully acknowledge all adverse environmental harms the project will do, and therefore the Planning Commission was unable to perform a legally adequate balancing of the benefits of the project against its adverse environmental effects The FEIR identifies 17 significant environmental impacts; and commenters, including this Appellants, have identified at least three impacts which have been improperly neglected The Commission was precluded from certifying the EIR unless it could make findings in support of overriding considerations; and the convenience of annexing an island, thus wiping out open space and prime farm land, is not supported by economic or social considerations which make mitigation measures infeasible 14 Cal Code Reg § 1509(b); *see* Citizens for Quality Growth v. City of Mt. Shasta (1988) 198 Cal App 3d 433, 442, 243 Cal Rptr 727(findings must be express and in writing; "implicit" findings are not acceptable)

NEW INFORMATION PRESENTED AFTER CIRCULATION OF EIR

As set forth in the proposed Findings (p. 191 of the previous Staff Report), the loss of open space caused by the project is considered a **significant and unavoidable impact** On 6/14, the Commission requested that the applicant provide additional information regarding this issue The applicant provided this information the night of the 6/28 hearing As of the morning of 6/28, this information has not been made available to the public via the City's website or any other means -- it was presented for the first time the night of the hearing Providing this new information the night of the hearing deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project (the open space issue)

As such, the new information must be included in the EIR, and the EIR recirculated in accordance with CEQA Guideline §15088 5(a), which requires that a lead agency recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under CEQA Guideline §15087 but before certification As used in this section, the term "information" can include changes in the project or environmental setting, **as well as additional data or other information** See also Public Resources Code §21092 1; Laurel Heights Improvement Association v. Regents of University of California (1993) 6 Cal 4th 1112 The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of conclusions drawn from it Save our Peninsula Comm. v. Monterey County Board of Supervisors (2001) 87 Cal App 4th 99, 131; Sutter Sensible Planning, Inc. v. Board of Supervisors (1981) 122 Cal App 3d 813, 822

URBAN DESIGN GROUP COMMENTS

In response to the issues raised in the Commission's 6/14 motion, Staff solicited comments on the EIR from the Urban Design Group (UDG) (a reviewing agency), which were presented for the first time at the 6/28 hearing The CEQA Guidelines require that the lead agency provide a written proposed response to a public agency on comments made by that public agency **at least 10 days prior to certifying an environmental impact report**. CEQA Guideline §15088(b) Furthermore, responses to the UDG's comments were required to be included as a revision to the DEIR or included in the FEIR CEQA Guideline §15088(d)

INTERNAL INCONSISTENCIES WITHIN THE DOCUMENT WHICH DIRECTLY AFFECT APPELLANTS

The City Council should be aware that this office and Mr. Gately met with and corresponded numerous times, beginning in 1998, with the City Attorney's office, the Planning Department, and the City Manager, attempting to reach consensus on a pre-annexation agreement, reimbursement agreement, and development guidelines applicable to the JB/Benvenuti properties, so that our clients' objections to annexation could be addressed As part of the draft pre-annexation agreement, we proposed to convey previously constructed improvements, or to construct infrastructure improvements on Gateway Park Boulevard, National Drive, and Del Paso Boulevard in exchange for specific reimbursements for previously constructed improvements. No recognition for previously constructed improvements or proposed reimbursements is made in the Draft Panhandle Public Facilities Financing Strategy

The following statement contained in the FEIR, at p 3 0-117 is contradicted in other sections of the document (discussed below in detail):

> "The mitigation measures identified in the DEIR apply to lands that will be developed under the proposed Panhandle PUD None of the mitigation measures identify assessments or fee programs that apply to existing development in the Southern portion of the Panhandle Area"

However, many discrepancies in implementation of this goal are reflected in the detailed mitigation table Therefore, the imposition of mitigation for new construction upon completed projects within the Panhandle should have been further clarified We cite to some of the references in the FEIR which conflict with the general statement above

- The DEIR 2 0-5 states: "Evaluation of Existing Infrastructure Deficiencies of the Southern Portion – as identified in Section 3 0 (Project Description), there are existing infrastructure deficiencies in the Southern Portion of the Panhandle Area that do not meet existing City standards **This will have to be addressed when additional development occurs in the Southern Portion. Consideration of these conditions and acceptable improvements needed in the future will need to be made by City and LAFCo decision-makers.**" [Emphasis added]

- While there is no development proposed at this time in the southern portion, the City anticipates the need to upgrade existing deficient infrastructure facilities in the future No specific infrastructure upgrades are proposed at this time. but the facilities identified are: water supply and distribution facilities, drainage facilities, and roads

- Mitigation Measure 4 11 1: the Southern Portion is nearly built out and has its drainage infrastructure in place to accommodate development of the area However, some of this drainage infrastructure may be deficient and require upgrades to meet full built out conditions consistent with City standards **So for future development of the Southern Portion, the project applicant shall demonstrate that it adequately attenuates increased drainage flows consistent with City standards.** [Emphasis added]

- The same applies for future development of remaining parcels as far as construction-related and operational water quality impacts, flood hazards from levee failure. groundwater quality impacts, etc

- The traffic section of the EIR only evaluated the PUD area and states the "Panhandle PUD would contribute to traffic impact to the transportation system in the vicinity of the project area", etc ("the Southern Portion is nearly built out and the annexation of the proposed project does not include specific entitlement requests for the remaining development Thus, the southern Portion's impact would be less than significant ")

Financing Plan

The Draft Panhandle Planned Unit Development Public Facilities Financing Plan (PFFP), May 4, 2007, addresses the project located north of Del Paso Road and south of Elkhorn Boulevard, and includes all backbone infrastructure improvements, public facilities, and associated administrative costs to serve the defined PUD project area The PFFP includes improvements to roadways. sewer. water, drainage, parks, landscaping, schools. fire, police. library and transit, and describes the costs and financing mechanisms that will be used to create these improvements in the PUD project area Therefore. the PFFP does not address

any costs or financing in the Southern Portion It needed to be clearly stated that there will be no financial impact of the Annexation and PUD on the nearly built out Southern Portion and, therefore, it is not addressed in the PFFP.

Mitigation Requirements in the Southern Portion

The Executive Summary to the FEIR provided the modifications to the Panhandle PUD since the release of the DEIR, and in the section on Project Alternatives Summary it states:

> The alternatives focus on the Northern Portion and the PUD only since the Southern Portion of the project area is nearly built out Development opportunities in the Southern Portion are limited to the existing 13 vacant parcels (52-acres of vacant land), and all future development would be consistent with the existing development pattern for the Southern Portion

Therefore, it appears that the concerns previously addressed as to the impacts of the annexation on the Southern Portion have attempted to be addressed by the statement, throughout the documents, that the Southern Portion of the project is nearly built out. This implies that the FEIR and mitigation requirements do not apply to the Southern Portion However, in the Staff Report it states:

> With respect to the entitlements over which the Planning Commission has final approval authority and in support of its approval of the Project, the Planning makes the following findings with Respect to Impacts from the Southern Portion of the Project (SR p. 198)
>
> c. The following impacts of the Southern Portion of the Project, including cumulative impacts, are identified as significant and potentially significant environmental impacts of the Project, and are unavoidable and cannot be mitigated in a manner that would substantially lessen the significant impact Notwithstanding disclosure of these impacts, the Planning Commission elects to approve the Project due to overriding considerations as set forth in Section 8, the statement of overriding considerations

As long as the Southern Portion is included in impacts and mitigation (to less than significant and overriding considerations) for the project, it needs to be clearly stated how the Southern Portion already built out may be impacted, now and in the future, by those environmental concerns

Additionally, the mitigation impacts and measures refer to "project applicant", "developer", "applicant", etc and may refer to Panhandle PUD, Dunmore, Krumenacher, etc , but are not consistent It needs to be clearly and consistently stated whether the mitigation measures apply solely to the PUD area, or if they include development in the Southern Portion, as well

North Natomas Development Guidelines (NNDG)

Concerns have been raised in the past as to the applicability of the NNDG design criteria to development in the Southern Portion It appears that they have been addressed by the changes to the General Plan and Community Plan, and that "All development proposed in the North Natomas Community Plan area is required to be designated a Planned Unit Development (PUD)" (NNDG p 18) In fact, the City website under "Panhandle Annexation Project" states: "Part of the annexation process will include the consideration of amendment to the North Natomas Community Plan for the area of undeveloped land located north of Del Paso Road The proposed NNCP amendment needed to clearly state that there is no intent to apply conditions to the nearly built out Southern Portion

IMPACT TO OTHERS

Economic Impact

The Rio Linda & Elverta Recreation and Park District opposes this project because it will detach the Northern Panhandle area from its service area As such, the District will lose over $200,000 annually, which is 15% of its operating budget This loss of revenue will affect the District's ability to provide Park and Recreation services to the Panhandle and Rio Linda-Elverta Community FEIR, at pp 3 0-59 and 3 0-62 The EIR states that a revenue sharing agreement will address such fiscal effects FEIR, at p 3 0-61 As set forth in the Staff Report at p 11, the Tax Sharing Agreement has not yet been negotiated or executed by the affected parties, and must ultimately be approved by LAFCO There is no guarantee that this will be successful In Sundstrom v. County of Mendocino (1988) 202 Cal App 3d 296, the appellate court concluded that because the success of mitigation was uncertain, the county could not have reasonably determined that significant effects would not occur This deferral of environmental assessment until after project approval violated CEQA's policy that impacts must be identified before project momentum reduces or eliminates the agency's flexibility to subsequently change its course of action

The County of Sacramento opposes this project because it will lose $3 to $4 million annually due to its loss of jurisdiction over the annexation area FEIR, at p 3 0-62 The EIR states that a revenue sharing agreement will address such fiscal effects FEIR, at p 3 0-64 As set forth in the Staff Report at p 11, the Tax Sharing Agreement has not yet been negotiated or

executed by the affected parties, and must ultimately be approved by LAFCO. There is no guarantee that this will be successful. See discussion of the application of Sundstrom, above.

Failure to Employ Transit-Oriented Development Design Practices

The design shows more density located to the Northeast corner of the project, which is not placed close to the public transit and transportation features of the project, located in the southern portion. In addition, the affordable housing product, residents of which would most likely utilize the transit services, are not located along the southern portion. This concern was expressed by the Planning Commission, and in response, the project applicant provided information about "future" service running North and South along the Panhandle. However, the environmental document does not contain this information and there is no timeline and/or guarantee of future service.

CONCLUSION

Based on the foregoing, the Commission clearly erred in certifying the Environmental Impact Report, adopting the Mitigation Monitoring Program and approving the Tentative Subdivision Maps based on the EIR for this project. The City Council must overturn the Commission's decision and order the re-drafting and re-circulation of the EIR and compliance with the applicable public notice and agency review requirements.

Sincerely,

Brigit S. Barnes

cc: Client / Frank Watson, Esq
Sacramento LAFCO, Attn: Don Lockhart

Gately\Notice of Appeal

ATTACHMENT 3 - ENVIRONMENTAL IMPACT REPORT AND MITIGATION MONITORING PLAN RESOLUTION

RESOLUTION NO. 2007 - XXXX

Adopted by the Sacramento City Council

Date

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR THE NORTHGATE 880 / PANHANDLE PROJECT (M05-031, P05-077)

BACKGROUND

A. Based on the initial study conducted for the Panhandle Annexation and Planned Unit Development (PUD) Project (SCH# 2005092043) ("Project"), the City of Sacramento's Environmental Planning Services determined, on substantial evidence, that the Project may have a significant effect on the environment and prepared an environmental impact report ("EIR") on the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

1. A Notice of Preparation ("NOP") of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency and was circulated for public comments from September 8, 2005 through October 11, 2005.

2. A second Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency and was circulated for public comments from October 21, 2005 through November 22, 2005. The purpose of the second NOP was to ensure that notice of the project was provided to property owners and interested persons and agencies.

3. A Notice of Completion ("NOC") and copies of the Draft EIR were distributed to the Office of Planning and Research on November 3, 2006 to those public agencies that have jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.

4. A Notice of Availability ("NOA") of the Draft EIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Services

Department, New City Hall, 915 I Street, Third Flood, Sacramento, California 95814. The letter also indicated that the official 45-day public review period for the Draft EIR would end on December 18, 2006.

5. A public notice was placed in the Daily Recorder on ___, which stated that the Draft EIR was available for public review and comment.

6. A public notice was posted in the office of the Sacramento County Clerk on ___.

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

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

1. The Draft and Final EIR and all documents relied upon or incorporated by reference.

2. The City of Sacramento General Plan, City of Sacramento, January, 1988 and all updates.

3. Environmental Impact Report City of Sacramento General Plan Update, City of Sacramento, March, 1987 and all updates.

4. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988 and all updates.

5. Zoning Ordinance of the City of Sacramento

6. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004

7. Sacramento Housing and Redevelopment Agency, Sacramento Department of City Planning, Urban Design Plan 3.0, Architectural Design Policies

8. City of Sacramento, 2005-2010, Capitol Improvement Program, Utilities Program Overview

9. The Mitigation Monitoring Plan for the Project.

10. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or

prepared by any City commissions, boards, officials, consultants, or staff relating to the Project.

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

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

Section 1. Pursuant to CEQA Guidelines section 15090, the City Council certifies that:

A. The Final EIR constitutes an adequate, accurate, objective and complete final environmental impact report in full compliance with the requirements of CEQA, the State CEQA Guidelines and the City of Sacramento environmental guidelines;

B. The Final EIR has been presented to the City Council, and the Council has reviewed and considered the information contained in the Final EIR prior to taking action on the Project;

C. The Final EIR reflects the City Council's independent judgment and analysis.

Section 2. In support of its approval of the Project, the City Council makes the following findings for each of the significant environmental effects and alternatives of the Project identified in the EIR pursuant to Section 21080 of CEQA and section 15091 of the CEQA Guidelines:

Based on the initial study conducted for the Panhandle Annexation and Planned Unit Development (PUD) Project (SCH# 2005092043) ("Project"), the City of Sacramento's Environmental Planning Services determined, on substantial evidence, that the Project may have a significant effect on the environment and prepared an environmental impact report ("EIR") on the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, as follows:

a. A Notice of Preparation ("NOP") of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency and was circulated for public comments from September 8, 2005 through October 11, 2005.

b. A second Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency and was circulated for public comments from October 21, 2005 through November 22, 2005. The purpose of the second NOP was to ensure that notice of the project was provided to property owners and interested persons and agencies.

c. A Notice of Completion ("NOC") and copies of the Draft EIR were distributed to the Office of Planning and Research on November 3, 2006 to those public agencies that have jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.

d. An official 45-day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on November 3, 2006 and ended on December 18, 2006.

e. A Notice of Availability ("NOA") of the Draft EIR was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing. The NOA stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Services Department, New City Hall, 915 I Street, Third Flood, Sacramento, California 95814. The letter also indicated that the official 45-day public review period for the Draft EIR would end on December 18, 2006.

f. A public notice was placed in the Daily Recorder on November 3, 2006, which stated that the Draft EIR was available for public review and comment.

g. A public notice was posted in the office of the Sacramento County Clerk on November 3, 2006.

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

2. Record of Proceedings

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

a. The Draft and Final EIR, including its technical appendices and all documents relied upon or incorporated by reference therein.

b. The City of Sacramento General Plan, City of Sacramento, January, 1988 and all updates.

c. Environmental Impact Report City of Sacramento General Plan Update,

City of Sacramento, March, 1987 and all updates.

d. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988 and all updates.

e. Zoning Ordinance of the City of Sacramento.

f. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004.

g. Sacramento Housing and Redevelopment Agency, Sacramento Department of City Planning, Urban Design Plan 3.0, Architectural Design Policies.

h. City of Sacramento, 2005-2010, Capital Improvement Program, Utilities Program Overview.

i. North Natomas Community Plan, City of Sacramento, 1986 and 1994 and all updates.

j. Findings of Fact and Statement of Overriding Considerations for the Adoption of the North Natomas Community Plan, City of Sacramento, May 1994 and all updates.

k. New High School Middle School Draft and Final Environmental Impact Reports, Grant Joint Union High School District, including Findings of Fact and Statement of Overriding Considerations, 2005.

l. The Mitigation Monitoring Plan for the Project.

m. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project.

3. Approvals

The Planning Commission has final approval authority over the following Project entitlements:

a. Tentative Master Parcel Map (Krumenacher) to subdivide 129.2± acres into 17 master parcels;

b. Tentative Subdivision Map (Panhandle North – Krumenacher) to subdivide 129.2± acres into single family, condominium, medium density residential, common area, park, open space and landscape lots;

c. Subdivision Modifications (Panhandle – Krumenacher) to modify radius, tangent

length, alley width, allow use of CSD-1 standards, sewer and storm drain placement, street sections, exclude walkway along one side of a roadway, rolled curb and gutter, and to allow asphalt surface on private alleys;

d. Tentative Master Parcel Map (Dunmore) to subdivide 389.2± acres into 39 master parcels;

e. Tentative Subdivision Map (Panhandle Central – Dunmore) to subdivide 136.4± acres into single family, high density residential, medium density residential, commercial, condominium, park, detention basin, open space and landscape lots;

f. Subdivision Modifications (Panhandle Central - Dunmore) to modify alley width, to allow the use of CSD-1 standards, sewer and storm drain placement, street intersection tangent, street sections, exclude sidewalk along one side of a roadway, rolled curb and gutter, and to allow asphalt surface on private alleys.

g. Tentative Subdivision Map (Panhandle South – Dunmore) to subdivide 252.7± acres into single family, commercial, high density residential, medium density residential, condominium, park, landscape/paseo, open space, private landscape and private recreation lots; and

h. Subdivision Modifications (Panhandle South - Dunmore) to modify radius, intersection offset, tangent length, modified grid pattern, alley width, to allow the use of CSD-1 standards, location of sewer and storm drain, street sections, rolled curb and gutter, to allow asphalt surface on private alleys.

4. Certification

Pursuant to CEQA Guidelines section 15090, the Planning Commission certifies that:

a. The Final EIR constitutes an adequate, accurate, objective and complete final environmental impact report in full compliance with the requirements of CEQA, the State CEQA Guidelines and the City of Sacramento environmental guidelines;

b. The Final EIR has been presented to the Planning Commission, and the Commission has reviewed and considered the information contained in the Final EIR prior to taking action on the Project;

c. The Final EIR reflects the Planning Commission's independent judgment and analysis.

5. Findings

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environment impacts that would otherwise occur. Mitigation measures or alternatives are not required, however, where such changes are infeasible or where the responsibility for the project lies with

some other agency. (CEQA Guidelines, § 15091, sub. (a), (b).)

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

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact — even if the alternative would render the impact less severe than would the proposed project as mitigated. (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; *see also Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California ("Laurel Heights I")* (1988) 47 Cal.3d 376, 400-403.)

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

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

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

In support of its approval of the Project, the Planning Commission makes the following findings for each of the significant environmental effects and alternatives of the Project identified in the EIR pursuant to Section 21080 of CEQA and section 15091 of the CEQA Guidelines. As described above, the Project area consists of two portions: a Northern Portion and a Southern Portion. The Northern Portion is proposed to be developed within the North Natomas Community Plan as a Planned Unit Development and was evaluated at a project level of environmental analysis. The Southern Portion may reach build out in the next 10 years, and the City is not currently processing any specific development request or proposing any specific infrastructure facility upgrades related to the Southern Portion. The Southern Portion was evaluated at a program level of environmental analysis. More specific findings are therefore necessary for the Northern Portion. As set forth in Sections A and B below, environmental impact findings related to the Northern Portion are made separately from findings related to the Southern Portion.

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

i. Findings Related to the Northern Portion

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

Section 4.2 Agricultural Resources

- **Impact 4.2.2.** The project would place urban land uses adjacent to agricultural lands, which may impair adjacent agricultural activities and result in land use compatibility conflicts. This would result in a significant impact. (Less than Significant after Mitigation)

Facts in Support of Finding

Implementation of the Panhandle PUD would place residential uses within 158 feet of agricultural lands but would not include the provision of the 250-foot buffer required by the NCCP. Since the project does not propose to include the NNCP required 250 foot buffer between the residential uses to the south of Elkhorn Boulevard, potential incompatibilities between the Project's urban uses and the agricultural land to the North of Elkhorn Boulevard would be significant. Conflicts between agriculture and urban uses mainly would affect the agricultural areas that would remain adjacent to the proposed project site.

Implementation of the following mitigation measures would reduce this impact to Less Than Significant:

Mitigation Measure 4.2.2a (From MMP). The project applicant shall obtain the right to maintain a 250 foot agricultural buffer along Elkhorn Boulevard, which shall be extinguished if the land north of Elkhorn Boulevard is designated for urban uses.

Mitigation Measure 4.2.2b (From MMP). As necessary, identify and implement the financing mechanism to fund maintenance of the 250-foot wide agricultural open space buffer identified in Mitigation Measure MM 4.2.2a until such time as it is converted to urban uses.

Mitigation Measure 4.2.2c (From MMP). A disclosure statement including the following text shall be recorded against the properties located within the Panhandle PUD: "Residents of property which are adjacent to land which is zoned for agricultural use or which is designated for agricultural use may be subject to inconveniences or discomfort from the pursuit of agricultural operations including but not limited to cultivation, plowing, spraying, fertilizing, pruning, and harvesting which occasionally generates dust, smoke, noise and odor; from the noise, odors, and other features attributed to the keeping of farm animals; and from the conduct of farming activities during typical working hours, as well as late in the evening, early in the morning, or 24-hours a day during certain times and seasons of the year. Residents on adjacent property should be prepared to accept such inconvenience and recognize that these uses will occur. If, however, an agricultural operation is being conducted in a manner which does not appear to be consistent with accepted agricultural practices, any person may file a complaint with the office of the Agricultural Commissioner, located at 4137 Branch Center Road, Sacramento, California."

Finding: This impact is Less Than Significant after mitigation.

Section 4.4 Traffic and Circulation

- **Impact 4.4.1.** The Panhandle PUD would contribute to traffic impacts to the transportation system in the vicinity of the project area. This would be a significant impact. (Less than Significant after Mitigation)

Facts in Support of Finding

Buildout under the Panhandle PUD would contribute to the need for the extension and widening of several local roadways, intersection improvements and signalization of intersections in and around the project area.

Implementation of the following mitigation measure would reduce this impact to Less Than Significant:

Mitigation Measure 4.4.1 (From MMP). The project applicant shall be required to develop the Panhandle PUD Public Facilities Finance Plan for review and approval by the City of Sacramento. The Panhandle PUD Public Facilities Finance Plan shall identify the financing mechanism(s) for all feasible transportation improvements defined as adopted mitigation measures including, but not limited to, new roadway widenings, traffic signals, and public transit. The project applicant shall coordinate the preparation of the finance plan with the City, County of Sacramento and the Metro Air Park Public Facilities Financing Plan and Greenbriar Finance Plan. All mitigation measures with "fair share" contributions would be implemented through the proposed financing mechanism(s) indicated in the finance plan or by some other mechanism as determined by the City of Sacramento in consultation with the County of Sacramento. The Panhandle PUD Public Facilities Finance Plan shall be approved by the City at the time the project is considered for approval and shall become a condition of approval.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.4.2**. The Panhandle PUD at build-out would result in significant impacts to area intersections under baseline conditions. This would be a significant impact. (Less than Significant after Mitigation)

Facts in Support of Findings

Development under the Panhandle PUD generated traffic would either trigger or contribute to traffic operations that violate City and County LOS standards. These intersections include the following: (i) SR 99 Northbound Ramps/Elkhorn Boulevard; (ii) Natomas Boulevard/Elkhorn Boulevard; (iii) National Drive/Elkhorn Boulevard; (iv) I-5 Southbound Ramps/Del Paso Road; (v) I-5 Northbound Ramps/Del Paso Road; (vi) Natomas Boulevard/Del Paso Road; (vii) National Drive/Del Paso Road; and (vii) Kenmar Road/Del Paso Road. The Southern Portion is nearly built out and the project does not propose any development request for this portion of the Panhandle Area.

Implementation of the following mitigation measures would reduce this impact to Less Than Significant:

Mitigation Measure 4.4.2a (From MMP). The project applicant shall pay its fair share, currently calculated to be 7.67% (based on the Panhandle PUD Public Facilities Financing Plan), to install a traffic signal at the SR 99 Northbound Ramps/Elkhorn Boulevard Intersection. This improvement shall be included in either the City of Sacramento Capital Improvement Program, North Natomas Financing Plan, or other reasonable enforceable plan or program that provides for the funding and construction of the improvement to mitigate the impact. The applicant shall fund the revisions necessary to include this improvement in the plans.

Mitigation Measure 4.4.2b (From MMP). The project applicant shall modify the traffic signal timings at the Natomas Boulevard/Elkhorn Boulevard intersection to provide additional green time for the eastbound and westbound through movements.

Mitigation Measure 4.4.2c (From MMP). The project applicant shall provide an additional left-turn lane on westbound Elkhorn Boulevard to serve vehicles traveling from Elkhorn Boulevard to southbound National Drive (associated with the National Drive/Elkhorn Boulevard intersection).

Mitigation Measure 4.4.2d (From MMP). The project applicant shall pay its fair share, calculated to be 4.16% (based on the Panhandle PUD Public Facilities Financing Plan), to install a traffic signal at the I-5 Southbound Ramps/Del Paso Road intersection. This improvement shall be included in either the City of Sacramento Capital Improvement Program, North Natomas Financing Plan, or other reasonable enforceable plan or program that provides for the funding and construction of the improvement to mitigate the impact. The applicant shall fund the revisions necessary to include this improvement in the plans.

Mitigation Measure 4.4.2e (From MMP). The project applicant shall pay its fair share, calculated to be 6.40% (based on the Panhandle PUD Public Facilities Financing Plan), to install a traffic signal at the I-5 Northbound Ramps/Del Paso Road intersection. This improvement shall be included in either the City of Sacramento Capital Improvement Program, North Natomas Financing Plan, or other reasonable enforceable plan or program that provides for the funding and construction of the improvement to mitigate the impact. The applicant shall fund the revisions necessary to include this improvement in the plans.

Mitigation Measure 4.4.2f (From MMP). The project applicant shall pay its fair share, calculated to be 10.30% (based on the Panhandle PUD Public Facilities Financing Plan), to provide an additional left-turn lane on eastbound and westbound Del Paso Road (i.e., dual left-turn lanes on both approaches) at the Natomas Boulevard/Truxel Road intersection. This improvement shall be included in either the City of Sacramento Capital Improvement Program, North Natomas Financing Plan, or other reasonable enforceable plan or program that provides for the funding and construction of the improvement to mitigate the impact. The applicant shall fund the revisions necessary to include this improvement in the plans.

Mitigation Measure 4.4.2g (From MMP). The project applicant shall provide the following improvements at the National Drive/Del Paso Road intersection: (i) Provide two additional eastbound left-turn lanes on Del Paso Road (triple left-turn lanes); (ii) Provide an additional eastbound through lane on Del Paso Road; and (iii) Provide an additional through lane on northbound National Drive.

Mitigation Measure 4.4.2h (From MMP). The project applicant shall pay its fair share, calculated to be 27.30% (based on the Panhandle PUD Public Facilities Financing Plan), to provide a traffic signal at the Del Paso Road/Kenmar Road intersection and provide a westbound left-turn lane to serve vehicles turning from westbound Del Paso Road onto southbound Kenmar Road. This improvement shall be included in either the City of Sacramento Capital Improvement Program, North Natomas Financing Plan, or other reasonable enforceable plan or program that provides for the funding and construction of the improvement to mitigate the impact. The applicant shall fund the revisions necessary to include this improvement in the plans.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.4.4.** The Panhandle PUD project would add pedestrian and bicycle demands within the project site and to/from the proposed commercial uses, residential and school sites. Specific and detailed information on improvements to on/off-site pedestrian and bicycle facilities is unavailable at this time. Since the project would add demand for adequate pedestrian and bicycle facilities which may not be available, it would be a potentially significant impact. (Less than Significant After Mitigation)

Facts in Support of Finding

The project would construct sidewalks and pedestrian paths throughout the development. These sidewalks would provide pedestrian connections within the site and to the proposed commercial and school site. No bicycle facilities are currently available on or near the project site. Bike lanes exist at several locations on Del Paso Road. The project would increase demand for bicycle facilities. While the Panhandle PUD has proposed pedestrian and bicycle facilities, no specific improvement details have been provided to the City.

Implementation of the following mitigation measures would reduce this impact to Less Than Significant:

Mitigation Measure 4.4.4 (From MMP). The project applicant shall meet the following requirements:

a. Prior to recordation of the first small lot final map for each individual map, the project applicants shall coordinate with the City of Sacramento, Development Services Department to identify the necessary pedestrian and bicycle facilities serving the proposed development. These facilities shall be incorporated into the project and may include sidewalks, STOP signs, in-pavement lighted crosswalks, standard pedestrian and school crossing warning signs, bicycle lanes, bicycle parking, and signs to identify pedestrian and bicycle paths, marked and raised crosswalks, and pedestrian signal heads.

b. Circulation and access facilities to all proposed parks and public spaces

shall include sidewalks that meet American with Disability Act standards.

c. The project applicant shall provide on-street bicycle lanes within the community. Details on the design of these bicycle lanes shall be prepared in consultation with the City of Sacramento, Development Services Department.

d. Bicycle parking facilities shall conform to City standards and shall be located in high visibility areas to encourage bicycle travel.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.4.5.** The Panhandle PUD would increase demand for public transit facilities, none of which are proposed to be provided to the project site at this time. Therefore, the project would result in a significant public transit impact. (Less than Significant After Mitigation)

Facts in Support of Findings

Public transit is not currently provided to the project site. At the time, the project application was submitted to the City, no plans for the provision of public transit services were proposed. The project would increase demand for public transit facilities, none of which are proposed to be provided to the project site at this time.

Implementation of the following mitigation measure would reduce this impact to Less Than Significant:

Mitigation Measure 4.4.5 (From MMP). The project applicant shall coordinate with Sacramento Regional Transit District (SRTD) and the North Natomas Transportation Management Association (TMA) to provide transit services during peak commute periods. To promote the use of public transit services, the project applicant shall promote the availability of transit services at the time the proposed residences are available for sale. The residents shall be able to use public transit services to the Central Business District (CBD) where they can transfer to light rail, buses or trains and connect to destinations in the greater Sacramento metropolitan area and the San Francisco Bay Area. Off-peak transit services shall also be considered as development and ridership demands increase. Final design and location of bus stops and shelters shall be prepared in consultation with the City of Sacramento, North Natomas TMA and SRTD and will be subject to the approval of the City and SRTD.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.4.6.** The Panhandle PUD construction would increase traffic volumes in the project area and involve the use of large construction equipment and vehicles that could result in traffic hazards. This is considered a potentially significant impact. (Less Than Significant After Mitigation)

Facts in Support of Findings

Construction activities associated with the Panhandle PUD could result in temporary (though significant) disruptions in traffic conditions along project area roadways, including local residential roadways. Disruptions could include, but are not limited to, inconveniences associated with temporary roadway closures, temporary traffic congestion from slow moving construction vehicles and equipment and blocked access for emergency vehicles. Construction traffic would include construction worker commute trips, delivery of construction equipment, haul truck trips, delivery trips and other associated trips. The project applicant has not provided any details regarding the exact extent of construction equipment or workers or how the site would be accessed during construction.

Implementation of the following mitigation measures would reduce this impact to Less Than Significant:

Mitigation Measure 4.4.6 (From MMP). Prior to the issuance of grading permits for the Panhandle PUD, the project applicant shall prepare a Construction Management Plan that will address construction traffic and ensure acceptable and safe operating conditions on project area roadways. This Plan shall be reviewed and approved by the City and any other affected agency and will contain the following (at a minimum):

a. Identification of the anticipated mix of construction equipment and vehicles and their proposed staging location.

b. Number of truck trips and the daily schedule of truck trips entering and leaving the site. Truck trips shall be scheduled outside the AM and PM peak hours of traffic.

c. Prohibition of construction traffic using any of the existing residential roadways west of the site or Sorento Road to access the site. All construction traffic shall utilize either Del Paso Road to Elkhorn Boulevard.

d. Identification of measures to maintain safe vehicular, pedestrian and bicycle movements in the project area.

e. Maintenance of access for emergency vehicles in the project area.

f. Provision of manual traffic control (if required).

g. Clear demarcation of construction areas along project roadways.

h. Provision of this Plan 14 days prior to the commencement of construction.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.4.7.** The project, in combination with anticipated development in the area, would contribute to an increase in traffic volumes on project area roadways that would result in intersections operating below acceptable levels of service. The project's contribution would be cumulatively considerable. (Less than Cumulatively Considerable after Mitigation for portion of Impact)

Facts in Support of Findings

Implementation of the project (Panhandle PUD and anticipated build-out of the Southern Portion) in combination with anticipated development conditions in year 2025 would result in significant traffic to the following project area intersections: (i) National Drive/Elkhorn Boulevard (with Panhandle PUD only); (ii) E. Levee Road/Elkhorn Boulevard (with or without the Panhandle PUD); (iii) Natomas Boulevard/Club Center Drive (with Panhandle PUD only); (iv) Natomas Boulevard/Truxel Road/Del Paso Road (with or without the Panhandle PUD); (v) Gateway Park Boulevard/Del Paso Road (with Panhandle PUD only); (vi) National Drive/Del Paso Road (with Panhandle PUD only); (vii) Sorento Road/Del Paso Road (with or without the Panhandle PUD); and (viii) Kenmar Road/Del Paso Road (with or without the Panhandle PUD).

Implementation of the following mitigation measures would reduce this impact to Less Than Cumulatively Considerable for all intersections except Natomas Boulevard/Club Center Drive and Gateway Park Boulevard/Del Paso Road intersections:

Mitigation Measure 4.4.7a (From MMP). The project applicant shall pay its fair share, calculated to be 57.17% (based on the Panhandle PUD Public Facilities Financing Plan), to install a traffic signal at the E. Levee Road/Elkhorn Boulevard Intersection. This improvement shall be included in either the City of Sacramento Capital Improvement Program, North Natomas Financing Plan, or other reasonable enforceable plan or program that provides for the funding and construction of the improvement to mitigate the impact. The applicant shall fund the revisions necessary to include this improvement in the plans.

Mitigation Measure 4.4.7b (From MMP). The project applicant shall pay its fair share, calculated to be 12.73% (based on the Panhandle PUD Public Facilities Financing Plan), to modify the traffic signal timings and modify the signal phasing to provide a right-turn overlap phase for the southbound right-turn movement (i.e., the southbound right-turn movement would receive a green arrow when the Del Paso Road eastbound left-turn movement received a green arrow). This would require prohibiting U-turns for the eastbound left-turn movement on Del Paso Road (associated with the Natomas Boulevard/Truxel Road/Del Paso Road intersection).. This improvement shall be included in either the City of Sacramento Capital Improvement Program, North Natomas Financing Plan, or

other reasonable enforceable plan or program that provides for the funding and construction of the improvement to mitigate the impact. The applicant shall fund the revisions necessary to include this improvement in the plans.

Mitigation Measure 4.4.7c (From MMP). The project applicant shall provide a two-way left-turn lane on Del Paso Road at the Sorento Road intersection.

Implementation of MM 4.4.7(a)-(c) will reduce this impact to a Less Than Cumulatively Considerable level for all intersections *except* Natomas Boulevard/Club Center Drive and Gateway Park Boulevard/Del Paso Road intersections where the impact would remain cumulatively considerable and a significant and unavoidable (See Section B).

Finding: This impact is Less Than Cumulatively Considerable for all intersections *except* Natomas Boulevard/Club Center Drive and Gateway Park Boulevard/Del Paso Road intersections.

- **Impact 4.4.9.** The project would add pedestrian and bicycle demands within the project site and to/from the proposed commercial uses, residential and school sites. Specific and detailed information on improvements to on/off-site pedestrian and bicycle facilities is unavailable at this time. This impact is considered cumulatively considerable. (Less than Cumulatively Considerable after Mitigation)

Facts in Support of Finding

According to the City's criteria, the project would result in a significant impact to bicycles and pedestrians if the project conflicts with any existing or planned facility or adds demand to one of these modes that is not adequately accommodated by appropriate facilities. This impact could add to future demands for pedestrian and bicycle facility needs.

Implementation of the following mitigation measure would reduce this impact to Less Than Cumulatively Considerable:

Mitigation Measure (from MMP): Implement mitigation measure MM 4.4.4.

Finding: This cumulative impact is Less Than Cumulatively Considerable after mitigation.

- **Impact 4.4.10**. The project would contribute to the demand for transit facilities within the project area vicinity. This impact is considered cumulatively considerable. (Less than Cumulatively Considerable after Mitigation)

Facts in Support of Finding

Public transit is not currently provided to the project site. At the time the project

application was submitted to the City, no plans to provide public transit services had been proposed. The project will likely increase the demand for public facilities in combination with cumulative development conditions (including subsequent development of the Southern Portion).

Implementation of the following mitigation measure would reduce this impact to Less Than Cumulatively Considerable:

Mitigation Measure (from MMP): Implement mitigation measure MM 4.4.5.

Finding: This cumulative impact is Less Than Cumulatively Considerable after mitigation.

- **Impact 4.4.11.** The Panhandle PUD site design (under cumulative traffic conditions) could result in traffic operation impacts. This impact is considered a cumulatively considerable. (Less than Cumulatively Considerable after Mitigation)

Facts in Support of Finding

The Panhandle PUD internal roadway system was evaluated under cumulative conditions to determine whether operational impacts could occur. Based on this analysis, it was determined that intersections associated with National Drive should be modified in order to improve projected traffic operation.

Implementation of the following mitigation measures would reduce this impact to Less Than Cumulatively Considerable:

Mitigation Measure 4.4.11a (From MMP). The project applicant shall widen Del Paso Road to six lanes from Blackrock Drive to the east through the National Drive intersection. East of National Drive, the project applicant shall widen Del Paso Road to include two-way left-turn lane through the Sorento Road and Kenmar Road intersections.

Mitigation Measure 4.4.11b (From MMP). The project applicant shall provide a stop sign at Intersection 3 (National Drive/Parcel 2) for the westbound approach of Intersection 3 and a southbound left-turn on National Drive to serve vehicles entering Parcel 2 rather than installation of a traffic signal as part of final roadway design of the Panhandle PUD.

Mitigation Measure 4.4.11c (From MMP). The project applicant shall eliminate Intersection 1 and relocate the roadway serving Parcel 1 to the south to become the east leg of Intersection 2 and provide stop signs on the eastbound and westbound approaches as part of final roadway design of the Panhandle PUD.

Mitigation Measure 4.4.11d (From MMP). The project applicant shall design

Intersection 4 to be restricted to right-turns in/out as part of final roadway design of the Panhandle PUD.

Mitigation Measure 4.4.11e (From MMP). The project applicant shall eliminate the roadway serving Parcel 9 (west of National Drive as part of final roadway design of the Panhandle PUD.

Mitigation Measure 4.4.11f (From MMP). Provide the following lane configurations at the G Way/F Drive/National Drive signalized intersection (as shown in Figure 1 of the Fehr and Peers Technical Memorandum dated May 7, 2007) to accommodate the high school pick-up/drop off area and signalize the intersection:

a. Northbound National Drive: one left-turn lane, one through lane and one combined through/right-turn lane.

b. Southbound National Drive: one left-turn lane, one through lane and one combined through/right turn lane.

c. Westbound F Drive: one left-turn lane and one combined through/right-turn lane.

d. Eastbound G Way: one left-turn lane and one combined through/right-turn lane.

Mitigation Measure 4.4.11g (from MMP). Restrict the turning movements at High School driveways A, B, and C to right-turns in/out only (as shown in Figure 1 of the Fehr and Peers Technical Memorandum dated May 7, 2007).

Mitigation Measure 4.4.11h (from MMP). Signalize the Main High School Driveway/National Drive intersection and design the access as follows (as shown in Figure 1 of the Fehr and Peers Technical Memorandum dated May 7, 2007):

a. Northbound National Drive: one left-turn lane and two through lanes.

b. Southbound National Drive: one right-turn lane and two through lanes.

c. Main High School Driveway: one left-turn lane and one right-turn lane.

Mitigation Measure 4.4.11i (from MMP). Provide the lane configurations identified below at the A Drive/National Drive intersection and signalize the "T" intersection (as shown in Figure 1 of the Fehr and Peers Technical Memorandum dated May 7, 2007).

a. Northbound National Drive: one through lane and one combined through/right-turn lane.

b. Southbound National Drive: one left-turn lane and two through lanes.

c. Westbound A Drive: one left-turn lane and one right-turn lane.

Mitigation Measure 4.4.11j (from MMP). Restrict the outbound movements from "T or X" Drive and "S" Drive to right-turns out to National Drive (as shown in Figure 1 of the Fehr and Peers Technical Memorandum dated May 7, 2007).

Finding: This cumulative impact is Less Than Significant after mitigation.

Section 4.5 Air Quality

- **Impact 4.5.2**. Short-term (i.e., acute) health risks, such as eye and respiratory tract irritation and increased occurrence of asthma-related incidents, associated with intermittent exposure to construction-generated diesel-exhaust emissions could occur. As a result, short-term exposure of sensitive receptors to TACs would be considered significant. (Less than Significant After Mitigation)

Facts in Support of Finding

Construction of the proposed uses within the Panhandle PUD (e.g., mixed-use residential and commercial uses, schools, parks, and open space areas) would result in construction-generated diesel-exhaust emissions. Particulate exhaust emissions from diesel-fueled engines were identified as a TAC by the CARB in 1998. Implementation of the proposed project would result in the generation of diesel PM emissions during construction from the use of off-road diesel equipment for site grading and excavation, paving, demolition, and other construction activities. Assuming that construction activities were to occur over an approximate two-year period, construction activities would constitute less than approximately 3 percent of the total exposure period typically applied when calculating cancer risks for residential uses. For this reason, diesel-exhaust PM generated by project construction, in and of itself, would not be expected to create conditions where the probability of contracting cancer is greater than 10 in 1 million for nearby receptors. Long-term health risks associated with short-term construction activities would be considered less than significant. However, depending on the construction activities conducted, as well as site and meteorological conditions, short-term non-carcinogenic risks associated with exposure to diesel-exhaust PM, particularly acrolein, could potentially exceed the SMAQMD-recommended Hazard Index of 1 at nearby receptors. Such short-term health risks commonly include, but are not limited to, eye and respiratory tract irritation and increased occurrence of asthma-related incidents.

Implementation of the following mitigation measure would reduce this impact to Less Than Significant:

Mitigation Measure 4.5.2 (From MMP). The project applicant shall implement the following measures to offset construction-related air quality impacts.

a. Onsite diesel-powered stationary construction equipment, such as

electrical power generators, shall be located at the furthest distance from nearby receptors.

b. Onsite diesel-powered mobile equipment shall not be left idling for periods of longer than five minutes.

c. Onsite diesel powered equipment shall be fitted with diesel particulate filters.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.5.5.** Receptors located in the vicinity of proposed commercial land uses may be exposed to odorous emissions. As a result, potential exposure of sensitive receptors to odors would be considered significant. (Less than Significant After Mitigation)

Facts in Support of Findings

The proposed uses within the Panhandle PUD (e.g., mixed-use commercial/residential and commercial uses, schools, parks and open space areas) may result in odor impacts. No major existing sources of odors have been identified in the project vicinity. Several industrial land uses are located in the project vicinity that may result in intermittent emissions of odors. However, based on a review of odor complaints filed within the last approximately 10 years, there have been no odor-related violations associated with these facilities. The proposed project is not anticipated to result in the installation of any major odor emission sources that would result in a potentially significant impact to the occupants of the proposed onsite or existing offsite land uses. However, although specific commercial uses have not yet been identified, uses considered to be minor sources of odors may be developed. Such sources typically include dry cleaning establishments, restaurants, and gasoline stations. Receptors located in the general vicinity of such sources may be exposed to odorous emissions.

Implementation of the following mitigation measure would reduce this impact to Less Than Significant:

Mitigation Measure 4.5.5 (From MMP). The project applicant shall implement the following measures to reduce exposure of sensitive receptors to odorous emissions to a less than significant level:

a. Land uses that have the potential to emit objectionable odorous emissions (e.g., dry cleaning establishments, restaurants, and gasoline stations) shall be located as far away as possible from existing and proposed sensitive receptors or downwind of nearby receptors.

b. If an odor-emitting facility is to occupy space in the

commercial/convenience area, odor control devices shall be installed to reduce the exposure of receptors to objectionable odorous emissions. The SMAQMD shall be consulted to determine applicable/feasible control devices to be installed.

Finding: This impact is Less Than Significant after mitigation.

Section 4.6 Noise

- **Impact 4.6.2**. Implementation of the proposed project would result in substantial increases in traffic noise levels that would exceed the noise criteria for land use compatibility at nearby land uses. This would be a significant impact. (Less than Significant After Mitigation)

Facts in Support of Finding

Buildout of proposed uses in the Northern Portion under the Panhandle PUD would result in increased traffic volumes. The increase in daily traffic volumes resulting from implementation of the Northern Portion would generate increased noise levels along nearby roadway segments. Traffic noise associated with the Northern Portion would be increased along local roadways, particularly those providing access to the proposed land uses.

Implementation of the following mitigation measure would reduce this impact to Less Than Significant:

Mitigation Measure 4.6.2 (From MMP). A landscaped noise barrier shall be constructed along the southern boundary of the existing residential parcels that are located east of the proposed project site and within line-of-sight and 200 feet of the centerline of Del Paso Road. The sound barrier shall be constructed to a minimum height of 6 feet and shall be of solid construction with no visible air gaps between building materials or at the base of the structure. This barrier would be placed along the property lines of residential parcels along Del Paso Road between Sorento Road and Carey Road and one residential parcel east of Carey Road. This will require modification of the existing driveway access for the residence at the northeastern corner of Sorento Road and Del Paso Road to obtain access to Sorento Road rather than Del Paso Road. This wall shall be installed with required traffic improvements to Del Paso Road.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.6.5.** Traffic and stationary noise sources may expose proposed uses to excessive noise levels. This impact is considered potentially significant. (Less than Significant After Mitigation)

Facts in Support of Finding

The Panhandle PUD proposes a mix of various land uses, including residential, and high school, middle school, and elementary school that could be sensitive to existing noise sources. Traffic and stationary noise sources in the vicinity of the Northern Portion may expose noise sensitive uses to excessive noise levels, resulting in land use conflicts related to noise.

Implementation of the following mitigation measure would reduce this impact to Less Than Significant:

Mitigation Measure 4.6.5 (From MMP). As part of improvement plans for land uses along Del Paso Road, Elkhorn Boulevard, National Drive and Club Center Drive, landscape noise barriers and/or other subsequent project design features (e.g., building orientation and construction for proposed multi-family PUD parcels 28 and 29) shall be identified that demonstrates compliance with City noise standards (interior and exterior).

Finding: This impact is Less Than Significant after mitigation.

Section 4.7 Hazards/Risk of Upset

- **Impact 4.7.2.** Development of the Panhandle PUD could result some potential for reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. This is considered a potentially significant impact. (Less than Significant After Mitigation)

Facts in Support of Finding

The environmental site assessments prepared for the Northern Portion identified hazardous materials or listed hazardous materials sites. Field surveys and landlord interviews indicated that a trash collection area and old diary ranch remnants are located on the Krumenacher property. Therefore, release of hazardous materials into the environment during grading and excavation of these areas may occur. In addition, there has been no detailed survey of the structures to determine the presence or absence of asbestos containing materials or lead paint.

Implementation of the following mitigation measures would reduce this impact to Less Than Significant:

Mitigation Measure 4.7.2a (From MMP). Prior to the demolition of existing structures in the Panhandle PUD, the project applicant shall have the buildings evaluated for the presence of asbestos containing materials and lead paint. Should these materials be identified, they shall be removed by a licensed and certified contractor using methods that would prohibit accidental release.

Mitigation Measure 4.7.2b (From MMP). Should unknown contamination or underground storage tanks be discovered during construction activities,

construction activities shall cease and the project applicant shall notify the City and Sacramento County Environmental Management Department. Discovered contamination shall be remediated to local, state and federal standards. This requirement shall be noted on all project improvement plans.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.7.4.** The Panhandle PUD would include detention facilities and water features at park sites that could attract mosquitoes and other water-borne vectors. This would be a potentially significant impact. (Less than Significant After Mitigation)

Facts in Support of Finding

The Panhandle PUD site design includes two detention basins as well as proposed water features at park sites. These features (if not properly designed and operated) could attract mosquitoes that would expose project residents to several diseases of concern including West Nile virus, malaria and dengue.

Implementation of the following mitigation measure would reduce this impact to Less Than Significant:

Mitigation Measure 4.7.4 (From MMP). As part of site-specific design of the Panhandle PUD detention basins and park water features, a Vector Control Plan shall be developed to the satisfaction of the Sacramento-Yolo Mosquito and Vector Control District. The Vector Control Plan shall specify mosquito control measures to be used (e.g., biological agents, pesticides, larvacides, circulating water) as well as identification of maintenance program to ensure control measures are maintained.

Finding: This impact is Less Than Significant after mitigation.

Section 4.8 Biological Resources

- **Impact 4.8.2.** Implementation of the project may result in adverse impacts to special-status species. This would be a potentially significant impact. (Less Than Significant After Mitigation)

Facts in Support of Finding

Implementation of the Panhandle PUD would lead to the direct destruction of habitat that may support special status species. In addition to direct impacts associated with habitat loss, indirect effects of development under the Panhandle PUD could impact these species including water quality impacts, and introduction of non-native species.

Implementation of the following mitigation measures would reduce this impact to

Less Than Significant:

Mitigation Measure 4.8.2a (From MMP). The project applicant shall participate and implement all species-specific avoidance, minimization, and mitigation measures of the Natomas Basin Habitat Conservation Plan. This shall include provision of evidence that applicable fees and/or land dedication requirements have been met and that all preconstruction and avoidance measures are included in all improvement plans.

Mitigation Measure 4.8.2b (From MMP). If tree removal or ground disturbance occurs between March 15 and August 31, a qualified biologist shall conduct a survey to identify the location of active nests used by migratory birds including raptors.

a. If an active migratory bird nest is located, the location will be identified on a map. No construction shall occur within a 100 foot-wide buffer established around the nest, in consultation with CDFG.

b. If an active raptor nest is located, the location will be identified on a map. No construction should occur within a 250 foot-wide buffer established around the nest. If construction must occur, the biologist will monitor the nesting bird's activity to determine if the disturbance results in nest abandonment. If construction is affecting the nesting birds, construction within the buffer will cease until the nesting is completed.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.8.3.** Implementation of the project would result in the loss of wetlands or discharge of materials into stream or wetland features. This would be a significant impact. (Less than Significant After Mitigation)

Facts in Support of Finding

Implementation of the Panhandle PUD site design will result in fill of all of the wetland features on the site. Construction activities within the Northern Portion and off-site improvements would result in the loss of 4.32 acres of waters of the United States, 6.47 acres of waters of the State of California, and 1.17 acres of habitat for the federally listed vernal pool fairy shrimp (*Branchinecta lynchi*) and California linderiella (*Linderiella occidentalis*). These waters are made up of vernal pool, seasonal wetland, swale, pond, and ditch habitats.

Implementation of the following mitigation measure would reduce this impact to Less Than Significant:

Mitigation Measure 4.8.3 (From MMP). To compensate for anticipated and future wetland impacts, a mitigation and monitoring plan will be prepared for submittal to the USACOE with the Section 404 permit application, the RWQCB

with the 401 application, and to the CDFG with the Section 1602 Streambed Alteration Agreement permit application. The mitigation plan will identify impacts on all jurisdictional features and mitigation measures that will be implemented to achieve the "no net loss" (i.e., the same amount of wetland resources lost to site development shall be replaced/created). This may include creation of stream or wetland resources off-site as determined acceptable to the City, USACOE, RWQCB and CDFG.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.8.4**. Implementation of the project could result in loss of protected tree resources. This would be a potentially significant impact. (Less than Significant After Mitigation)

Fact in Support of Finding

Various trees have been identified within the Northern Portion including native valley oaks, California black walnut, and several non-native species. Trees provide cover as well as nesting and foraging habitat for many bird and mammal species. Removal of trees could result in the loss of nesting sites used by migratory birds or direct mortality to those species. The loss of active nests or direct mortality is prohibited by the MBTA and California Fish & Game Code § 3503.5. In addition, significant individual specimens defined as heritage trees, are afforded protection by the City though Code 12.64.040, which defines and protects special tree resources within the City. These trees, including heritage trees, may be ultimately removed with implementation of the Panhandle PUD.

Implementation of the following mitigation measure would reduce this impact to Less Than Significant:

Mitigation Measure 4.8.4a (From MMP). The following measures shall be implemented to avoid impacts to trees to be retained. These measures shall be included in project improvement plans.

a. No grade cuts greater than one foot shall occur within the driplines of heritage trees, and no grade cuts whatsoever shall occur within five feet of their trunks;

b. No fill greater than one foot shall be placed within the driplines of heritage trees and no fill whatsoever shall be placed within five feet of their trunks;

c. No trenching whatsoever shall be allowed within the driplines of heritage trees. If it is absolutely necessary to install underground utilities within the driplines of a heritage tree, the trench shall be either bored or drilled;

d. No irrigation system shall be installed within the driplines of preserved native oak tree(s), which may be detrimental to the preservation of the native oak

tree(s) unless specifically authorized by the approving body.

e. Landscaping beneath native oak trees may include non-plant materials such as boulders, cobbles, wood chips, etc. The only plant species which shall be planted within the driplines of oak trees are those which are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.

Mitigation Measure 4.8.4b (From MMP). Where it is not possible to avoid impacts to heritage trees, tree replacement will be provided consistent with the City Tree Preservation Ordinance to the satisfaction of the City.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.8.5.** Implementation of the project in combination with potential development in the region would contribute to cumulative impacts associated with significant effects to special-status plant and wildlife species and habitat loss. This contribution would be cumulatively considerable. (Less than Cumulatively Considerable After Mitigation)

Facts in Support of Finding

The project would result in significant impacts to special-status species, wetland resources and trees. These project impacts would be in addition to other development activities in the region that would result in similar impacts. Thus, the project's contribution is cumulatively considerable.

Implementation of the following mitigation measures would reduce this impact to Less Than Cumulatively Considerable:

Mitigation Measure (from MMP): Implement mitigation measures MM 4.8.2a and b, MM 4.8.3, MM 4.8.4a and b.

Finding: This impact is Less Than Cumulatively Considerable after mitigation.

Section 4.9 Cultural and Paleontological Resources

- **Impact 4.9.2**. The proposed Panhandle annexation could result in the potential disturbance of previously undiscovered cultural resources (e.g., prehistoric sites, historical sites, and isolated prehistoric and/or historic features or artifacts) and human remains. This is considered a potentially significant impact. (Less than Significant After Mitigation)

Facts in Support of Finding

Because the Panhandle PUD is largely undeveloped, the proposed uses within

this portion of the project area could result in the potential disturbance of previously undiscovered cultural resources and human remains. Archaeological and historical investigations for the proposed project are adequate to identify typical prehistoric and historic resources in the project area. However, there is a possibility of unanticipated and accidental archaeological discoveries during ground disturbing project-related activities. Unanticipated and accidental archaeological discoveries during project implementation may have the potential to affect significant archaeological resources and human remains.

The Krumenacher Ranch is a historic homestead within the Northern Portion of the Panhandle project area. The Krumenacher Ranch is not eligible for inclusion in the National Register or the California Register based on flood control, reclamation and agricultural contexts. The Draft EIR evaluated in the ranch in the context of flood control and the formation of Reclamation District 1000, and determined that the ranch does not contribute to the eligibility of Reclamation District 1000's historic landscape for inclusion in the National Register. (FEIR, p. 3.0-40).

Implementation of the following mitigation measures would reduce this impact to Less Than Significant:

Mitigation Measure 4.9.2a (From MMP). Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, or architectural remains be encountered during development activities, work shall be suspended within 50 feet of the discovery and the City of Sacramento Planning Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with an appropriate specialist (e.g., archaeologist or architectural historian). The project proponent shall be required to implement any mitigation necessary for the protection of cultural resources.

The City and the project applicant shall consider mitigation recommendations presented by a qualified archeologist for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of a measure or measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

Mitigation Measure 4.9.2b (From MMP). If human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.9.3.** The proposed Panhandle annexation could result in the potential damage or destruction of undiscovered paleontological resources. This is considered a potentially significant impact. (Less than Significant After Mitigation)

Facts in Support of Finding

Because the Panhandle PUD is largely undeveloped, the proposed uses within this portion of the project area could result in the potential disturbance of undiscovered paleontological resources. Pedestrian surface survey of the project area and other research did not identify any evidence of paleontological resources. However, there is a possibility of unanticipated and accidental paleontological discoveries during ground disturbing project-related activities. Unanticipated and accidental paleontological discoveries during project implementation have the potential to affect significant paleontological resources.

Implementation of the following mitigation measure would reduce this impact to Less Than Significant:

Mitigation Measure 4.9.3 (From MMP). Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be suspended within 50 feet of the discovery and the City of Sacramento Planning Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist. The project proponent shall be required to implement any mitigation necessary for the protection of paleontological resources.

The City and the project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of a measure or measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.9.4.** The Panhandle Annexation and PUD along with foreseeable development in the region could result in the disturbance of cultural resources (i.e. prehistoric sites, historic sites, and isolated artifacts and features) and human remains. This contribution is considered cumulatively considerable. (Less than Cumulatively Considerable after Mitigation)

Facts in Support of Finding

Adoption of the Panhandle Annexation and PUD may contribute to the

cumulative loss of identified and undiscovered cultural resources and human remains in the region. This contribution is expected to be cumulatively considerable, when combined with other past, present and foreseeable development in the region.

Implementation of the following mitigation measures would reduce this impact to Less Than Cumulatively Considerable:

Mitigation Measures (from MMP): Implement mitigation measures MM 4.9.2a and b.

Finding: This impact is less than Less Than Cumulatively Considerable after mitigation.

- **Impact 4.9.5.** The Panhandle Annexation and PUD along with any foreseeable development in the region could result in the potential disturbance of paleontological resources (i.e. fossils and fossil formations). This contribution is considered cumulatively considerable. (Less than Cumulatively Considerable after Mitigation)

Facts in Support of Finding

Adoption of the Panhandle Annexation and PUD may contribute to the cumulative loss of paleontological resources for the region. This contribution is expected to be cumulatively considerable when combined with other past, present and foreseeable development in the region.

Implementation of the following mitigation measure would reduce this impact to Less Than Cumulatively Considerable:

Mitigation Measure (from MMP): Implement mitigation measure MM 4.9.3.

Finding: This impact is Less Than Cumulatively Considerable after mitigation.

Section 4.10 Geology and Soils

Impact 4.10.2. Implementation of the project may place structures and future residents within areas of geologic instability (e.g. shrink-swell of the soils and soil erosion). This is considered a potentially significant impact. (Less than Significant After Mitigation)

Facts in Support of Finding

The proposed development of mixed-use residential and commercial uses, three new schools and park and open space areas within the Panhandle PUD could be subjected to impacts associated with geologic instability. The soils underlying the project area have high percentages of clays that expand and contract with

wetting and drying of the soils and that any development in the area could expose people and property to mild geologic hazards due to the high shrink-swell of the soils. If a structure is constructed on an area that contains some expansive soils, the structure may suffer damage from the expansion. The soil groups in the area also have moderate water holding capacity and may increase erosion and runoff rates.

Implementation of the following mitigation measures would reduce this impact to Less Than Significant:

Mitigation Measure 4.10.2a (From MMP). Prior to issuance of a grading permit, a geotechnical report shall be prepared by a qualified geotechnical engineer. The report shall contain specific design and engineering recommendations for the construction of buildings and infrastructure. The design of critical structures shall take into account the existing on-site seismic parameters, sub-surface conditions, soil movement and surface drainage conditions in order to reduce seasonal fluctuations in soil moisture content.

Mitigation Measure 4.10.2b (From MMP). The measures outlined in the project geotechnical report and/or subsequent geotechnical reports shall be implemented throughout all stages of construction, at the direction of the City engineer, to prevent significant impacts associated with geologic instability. A geotechnical engineer shall be present on-site during earthmoving activities to ensure that requirements outlined in the geotechnical reports are adhered to for proper fill and compaction of soils.

If construction work is necessary during the wet weather months (e.g., October through April), the project applicant shall consult with the City engineer and a qualified civil engineer to implement any additional recommendations provided, as conditions warrant. These recommendations would include but not be limited to (1) allowing a prolonged drying period before attempting grading operations at any time after the onset of winter rains; and (2) implementing aeration or lime treatment, to allow any low-permeability surface clay soils intended for use as engineered fill to reach a moisture content that would permit the specified degree of compaction to be achieved.

Finding: This impact is Less Than Significant after mitigation.

Section 4.11 Hydrology and Water Quality

- **Impact 4.11.1.** Development of the project site may increase storm water runoff rates generated within and downstream of the project when compared with existing conditions. This impact is considered to be potentially significant. (Less than Significant After Mitigation)

Facts in Support of Finding

According to the MDR, the entire site would drain to a proposed on-site detention basin in the western portion of the Panhandle PUD that would occupy approximately 20.7 acres. The detention basin would be utilized to provide storage that would allow outflows to be metered at a reduced rate to discharge to existing twin 60-inch pipes that drain runoff from the site. The detention basin would be sized to contain the 100-year 10-day runoff volume assuming a maximum pumping rate of 0.10 cfs/acre. The total storage volume for the detention basin will be about 152 acre-feet, including roughly 25 acre-feet of water quality storage. Thus, implementation of these improvements would accommodate increased drainage flows from Panhandle PUD buildout. However, phased development of the site could potentially result in temporary drainage impacts if the necessary drainage facilities are not in place at the time of site development.

Implementation of the following mitigation measure would reduce this impact to Less Than Significant:

Mitigation Measure 4.11.1 (From MMP). As part of approval of each small lot final map and/or each subsequent project, the project applicant shall demonstrate that drainage facilities are consistent with the Drainage Report for the Panhandle PUD (Civil Engineering Solutions, 2006) as approved by the City's Department of Utilities, and adequately attenuate increased drainage flows consistent with City standards. During construction of the Panhandle PUD, sub-grades within 300 feet of the levee shall not be left below the existing grades between November 1st and April 15th. This demonstration may take the form of plans and/or reports and will also be required for future development of the Southern Portion. Prior to recording a master parcel map or each small lot final map, the project applicant shall construct the drainage facilities or provide the drainage assurances for the construction of drainage facilities.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.11.2.** Development of the project would introduce sediments and constituent pollutants typically associated with construction activities and urban development into storm water runoff. These pollutants will have the potential of degrading downstream storm water quality. This impact is considered to be potentially significant. (Less than Significant After Mitigation)

Facts in Support of Finding

New development within the Panhandle PUD would increase local runoff production, and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include sediments, heavy metals, petroleum hydrocarbons, pesticides and fertilizers. Structural best management practices (BMPs) are available that may be applied to the proposed development to limit the concentrations of these constituents in any site runoff that is discharged into downstream facilities to acceptable levels. New

development within the Panhandle PUD would increase the flow rates and velocities of storm runoff conveyed through project development areas. The increase in site runoff production and velocities of drainage flow produced by the site development may increase the corresponding sediment discharge through the site during storm events. Pollutants are generally components of the sediment discharge associated with drainage flows. Storm drainage originating from the site will be released and transported through downstream properties and will be pumped and delivered to the Sacramento River by RD 1000 facilities. In addition to operational water quality impacts, construction activities could also result in water quality impacts associated with erosion and sedimentation as well as accidental release of petroleum products and other construction materials.

Implementation of the following mitigation measures would reduce this impact to Less Than Significant:

Mitigation Measure 4.11.2a (From MMP). Drainage facilities shall be designed to meet or exceed storm water quality requirements set forth in City Standards pertaining to regional storm water quality control in association with NPDES Stormwater Permit No. CA502597. Water quality control may consist of pollutant source control, water quality treatment through Best Management Practices or a combination of both measures. Water quality control features as part of drainage facilities shall be reviewed and approved by the City prior to approval of improvement plans for the site.

Mitigation Measure 4.11.2b (From MMP). The project applicant shall prepare a SWPPP in conformance with the California Stormwater Quality Association Construction Handbook (Construction Handbook), City standards (Grading, Erosion, and Sediment Control Ordinance and Stormwater Management and Discharge Control Code), NPDES Stormwater Permit No. CA502597 and in compliance with the requirements of the State General Construction Activity Storm Water Permit (CGP) for each construction activity in the Panhandle area (Northern and Southern portions). The Construction Handbook provides general guidance for selecting and implementing BMPs that will eliminate or reduce the discharge of pollutants from construction sites to receiving waters and for developing and implementing storm water pollution prevention plans that document the selection and implementation of BMPs for a particular construction project. The site specific SWPPP must describe the site, including a description of the erosion and sediment controls proposed (BMPs for water quality), the means of waste disposal, implementation of approved local plans, control measures of post-construction sediment and erosion, maintenance responsibilities, and non-storm water management controls. The developer shall file a Notice of Intent with the State Water Resources Control Board. The Waste Discharge Identification Number and a copy of the SWPPP shall be provided to the City prior to approval of grading improvement plans for the site.

The project applicant shall retain a copy of the approved SWPPP on the

construction site. BMPs identified in the SWPPP shall be utilized in all project site development activities. Implementation of appropriate, effective water quality controls will ensure no increase in turbidity, sediment or other pollutant loads into downstream facilities over predevelopment conditions during construction and will ensure that storm water discharges that will result with implementation of the project are in compliance with all current requirements.

Mitigation Measure 4.11.2c (From MMP). Grading and construction activities will need to conform to the requirements set forth in the City's Grading, Erosion and Sediment Control Ordinance, including the submittal of grading and erosion and sediment control plans to the City prior to approval of grading or improvement plans for the site.

Finding: This impact is Less Than Significant after mitigation.

Impact 4.11.3. While the project is not located within a designated 100-year floodplain as currently delineated by FEMA, the project area is protected by a levee system that has been determined by the Sacramento Area Flood Control Agency (SAFCA) to be at risk of underseepage and erosion hazards during a 100-year storm event. This impact would be potentially significant. (Less than Significant After Mitigation for long-term flooding)

Facts in Support of Finding

The DEIR discusses the potential for levee failure and discusses the Sacramento Area Flood Control Agency (SAFCA) findings on the inadequacy of the levee system that protects the Natomas Basin. The DEIR uses information provided by the U.S. Army Corps of Engineers, SAFCA and the Department of Water Resources state that the levee system is considered inadequate and the potential for levee failure is present in the area (see DEIR pages 4.11-13 and 14 listing the SAFCA Public Review Draft of the Natomas Levee Evaluation Report and correspondence from the U.S. Army Corps of Engineers dated July 20, 2006). Since release of the DEIR, the City has received correspondence from Department of Water Resources (Snow, 2006) advising the City to consider growth controls and/or building restrictions and from the Federal Emergency Management Agency (FEMA) (Ziolkowski, 2006) regarding the anticipated updated of the Flood Insurance Rate Map (FIRM) by November 2007 to redesignate the Natomas Basin as a "Special Flood Hazard Area" and require flood insurance for property owners with federally-backed mortgages.

FEMA's new floodzone designation would likely be either an AE, AR, or A99 Zone as described in the FEMA regulations (44 C.F.R. Pt. 60 et seq.). An AE Zone is an area of special flood hazard with water surface elevations determined. An AR Zone is an area of special flood hazard that results from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. An A99 Zone is an area of special flood hazard where enough

progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. The City of Sacramento's Floodplain Management Regulations prescribe certain development restrictions and standards based on the FEMA floodzone designation (Sacramento Municipal Code, Chapter 15.104). In an AE Zone, new construction and substantial improvement of any structure must have the lowest floor, including basement, elevated one foot above the base flood elevation or depth number specified in feet on the FIRM. In an AR Zone, all new construction in
areas designated as developed areas must use the lower of either the AR base flood elevation (or flood depth) or the elevation that is three feet above the highest adjacent grade. Construction standards identified in the City's Floodplain Management regulations do not apply in an A99 Zone. Ultimate development of all proposed land uses in the Panhandle PUD may be temporarily restricted or prohibited depending on final flood designations by FEMA and the City's development standards pursuant to that designation (as noted above). However, the restriction or prohibition could be removed upon recertification of the levees and redesignation of the FEMA floodzone.

The project area is located within the flooding area of concern as identified in the Natomas Levee Evaluation Report (July 2006). Although the project area is not located within a FEMA designated 100-year floodplain, based on existing available information from SAFCA, flooding hazards do exist at the project area and would be present until SAFCA implements necessary levee improvements, which are anticipated to be constructed within the next two to five years. While in the long-term it is expected that adequate flood protection (i.e., protection from a 100-year and 200-year storm event) would be provided at the site (and therefore would be less than significant), in the interim time, before completion of flood improvements, the project could place housing and persons in an area subject to flooding hazards.

Implementation of the following mitigation measure would reduce this impact to Less Than Significant for long-term flooding impacts.

Mitigation Measure 4.11.3 (From MMP). The following mitigation measures shall apply in the event that levees currently providing adequate flood protection to the Panhandle Area are decertified by the U.S. Army Corps of Engineers and can no longer provide 100-year floodzone protection. The City anticipates that after any such decertification but before recertification of the levees, FEMA intends to remap the Panhandle Area as a special flood hazard area (likely as an AE, AR, or A99 Zone). Each designation contains specific building and design requirements for new above-ground-level development.

If the Panhandle Area is remapped by FEMA into an AE Zone, AR Zone, or A99 Zone, then (1) the City shall require development within the project site to comply with all applicable building and design regulations identified by FEMA and by the

City of Sacramento's Floodplain Management Ordinance in existence at the date of issuance of building permits pertaining to the applicable remapped zone; (2) the project applicant shall participate in a funding mechanism such as an assessment district established by SAFCA and/or the City for the purpose of implementing measures that would provide no less than 100-year flood protection for the Panhandle Area, or for that portion of the Natomas Basin requiring re-certification for 100-year flood protection including the Panhandle Area provided that such funding mechanism is (i) based on a nexus study; (ii) is regional in nature; (iii) is proportionate, fair, and equitable; and (iv) complies with all applicable laws and ordinances; and (3) the requirements of the applicable FEMA zone and corresponding requirements under the City of Sacramento's Floodplain Management Ordinance shall be satisfied prior to the issuance of building permits for the project. Homeowners within the floodzone shall maintain federal flood insurance, as required under the applicable FEMA and City of Sacramento Floodplain Management Ordinance regulations.

These mitigation measures shall terminate upon the first recertification of the levees by the U.S. Army Corps of Engineers. Under any of these three scenarios (AE, AR, or A99 Zone), homebuilders within the floodzone area shall disclose to all prospective buyers, lenders, bondholders and insurers of property through written disclosure, prior to the sale of units, that the U.S. Army Corps of Engineers has determined that the levees protecting the Natomas Basin may not provide flood protection from a 100-year or greater storm event until the levees are recertified as providing 100-year storm protection.

Finding: This impact is Less Than Significant for long-term flooding impacts after mitigation.

- **Impact 4.11.4**. Detention basins in the project would be excavated several feet below existing grade. It is possible that seasonal groundwater would be exposed and will interact with pollutants associated with urban runoff that would be captured within detention basins. This impact is considered to be potentially significant. (Less than Significant After Mitigation)

Facts in Support of Finding

Groundwater levels for the project area have been identified to occur at 4 to 17 feet below the ground surface. According to the NRCS, soils at the proposed detention basin site are of Soil Groups C and D, have slow infiltration rates, and consist of clays and loams. Pollutants that are collected within new detention basins are likely to become attached to the surface soil particles and are not likely to travel deep into subsurface soil and water layers. Several technical studies have been conducted regarding water quality control feature impacts on groundwater. These studies have identified that water quality control features such as detention and infiltration basins have been successful in controlling water quality and avoiding groundwater quality impacts. However, this impact is considered potentially significant, given the presence of existing residential wells

in the area.

Implementation of the following mitigation measure would reduce this impact to Less Than Significant:

Mitigation Measure 4.11.4 (From MMP). As part of the final design of the project detention basins, soil borings shall be taken at representative locations within the detention basins to analyze the subsurface soils that are present and the elevation of the subsurface water table. If these soil borings identify shallow groundwater within two (2) feet of the proposed bottom elevation of detention basins or within the detention basins, a liner and/or additional water quality control features may be incorporated into the design of the detention basin, subject to City review and approval.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.11.5.** The proposed project in combination with planned and proposed development in the region would contribute to potential impacts to surface and groundwater quality from construction and operation activities. This contribution is considered cumulatively considerable. (Less than Cumulatively Considerable After Mitigation)

Facts in Support of Finding

Development of the project could result in significant surface water and groundwater quality impacts from construction and operation activities. These impacts could contribute to non-point (e.g. storm water and agricultural run-off) and point sources (e.g. wastewater plant effluent discharges) pollution of the water shed that may inhibit beneficial uses of the Sacramento River. This contribution is considered cumulatively considerable.

Groundwater contamination due to potential interaction between the detention basins and groundwater levels in the fall and winter was addressed in the DEIR as potentially significant. DEIR page 4.11-25 specifically identifies that pollutants that are collected within new detention basins are likely to become attached to the surface soil particles and are not likely to travel deep into subsurface soil and water layers. Several technical studies have been conducted regarding water quality control feature impacts on groundwater (e.g., City of Fresno Nationwide Urban Runoff Project and California Storm Water Best Management Practices Handbook prepared by the Stormwater Quality Task Force). These studies have identified that water quality control features such as detention and infiltration basins have been successful in controlling water quality and avoiding groundwater quality impacts (metals and organic compounds associated with stormwater are typically lost within the first few feet of the soil of the basins). (Final EIR p. 3.0-113).

Implementation of the following mitigation measures would reduce this impact to Less Than Cumulatively Considerable:

Mitigation Measures (from MMP): Implement mitigation measures MM 4.11.2a through c and MM 4.11.4.

Finding: This impact is Less Than Cumulatively Considerable after mitigation.

Impact 4.11.6. The proposed project in combination with planned and proposed development in the region would contribute to exposing additional residents and businesses to flood hazards. This contribution is considered cumulatively considerable. (Less than Cumulatively Considerable After Mitigation for flooding impacts)

Facts in Support of Finding

Implementation of proposed Panhandle drainage improvements would fully mitigate the project's increase in drainage flows during peak flow conditions. Development of the Panhandle area in combination with other reasonably foreseeable development would contribute to placing more residents and development in an area identified to be vulnerable to levee failure.

Implementation of the following mitigation measures would reduce this impact to Less Than Cumulatively Considerable for flooding impacts:

Mitigation Measures: Implement mitigation measures MM 4.11.1 and MM 4.11.3.

Finding: This cumulative impact is Less Than Cumulatively Considerable for flooding impacts.

Section 4.12 Visual Resources

- **Impact 4.12.3.** Development and operation of the Panhandle PUD would introduce new sources of light and glare into a previously undeveloped area. This would result in a significant impact. (Less than Significant After Mitigation)

Facts in Support of Finding

The Panhandle PUD would create light and glare sources currently not present in the area. Lighting impacts would include streetlights within the project, parking lot lighting, and lights associated with residential, commercial, park uses and park related sports facilities, and school structures. These sources of lighting would increase the sky glow within the region. The proposed Panhandle PUD Development Guidelines includes provisions that residential lighting not spill over onto adjacent home sites and open space areas. However, there are no proposed lighting provisions for commercial uses or sports fields.

Implementation of the following mitigation measures would reduce this impact to Less Than Significant:

Mitigation Measure 4.12.3a (From MMP). A lighting plan shall be developed and provided with special permits and/or development plan review for the Panhandle PUD to ensure that all lights are low intensity, fully hooded, back shielded and directed away from residential areas to reduce the light "spillage" and glare, and prohibit the illumination from breaking the horizontal plane.

Mitigation Measure 4.12.3b (From MMP). Outdoor lighting for commercial uses and community parks/sports facilities in the Panhandle PUD shall be designed to be turned off when not in use where security and safety is not a concern. This requirement shall be included in lighting plans submitted to the City as part of the improvement plans.

Mitigation Measure 4.12.3c (From MMP). Light fixtures for sports fields that are planned to be lighted in the Panhandle PUD shall be directed away from residential areas to reduce light "spillage" and glare. Light fixtures shall be designed to limit illumination to the sports fields and shall demonstrate that the illumination of adjacent residential properties will not exceed 1.0 foot-candles.

Finding: This impact is Less Than Significant after mitigation.

Section 4.13 Public Services and Utilities

- **Impact 4.13.1.1.** Implementation of the proposed project at buildout would increase the demand for fire and emergency protection services that could result in unacceptable service ratios, response times or other performance objectives for fire protection and emergency services. This would be a potentially significant impact. (Less than Significant After Mitigation)

Facts in Support of Finding

The City General Plan and NNCP safety policies contain additional recommendations regarding the availability of adequate water supply and fire suppression purposes, and development of adequate fire station facilities. SFD staff has reviewed the Panhandle PUD and have determined that the project would trigger the need for new facilities, personnel and/or equipment in order to maintain adequate service levels

Implementation of the following mitigation measures would reduce this impact to Less Than Significant:

Mitigation Measure 4.13.1.1a (From MMP). The project applicant shall pay the necessary project-specific fire service impact fees associated with fire protection services, as outlined in the project's Finance Plan.

Mitigation Measure 4.13.1.1b (From MMP). The Panhandle PUD Finance Plan shall include all necessary public facility improvements (e.g., fire, law enforcement, water, wastewater, parks, roadways and libraries) intended to solely serve the PUD as well as its fair-share contribution to public facilities that serve the North Natomas Community Plan area. The Panhandle PUD Finance Plan shall ensure that public facilities and equipment required to service the PUD are in place concurrent with site development.

Finding: This impact is Less Than Significant after mitigation.

- **Impact 4.13.1.2.** Implementation of the proposed Panhandle project, in combination with other foreseeable development would increase the population with the North Natomas area and would require additional fire and emergency services. The project's contribution would be cumulatively considerable. (Less than Cumulatively Considerable After Mitigation)

Facts in Support of Finding

The City General Plan and NNCP safety policies contain additional recommendations regarding the availability of adequate water supply and fire suppression purposes, and development of adequate fire station facilities. The project would continue to receive service and would not result in any changes to existing automatic aid agreements with other fire service providers. The project would add to the demand for fire protection and emergency services.

Implementation of the following mitigation measures would reduce this impact to Less Than Cumulatively Considerable:

Mitigation Measures (from MMP): Implement mitigation measures MM 4.13.1.1a and b.

Finding: This impact is Less Than Cumulatively Considerable after mitigation.

- **Impact 4.13.2.2.** Implementation of the proposed project would contribute to cumulative demands for police protection services within the City and surrounding area. This impact would be cumulatively considerable. (Less than Cumulatively Considerable After Mitigation)

Facts in Support of Finding

The project would contribute to cumulative demand for police protection services within the City and surrounding area. A new North Natomas Police Station is planned for the Town Center of the North Natomas Community Plan to service overall growth in the area. Timing of construction of the station is unknown at this time.

Implementation of the following mitigation measure would reduce this impact to

Less Than Cumulatively Considerable:

Mitigation Measure (from MMP): Implement mitigation measure MM 4.13.1.1b.

Finding: This impact is Less Than Cumulatively Considerable after mitigation.

- **Impact 4.13.4.1**. The proposed project at buildout would require connection into the existing wastewater conveyance facilities that may not have adequate capacity. This would be a potentially significant impact. (Less than Significant After Mitigation)

Facts in Support of Finding

Existing SRCSD facilities serving the North Natomas area are capacity constrained. Ultimate capacity will be provided by construction of the Lower Northwest and Upper Northwest Interceptors, currently scheduled for completion in 2010. SRCSD is working to identify potential interim projects to provide additional capacity. SRCSD and CSD-1 will issue sewer permits to connect to the system if it is determined that capacity is available and the property has met all other requirements for service. This process is "first come, first served." Though once connected the property has the entitlement to use the system, there is no guarantee that capacity will be available when actual requests for sewer service are made.

Implementation of the following mitigation measures would reduce this impact to Less Than Significant:

Mitigation Measure 4.13.4.1a (From MMP). Connection to the CSD-1 sewer system for the Panhandle PUD and subsequent development in the Southern Portion shall be required to the satisfaction of the CSD-1. Each parcel and each building with a sewage source shall have a separate connection to the CSD-1 sewer system.

Mitigation Measure 4.13.4.1b (From MMP). The project applicant shall submit a final sewer study for the Panhandle PUD for review and approval by CSD-1 prior to approval of small lot final maps. The sewer study report shall be done in accordance with CSD-1's current Minimum Sewer Study Requirements and shall demonstrate that downstream facilities have capacity to accommodate flows from the Panhandle PUD.

Mitigation Measure 4.13.4.1c (From MMP). Prior to approval of small lot final maps or issuance of building permits for the Krumenacher Subdivision map, the project applicant shall enter into and record an agreement, to require land reservation for acquisition by the SRCSD for the upper Northwest Interceptor project to install pipelines and facilities in conformance with the SRCSD Master Plan.

Finding: This impact is Less Than Significant after mitigation.

ii. Findings Related to the Southern Portion

The following significant and potentially significant environmental impacts of the Southern Portion of the Project, including cumulative impacts, are being mitigated to a less than significant level and are set out below. Pursuant to section 21081(a)(1) of CEQA and section 15091(a)(1) of the CEQA Guidelines, as to each such impact, the Planning Commission, based on the evidence in the record before it, finds that changes or alternatives incorporated into the Project by means of conditions or otherwise, mitigate, avoid or substantially lessen to a level of insignificance these significant or potentially significant environmental impacts of the Project: Impact 4.4.9, Impact 4.4.10, Impact 4.4.11, Impact 4.8.2, Impact 4.8.3, Impact 4.8.4, Impact 4.8.5, Impact 4.9.2, Impact 4.9.3, Impact 4.9.4, Impact 4.9.5, Impact 4.10.2, 4.11.1, Impact 4.11.2, Impact 4.11.3 (long-term flooding), Impact 4.11.4, Impact 4.11.5, Impact 4.11.6 (flooding impacts), Impact 4.13.1.2, and Impact 4.13.2.2.

B. Significant and Unavoidable Impacts

i. Findings Related to the Northern Portion

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

Section 4.1 Land Use and Open Space

- **Impact 4.1.2.** Implementation of the project would conflict with applicable land use provisions intended to avoid or minimize an environmental effect. This is considered a significant impact. (Significant and Unavoidable After Mitigation)

Facts in Support of Finding

The Panhandle PUD would require an amendment to land use designations and text under the NNCP. While the project is largely consistent with the land use vision and policy provision of the NNCP, it would conflict with the eastern buffer provisions associated identified in the NNCP for the portion of the project located east of the powerlines. The project proposes development east of the powerlines, including construction of the Ninos Parkway, three park sites (Parcels 41, 33 and 36) and residential uses. The project proposes text and map amendments to address this potential conflict with the NNCP. While rural residential land uses associated with the Valley View Acres community are not expected to result in significant physical land use impacts to the Panhandle PUD land uses (given the low intensity of rural residential uses near the site and the

physical separation/buffering to be provided by rear lot fencing and the right-of-way of Sorento Road), the Panhandle PUD would result in significant impacts to the environment associated with the loss of existing visual characteristics of the site as open space, the introduction of nighttime lighting and noise from park uses. In addition, the Panhandle PUD would result in the loss of open space and agricultural lands.

The mitigation measures listed below will reduce this impact.

Mitigation Measures: Implement mitigation measures MM 4.2.1, MM 4.2.2c, MM 4.6.3, MM 4.12.2, MM 4.12.3c, and MM 4.1.3.

Finding: However, even with implementation of these measures, this impact remains Significant and Unavoidable. The significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

- **Impact 4.1.3**. The Northern Portion (Panhandle PUD) would result in the substantial loss of existing open space. This is considered a significant impact. (Significant and Unavoidable After Mitigation)

Facts in Support of Finding

Implementation of the Panhandle PUD would result in the conversion of much of the site from open space to urban uses. The Panhandle PUD site is identified for urban development in the 1994 North Natomas Community Plan. As part of City of Sacramento Resolution 940258, the City specifically acknowledged that development under the 1994 North Natomas Community Plan would result in a cumulative and significant and unavoidable loss of farmland. However, the Panhandle PUD would amend the North Natomas Community Plan open space provisions associated with the elimination of the open space buffer east of the WAPA power lines and allow for urban development of this area.

The mitigation measure listed below will reduce this impact.

Mitigation Measure 4.1.3 (From MMP). The Panhandle PUD project applicants shall coordinate with the City and LAFCo to identify appropriate off-site lands to be set aside in a permanent conservation easements at a ratio of no less than one acre of land converted to urban use to one-half acre of open space land preserved. This mitigation measure may be satisfied by compliance with other mitigation requirements involving the permanent conservation of agricultural lands and habitat (e.g., MM 4.2.1).

Finding: Even with implementation of this measure, this impact remains Significant and Unavoidable. The significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section

E.

- **Impact 4.1.5.** Implementation of the proposed project at buildout would contribute to cumulative loss of open space. The project's contribution would be cumulatively considerable. (Cumulatively Considerable and Significant and Unavoidable After Mitigation)

Facts in Support of Findings

Implementation of the Panhandle PUD would result in the conversion of the site (527.3 acres) from open space to urban uses. Portions of the Panhandle PUD site associated with detention facilities (20.8 acres) and Ninos Parkway (45.6 acres) will remain in open space. In addition, 41.1 acres of the Panhandle PUD are identified for neighborhood and community park.

The mitigation measure listed below will reduce this impact.

Mitigation Measure (from MMP): Implement mitigation measure MM 4.1.3.

Finding: With implementation of this measure, this impact remains Cumulatively Considerable and Significant and Unavoidable. The cumulatively considerable and significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

Section 4.2 Agricultural Resources

- **Impact 4.2.1**. Implementation of the proposed project would result in the conversion of approximately 98.6-acres of Prime Farmland and 1.2-acres of Farmland of Statewide Importance. This would be a significant impact. (Significant and Unavoidable After Mitigation)

Facts in Support of Finding

Implementation of the Panhandle PUD would result in the conversion of approximately 98.6 acres of Prime Farmland, 1.2 acres of Farmland of Statewide Importance, 247.5 acres of Farmland of Local Importance, 228.7 acres of Grazing Land and 18.2 acres of Other Lands as defined by the California Department of Conservation. The conversion of the Panhandle PUD from farmland to urban uses would reduce the amount of important farmland (Prime Farmland, Farmland of Statewide Importance and Unique Farmland) by approximately 0.743 percent within Sacramento County. While the Panhandle PUD consists of properties under Williamson Act contracts, these properties have filed for non-renewal and will expire in 2007. The project area was also analyzed under the California Agricultural LESA model to determine agricultural significance. The project site was calculated to have a LE subscore of 28.84, SA subscore of 34.5, and a single numeric LESA score of 63.34. Scoring thresholds indicates that with this score the Northern Portion consists of agricultural land

considered significant unless either LE or SA subscores is less than 20 points. Since both the LE and SA subscores for this project are greater than 20 points, the project's conversion of agricultural lands would be considered significant.

The mitigation measure listed below will reduce this impact.

Mitigation Measure 4.2.1 (From MMP). The Applicant shall protect one acre of existing farmland of equal or higher quality for each acre of Prime Farmland or Farmland of Statewide Importance that would be converted to non-agricultural uses in the Panhandle PUD. This protection may consist of the establishment of farmland easements or other appropriate mechanisms. The farmland to be preserved shall be located within the County. This mitigation measure may be satisfied by compliance with other mitigation requirements involving the permanent conservation of agricultural lands and habitat.

Finding: Even with implementation of this measure, this impact remains Significant and Unavoidable. The significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

- **Impact 4.2.3**. The proposed project would contribute to cumulative impacts on agricultural lands. The project's contribution would be cumulatively considerable. (Cumulatively Considerable and Significant and Unavoidable After Mitigation)

Facts in Support of Finding

Implementation of the Panhandle PUD would result in significant impacts to agricultural resources in and adjacent to the project area. The project would contribute to the on-going conversion of farmland in the state to urbanized uses by converting approximately 98.6 acres of agricultural land to residential, commercial, school and recreational uses. It would also contribute to the conversion of the total Important Farmlands in the State to urban uses, and thus contribute to regional farmland conversions and agriculture/urban use conflicts. Urban development within the County has resulted in the loss of approximately 6,168 acres of Prime Farmland and Farmland of Statewide Importance. Several thousand additional agricultural acres have been converted to urban uses since 2002. This loss and conversion of agricultural land and resulting incompatibilities between agricultural and urban uses continues within the City, the County and the state due to the pressures of urban development.

The mitigation measures listed below will reduce this impact.

Mitigation Measures (from MMP): Implement Mitigation Measures MM 4.2.1 and MM 4.2.2a through c.

Finding: Even with implementation of these measures, this impact remains Cumulatively Considerable and Significant and Unavoidable. The cumulatively

considerable and significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

Section 4.3 Population/Housing/Employment

- **Impact 4.3.1**. Development of the proposed Panhandle PUD would result in a total population of approximately 7,718 residents, which is 316 residents more than what would be allowed under the current NNCP designations. The PUD would also generate approximately 677 to 900 jobs. This would induce substantial population growth and employment growth and would be a significant impact. (Significant and Unavoidable)

Facts in Support of Finding

Under the current NNCP land use designations, the Panhandle project area could be developed with 2,949 dwelling units and 7,402 residents. As proposed under the Panhandle Annexation and PUD project, the Panhandle PUD would result in the development of 3,075 new residential units and 7,718 residents, which would exceed projected development of the site under the current NNCP land use designations by approximately 126 units and 316 residents. The project also includes commercial and school uses that could generate 677 to 900 employees that also were not anticipated under the NNCP.

Finding: There are no mitigation measures available to reduce this impact. This impact will remain Significant and Unavoidable. The significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

- **Impact 4.3.4**. Development of the project would contribute increased population in the region which would induce substantial population growth. This contribution is considered cumulatively considerable. (Cumulatively Considerable and Significant and Unavoidable)

Facts in Support of Findings

The Panhandle PUD would result in the development of 3,075 new residential units and 7,718 residents, which would exceed projected development of the site under the current NNCP land use designations by 126 units and 316 residents. The project also includes commercial and school uses that could generate 677 to 900 employees that also were not anticipated under the NNCP. This development, as well as build out of the Southern Portion, would contribute to growth in the region.

Findings: There are no mitigation measures available to reduce this impact. This impact will remain Cumulatively Considerable and Significant and Unavoidable. The cumulatively considerable and significant and unavoidable

impacts are overridden by the economic, legal and social considerations detailed in Section E.

Section 4.4 Traffic and Circulation Impact

Impact 4.4.3. The Panhandle PUD land uses would generate additional traffic for the freeway facilities in the project area vicinity. This is considered a significant impact. (Significant and Unavoidable After Mitigation)

Facts in Support of Finding

Traffic generated from the Panhandle PUD would contribute to the current deficient operation of the following facilities:

a. I-5/Del Paso Road Northbound off-ramp (diverge) operates at LOS F during the PM peak hour with and without the development of the proposed project under baseline conditions. The proposed project would add approximately 3 percent traffic to the freeway facility during the PM peak hour.

b. I-5/Del Paso Road Southbound Slip on-ramp (merge) operates at LOS F during the AM and PM peak hours with and without the development of the proposed project under baseline conditions. The proposed project would add approximately 3 and 2 percent traffic to the freeway facility during the AM and PM peak hours, respectively.

c. I-80/Truxel Road Eastbound off-ramp (weaving) operates at LOS E during the PM peak hour under no project conditions and would degrade to LOS F during the PM peak hour with the development of the proposed project. The proposed project would add approximately 3 percent traffic to the freeway facility during the PM peak hour.

d. I-80/Northgate Boulevard Eastbound Loop on-Ramp (merge) operates at LOS F during the PM peak hour with and without the development of the proposed project under baseline conditions. The proposed project would add approximately 2 percent traffic to the freeway facility during the PM peak hour.

e. I-80/Northgate Boulevard Eastbound Slip on-ramp (merge) operates at LOS F during the PM peak hour with and without the development of the proposed project under baseline conditions. The proposed project would add approximately 2 percent traffic to the freeway facility during the PM peak hour.

The Traffic Study found that the impacted freeway facilities currently operate at LOS "F" in the Baseline Condition during the Peak Hours without the Project and would continue to operate at LOS "F" in the Cumulative Condition both without and with the Project.

The City has concluded that a "fair share" contribution to the Downtown-

Natomas-Airport Light Rail Extension (DNA) project is a feasible mitigation measure to address the Project's incremental impacts on the congested segments of the mainline State Highway System. The contribution will help fund the local share of the DNA project costs and the amount will be based on the project's anticipated transit trips in relation to the DNA project's capacity, and the project may also help fund bus service within the Panhandle Project area. Because the City has not completed a "nexus" and "rough proportionality" study pursuant to the constitutional principles established in Nollan v. California Coastal Commission (1987) 483 U.S 825 and Dolan v. City of Tigard (1994) 512 U.S. 374, the project applicant's contribution toward the DNA project can only be secured under the terms of a development agreement. The terms of the development agreement will require the project applicant to pay this "fair share" contribution on a proportionate basis at the time of issuance of building permits for the proposed project. Implementation of this "fair share" contribution requirement will mitigate the project's impacts on regional traffic conditions in the project area. However, the contribution of these funds does not ensure that the DNA project will be implemented or will fully mitigate the project's impacts on the mainline freeway system. As such, the City has concluded that the project's impacts to regional traffic in the project area will remain significant and unavoidable. (FEIR p. 3.0-53)

The mitigation measure listed below will reduce this impact.

Mitigation Measure 4.4.3 (From MMP). The project applicant shall pay a fair share contribution to the Natomas-Airport Light Rail Extension (DNA) project to mitigate the Project's regional traffic impacts on the mainline freeway system in the Panhandle Project area. The City shall determine the project applicant's total "fair share" contribution based on the Project's transit trips in relation to the DNA project's capacity.

Finding: Even with implementation of this measure, this impact remains Significant and Unavoidable. The significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

- **Impact 4.4.7.** The project, in combination with anticipated development in the area, would contribute to an increase in traffic volumes on project area roadways that would result in intersections operating below acceptable levels of service. The project's contribution would be cumulatively considerable. (Cumulatively Considerable and Significant and Unavoidable After Mitigation for two intersections)

Facts in Support of Finding

Implementation of the project (Panhandle PUD and anticipated build-out of the Southern Portion) in combination with anticipated development conditions in year

2025 would result in significant traffic to the following project area intersections: (i) National Drive/Elkhorn Boulevard (with Panhandle PUD only); (ii) E. Levee Road/Elkhorn Boulevard (with or without the Panhandle PUD); (iii) Natomas Boulevard/Club Center Drive (with Panhandle PUD only); (iv) Natomas Boulevard/Truxel Road/Del Paso Road (with or without the Panhandle PUD); (v) Gateway Park Boulevard/Del Paso Road (with Panhandle PUD only); (vi) National Drive/Del Paso Road (with Panhandle PUD only); (vii) Sorento Road/Del Paso Road (with or without the Panhandle PUD); and (viii) Kenmar Road/Del Paso Road (with or without the Panhandle PUD).

The mitigation measures listed below will reduce this impact.

Mitigation Measures (from MMP): Implement Mitigation Measures 4.4.7a and 4.4.7b.

Finding: Even with implementation of these measures, this impact remains Cumulatively Considerable and Significant and Unavoidable for Natomas Boulevard/Club Center Drive and Gateway Park Boulevard/Del Paso Road intersections. The cumulatively considerable and significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

- **Impact 4.4.8**. The project, in combination with anticipated development in the area, would contribute to an increase in traffic volumes on project area state highway system that would result in state highways operating below acceptable levels of service. The project's contribution would be cumulatively considerable. (Cumulatively Considerable and Significant and Unavoidable Impact)

Facts in Support of Finding

The City has concluded that a "fair share" contribution to the Downtown-Natomas-Airport Light Rail Extension (DNA) project is a feasible mitigation measure to address the project's incremental impacts on the congested segments of the mainline State Highway System. The contribution will help fund the local share of the DNA project costs and the amount will be based on the project's anticipated transit trips in relation to the DNA project's capacity, and the project may also help bus service within the Panhandle project area. Because the City has not completed a "nexus" and "rough proportionality" study pursuant to the constitutional principles established in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374, the project applicant's contribution toward the DNA project can only be secured under the terms of a development agreement. The terms of the development will require the project applicant to pay this "fair share" contribution on a proportionate basis at the time of issuance of building permits for the proposed project.

Implementation of this "fair share" contribution requirement will mitigate the project's impacts on regional traffic conditions in the project area identified in Mitigation Measure MM 4.4.3. However, the contribution of these funds does not ensure that these impacts will be fully mitigated. While implementation of Mitigation Measure MM 4.4.3 would address the project's contribution, the City has concluded these impacts to regional traffic in the project area will remain cumulatively considerable and significant and unavoidable.

The mitigation measure listed below will reduce this impact.

Mitigation Measures (from MMP): Implement Mitigation Measures 4.4.3.

Finding: Even with implementation of this measure, this impact remains Cumulatively Considerable and Significant and Unavoidable. The cumulatively considerable and significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

Section 4.5 Air Quality

- **Impact 4.5.1.** Construction-generated emissions of NOx would exceed SMAQMD's significance threshold of 85 lb/day and because of the Panhandle PUD's size, PM10, emissions would result in or substantially contribute to emission concentrations that exceed the applicable NAAQS and CAAQS. In addition, because Sacramento County is currently designated as a nonattainment area for both ozone and PM10, construction-generated emissions could further contribute to pollutant concentrations that exceed the CCAAQS. As a result, this impact is considered significant. (Significant and Unavoidable After Mitigation)

Facts in Support of Finding

Construction of the proposed uses within the Panhandle PUD would generate construction-generated emissions. Construction-generated emissions are short-term and of temporary duration, lasting only as long as construction activities occur, but possess the potential to represent a significant air quality impact. Construction and development of residential, commercial and industrial uses would result in the temporary generation of emissions resulting from site grading and excavation, road paving, motor vehicle exhaust associated with construction equipment and worker trips; the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities.

The mitigation measures listed below will reduce this impact.

Mitigation Measure 4.5.1a (From MMP). Prior to the issuance of grading permits for the Panhandle PUD, project applicant shall prepare a construction

mitigation plan and implement air quality emission reduction measures. The construction mitigation plan shall be reviewed and approved by SMAQMD staff prior to beginning construction. At a minimum, the construction mitigation plan shall include the following measures:

The following measures shall be included to reduce NO_X and visible emissions from heavy-duty diesel equipment.

a. The project shall provide a plan for approval by the City, in consultation with SMAQMD, demonstrating that the heavy-duty (>50 horsepower), off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20-percent NO_X reduction and 45-percent particulate reduction compared to the most recent CARB fleet average at the time of construction. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps, engine retrofit technology, after-treatment products, and/or such other options as become available.

b. The project applicant shall submit to the City and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp, that will be used an aggregate of 40 or more hours during any portion of the project. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction operations occur. At least 48 hours before subject heavy-duty off-road equipment is used, the project representative shall provide the SMAQMD with the anticipated construction timeline including start date, and the name and phone number of the project manager and onsite foreman.

c. The project shall ensure that emissions from off-road, diesel-powered equipment used on the project site do not exceed 40-percent opacity for more than 3 minutes in any 1 hour, as determined by an on-site inspector trained in visual emissions assessment. Any equipment found to exceed 40-percent opacity (or Ringlemann 2.0) shall be repaired immediately, and the SMAQMD shall be notified of non-compliant equipment within 48 hours of identification. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of visual survey results shall be submitted to SMAQMD throughout the duration of the construction project, except that the monthly summary shall not be required for any 30-day period in which no construction operations occur. The monthly summary shall include the quantity and type of vehicles surveyed, as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance.

d. The project applicant shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NO_X that exceed SMAQMD's daily emission threshold of 85 lbs/day. The project applicant shall coordinate

with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce construction related emissions within the region. Fees shall be paid based upon the SMAQMD NO_x Reduction Fee in place at the time of fee payment. That fee is currently $14,300/ton of NO_x emissions generated, but will likely change over time. This fee shall be paid prior to issuance of grading permits. Detailed construction information for the proposed project is not yet available. However, based upon the preliminary URBEMIS emissions modeling, the expected payment for remaining construction related NO_x emissions over the significance threshold. Fees may be paid on a per/acre basis, in which case the average fee would be approximately $3,310.12/acre of development. If the projected construction equipment or phases change, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated or lowered if project-specific construction information is provided that demonstrates lower emissions than estimated in the Panhandle Annexation and PUD FEIR.

e. All heavy-duty equipment shall be properly tuned and maintained in accordance with manufacturers' specifications. Construction equipment will utilize the Best Available Technology (BAT) so as to minimize vehicle emissions to the extent possible. This may include the use of diesel particulate filters and cooled exhaust gas recirculation or equivalent measures on all off-road and on-road diesel equipment in the construction phase of the project. The project proponent will review amendments to CARB and SMAQMD regulations and City of Sacramento ordinances during construction, and comply immediately with newly adopted regulations, including those for equipment idling, which would reduce the cumulative release of pollutants.

Mitigation Measure 4.5.1b (From MMP). As recommended by the SMAQMD, the Panhandle PUD shall reduce fugitive dust emissions by implementing the measures listed below:

a. All disturbed areas, including storage piles that are not being actively used for construction purposes, as well as any portions of the construction site that remain inactive longer than a period of 3 months, shall be effectively stabilized of dust emissions using water, a chemical stabilizer or suppressant, or vegetative ground cover. Soil shall be kept moist at all times. Alternatively, non-toxic soil stabilizers shall be applied to all inactive construction areas in accordance with manufacture's specifications.

b. During clearing, grading, earth-moving, or excavation operations, fugitive dust emissions shall be controlled by watering exposed surfaces two times per day, watering haul roads three times per day or paving of construction roads, or other dust-preventive measures. All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or a chemical stabilizer or suppressant.

c. All vehicles hauling dirt, sand, soil or other loose material shall be covered or should maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114.

d. All operations shall limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring.

e. Onsite vehicle speeds on unpaved roads shall be limited to 15 mph.

f. Excavation and grading activities shall be suspended when winds exceed 20 mph.

Finding: Even with implementation of these measures, this impact remains Significant and Unavoidable. The significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

- **Impact 4.5.3.** Emissions of ozone-precursor pollutants (i.e., ROG and NOx) would exceed SMAQMD's significance thresholds and could result in a significant contribution to ambient concentrations that could potentially exceed applicable NAAQS and CAAQS for which the SVAB is currently designated non-attainment. As a result, this impact is considered significant. (Significant and Unavoidable After Mitigation)

Facts in Support of Finding

While the location of the proposed project would provide a number of elements that would help to reduce operational emissions, such as the commercial and retail uses in the vicinity of the project site, the project's walkways and trail network, the availability of transit options, NOx emission would still exceed SMAQMD threshold. Construction of the proposed uses within the Panhandle PUD would generate emissions of ozone precursor pollutants. Because predicted increases in ozone-precursor pollutants would exceed SMAQMD significance thresholds, this impact would be considered significant.

The mitigation measure listed below will reduce this impact.

Mitigation Measure 4.5.3 (From MMP). Prior to the issuance of grading permits, the project applicant will coordinate with the SMAQMD and the City of Sacramento and develop a project Air Quality Mitigation Plan (AQMP). In accordance with the North Natomas Community Plan, the AQMP shall reduce ozone precursor emissions associated with new residential development by a minimum of 20 percent compared to the single occupant vehicle baseline. Emissions associated with new non-residential developments shall reduce ozone precursor emissions by a minimum of 50 percent compared to the single

occupant vehicle baseline (North Natomas Community Plan 1994). Project applicants shall coordinate with the SMAQMD to determine the specific mitigation measures to be included in the AQMP. The AQMP shall be reviewed and endorsed by SMAQMD staff prior to issuance of grading permits. Grading permits shall not be issued for the project unless the project applicant has received a letter of endorsement for the project AQMP from the SMAQMD.

Available measures to be included in the AQMP include, but are not limited to the following:

Bicycle/Pedestrian/Transit Measures:

a. Short-term and long-term bicycle parking facilities
b. End of trip facilities: showers, lockers, and changing space
c. Proximity to bicycle path/bicycle lanes: located within 1/2 mile of Class I or II bicycle lanes and include comparable network that connects to the off-site lanes
d. Pedestrian network internally linking all uses and connecting to existing and planned external streets and pedestrian facilities contiguous with the site
e. Pedestrian/bicycle safety and traffic calming measures in excess of City requirements.

Parking Measures:

a. Employee and/or customer paid parking system
b. Parking reduction less than code
c. Parking lot design with pedestrian pathways between transit facilities and building entrances
d. Off-street parking

Site Design Measures:

a. High density office or mixed-use proximate to transit
b. Orient toward existing transit, bicycle, or pedestrian corridor
c. High density residential development
d. Multiple and direct street routing (grid style)
e. Affordable housing component

Mixed-Use Measures:

a. Urban, suburban and other mixed-use

Building Component Measures:

a. No fireplaces or woodburning stoves
b. Include ozone destruction catalyst on air conditioning system
c. Install Energy Star labeled roof materials
d. Exceed Title 24 energy requirements by 20 percent
e. Provide shade and/or use light-colored materials and open grid pavement for at least 30 percent of the project's non-roof impervious surfaces
f. Green roof

TDM and Miscellaneous Measures:
a. Include permanent transit management association membership and funding
b. Provide complimentary electric lawnmower to each residential buyer

Finding: Even with implementation of this measure, this impact remains Significant and Unavoidable. The significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

- **Impact 4.5.8**. Long-term operation of the project would result in increased emissions of ozone-precursor pollutants that would exceed SMAQMD's applicable significance thresholds and could contribute to future concentrations of ozone, for which the region is currently designated non-attainment. This impact would be considered cumulatively considerable. (Cumulatively Considerable and Significant and Unavoidable After Mitigation)

Facts in Support of Finding

Predicted operational emissions during both summer and winter conditions would exceed the SMAQMD's recommended significance thresholds of 65 lbs/day for ROG and NOx. Operational emissions would be greatest during the winter months, due to the assumed use of wood-burning fireplaces within proposed residential dwelling units. Area source emissions, including use of landscape maintenance equipment, as well as use of consumer products and architectural coatings, resulted in the greatest predicted increase in ROG emissions; whereas, mobile sources resulted in the greatest predicted increase in NOx emissions. Because predicted increases in ozone-precursor pollutants would exceed SMAQMD significance thresholds and contribute to the region's non-attainment status, this impact would be considered cumulatively considerable.

The mitigation measure listed below will reduce this impact.

Mitigation Measure (from MMP): Implement Mitigation Measure MM 4.5.3.

Finding: Even with implementation of this measure, this impact remains Cumulatively Considerable and Significant and Unavoidable. The cumulatively considerable and significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

Section 4.6 Noise

- **Impact 4.6.1**. Short-term construction-generated noise levels could result in a substantial increase in ambient noise levels at existing nearby off-site sensitive land uses as well as on-site residences that are constructed and inhabited before

other portions of the project are complete that could exceed applicable noise standards. This would be a significant impact. (Significant and Unavoidable After Mitigation)

Facts in Support of Finding

During development of the Northern Portion, construction could result in increased levels of annoyance and sleep disruption for occupants of existing residential dwellings or new dwellings constructed nearby as part of the Panhandle PUD. Depending on the activities being performed, as well as the duration and hours during which activities occur, construction-generated noise levels at nearby existing or proposed residences could violate applicable noise standards. In addition, activities occurring during the evening and nighttime hours, when people are more sensitive to noise, could result in increased levels of annoyance and sleep disruption to occupants of nearby residences.

The mitigation measure listed below will reduce this impact.

Mitigation Measure 4.6.1 (From MMP). Throughout all stages of project construction, project applicants for the Panhandle PUD and potential future City infrastructure upgrades for the Southern Portion shall reduce construction noise by implementing the following measures:

a. Construction activities shall comply with the requirements of local noise control ordinance. Accordingly, construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the daytime hours of 7 a.m. and 6 p.m., Monday through Saturday, and between 9 a.m. and 6 p.m. on Sunday.

b. Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.

c. When not in use, motorized construction equipment shall not be left idling.

Finding: Even with implementation of this measure, this impact remains Significant and Unavoidable. The significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

Impact 4.6.3. Noise levels generated by future stationary sources in the Panhandle Area could result in a substantial increase in ambient noise levels that could exceed the City's noise standards at existing and project proposed noise-sensitive land uses. This impact would be potentially significant. (Significant and Unavoidable After Mitigation)

Facts in Support of Finding

The Panhandle PUD proposes a mix of various land uses, including residential, neighborhood parks, commercial, and high school, middle school and elementary school land uses. These land uses would result in new stationary noise sources. Predicted noise levels associated with proposed on-site commercial uses, school sites, and recreational uses could potentially exceed the City's applicable noise standards at adjacent proposed residential land uses.

The mitigation measure listed below will reduce this impact.

Mitigation Measure 4.6.3 (From MMP). Prior to approval of special permits and/or development plan review, site-specific acoustical analysis shall be conducted to determine predicted noise impacts attributable to the proposed subsequent project taking into account site-specific conditions (e.g., site design, location of structures, building characteristics). Each future non-residential use shall be required to conduct a noise analysis with the application of each special use permit and/or development plan review. Mitigation measures shall be identified to reduce existing (power line noise) and project-related noise impacts at noise-sensitive receptors that meets City noise standards (interior and exterior). Mitigation measures may include, but are not limited to the following:

Residential Land Uses

a. All residential units be equipped with air conditioning sufficient to adequately cool the residential unit in summer conditions with doors and windows closed.

b. Use of increased noise-attenuation measures in building construction (e.g., dual-pane, sound-rated windows; mechanical air systems; exterior wall insulation, etc.).

c. All window openings on the south, west, north and east facades in residential units located adjacent to Del Paso Road, National Drive and Elkhorn Boulevard shall be constructed with windows rated STC 30 or better, unless landscaped noise barriers mitigate the traffic noise exposure impact.

d. Incorporate landscaped noise barriers between residential land uses located adjacent to noise-generating sources, when necessary, to reduce exterior noise levels within outdoor activity areas to within acceptable levels.

Parks

a. Limit use of amplified public address/sound systems to the community park sites and only during community sports and social events. Design public address/sound systems to direct sound away from residential areas.

b. Provide advance written notification to future PUD residents within 200 feet of park sites planned with sports fields regarding noise associated with upcoming sporting and other special events.

Commercial Land Uses

a. Limit material deliveries, landscape maintenance, waste-collection activities, and the operation of noise-generating stationary equipment (e.g., portable generators, compressors, and compactors) to between the hours of 7:00 a.m. and 10:00 p.m.

b. Noise-generating stationary equipment associated with proposed commercial land uses, including portable generators, compressors, and compactors, should be enclosed or acoustically shielded to reduce noise-related impacts to nearby dwelling units.

c. Material loading and unloading areas at commercial land uses should be shielded from line-of-sight of nearby residential dwellings.

d. Include noise-reduction features (e.g., sound barriers, truck-to-dock seals, increased setback distances/shielding) in the design of material loading and unloading areas at commercial land uses.

Schools

a. Incorporate landscaped noise barriers between residential lots immediately adjacent to school noise-generating sources (e.g., parking lots and sports facilities) to reduce exterior noise levels.

b. Provide advance written notification to future PUD residents within 1,000 feet of the planned middle school/high school stadium regarding noise associated with upcoming sporting and other special events.

Finding: Even with implementation of this measure, this impact remains Significant and Unavoidable. The significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

- **Impact 4.6.6.** Implementation of the proposed project would result in a substantial contribution to cumulative noise levels at nearby land uses. This would be a cumulatively considerable impact. (Cumulatively Considerable and Significant and Unavoidable)

Facts in Support of Finding

The FHWA Traffic Noise Model was used to predict traffic noise levels along affected roadways for future cumulative traffic conditions, with and without implementation of the proposed project. Predicted traffic noise levels were calculated based on data obtained from the traffic analysis prepared for this project. The project's contribution to the cumulative traffic noise levels along area roadways was determined by comparing the predicted noise levels with and without project-generated traffic under cumulative conditions. Based on the modeling conducted and taking into account distances to nearby receptors and shielding due to existing barriers, implementation of the proposed project would not result in a substantial increase in predicted future cumulative traffic noise levels (with the exception of the Panhandle PUD substantial contribution to noise

along Del Paso Road east of the site and proposed residential exposure to cumulative traffic noise levels. In addition to the cumulative traffic noise identified above, full build out of the Southern Portion and anticipated future development beyond what has been factored in the SACMET traffic model for cumulative conditions (e.g., North Natomas Joint Vision Area and Placer Vineyards Specific Plan) could further add to cumulative traffic noise levels in the project area.

The mitigation measures listed below will reduce this impact.

Mitigation Measures (from MMP): Implement mitigation measures MM 4.6.1, MM 4.6.2, MM 4.6.3, and MM 4.6.5.

Finding: Even with implementation of these measures, this impact remains Cumulatively Considerable and Significant and Unavoidable. The cumulatively considerable and significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

Section 4.11 Hydrology and Water Quality

- **Impact 4.11.3**. While the project is not located within a designated 100-year floodplain as currently delineated by FEMA, the project area is protected by a levee system that has been determined by the Sacramento Area Flood Control Agency (SAFCA) to be at risk of underseepage and erosion hazards during a 100-year storm event. This impact would be potentially significant. (Significant and Unavoidable After Mitigation for Short-Term Flooding and Environmental Effects of the Mitigation Measure)

Facts in Support of Finding

The project area is located within the flooding area of concern as identified in the Natomas Levee Evaluation Report. Although the project area is not located within a FEMA designated 100-year floodplain, based on existing available information from SAFCA, flooding hazards do exist at the project area and would be present until SAFCA implements necessary levee improvements, which are anticipated to be constructed within the next two to five years. While in the long-term it is expected that adequate flood protection (i.e., protection from a 100-year and 200-year storm event) would be provided at the site (and therefore would be less than significant), in the interim time, before completion of flood improvements, the project could place housing and persons in an area subject to flooding hazards.

The mitigation measure listed below will reduce this impact.

Mitigation Measure 4.11.3 (From MMP). The following mitigation measures shall apply in the event that levees currently providing adequate flood protection to the Panhandle Area are decertified by the U.S. Army Corps of Engineers and

can no longer provide 100-year floodzone protection. The City anticipates that after any such decertification but before recertification of the levees, FEMA intends to remap the Panhandle Area as a special flood hazard area (likely as an AE, AR, or A99 Zone). Each designation contains specific building and design requirements for new above-ground-level development.

If the Panhandle Area is remapped by FEMA into an AE Zone, AR Zone, or A99 Zone, then (1) the City shall require development within the project site to comply with all applicable building and design regulations identified by FEMA and by the City of Sacramento's Floodplain Management Ordinance in existence at the date of issuance of building permits pertaining to the applicable remapped zone; (2) the project applicant shall participate in a funding mechanism such as an assessment district established by SAFCA and/or the City for the purpose of implementing measures that would provide no less than 100-year flood protection for the Panhandle Area, or for that portion of the Natomas Basin requiring re-certification for 100-year flood protection including the Panhandle Area provided that such funding mechanism is (i) based on a nexus study; (ii) is regional in nature; (iii) is proportionate, fair, and equitable; and (iv) complies with all applicable laws and ordinances; and (3) the requirements of the applicable FEMA zone and corresponding requirements under the City of Sacramento's Floodplain Management Ordinance shall be satisfied prior to the issuance of building permits for the project. Homeowners within the floodzone shall maintain federal flood insurance, as required under the applicable FEMA and City of Sacramento Floodplain Management Ordinance regulations.

These mitigation measures shall terminate upon the first recertification of the levees by the U.S. Army Corps of Engineers. Under any of these three scenarios (AE, AR, or A99 Zone), homebuilders within the floodzone area shall disclose to all prospective buyers, lenders, bondholders and insurers of property through written disclosure, prior to the sale of units, that the U.S. Army Corps of Engineers has determined that the levees protected the Natomas Basin may not provide flood protection from a 100-year or greater storm event until the levees are recertified as providing 100-year storm protection.

Finding: Even with implementation of this measure, this impact remains Significant and Unavoidable for short-term flooding and environmental effects of the mitigation measure. The significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

Impact 4.11.6. The proposed project in combination with planned and proposed development in the region would contribute to exposing additional residents and businesses to flood hazards. This contribution is considered cumulatively considerable. (Significant and Unavoidable for environmental effects of Mitigation Measure 4.11.3)

Facts in Support of Findings

Implementation of the proposed Panhandle drainage improvements would fully mitigate the project's increase in drainage flows during peak flow conditions. Development of the Panhandle area in combination with other reasonably foreseeable development would contribute to placing more residents and development in an area identified to be vulnerable to levee failure.

The mitigation measures listed below will reduce this impact.

Mitigation Measures (from MMP): Implement mitigation measures MM 4.11.1 and MM 4.11.3.

Finding: Even with implementation of these measures, this impact remains Significant and Unavoidable. The significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

Section 4.12 Visual Resources

Impact 4.12.2. Implementation of the Panhandle PUD at buildout will alter the existing visual characteristics of the Northern Portion. This is considered a significant impact. (Significant and Unavoidable After Mitigation)

Facts in Support of Finding

Implementation of the Panhandle PUD would substantially alter the existing visual landscape characteristics of the Northern Portion from open space/grazing and grasslands to urban uses. This would alter views of the site from existing residential communities to the west of the site, existing views from rural residences within Valley View Acres neighborhood and along Elkhorn Boulevard and Del Paso Road. Visually, the Northern Portion currently functions as a transition from urban uses of the NNCP to rural uses east of Sorento Road and north of Elkhorn Boulevard. The proposed Panhandle PUD would amend the land use designations for the site and would result in the urbanization of the currently designated open space east of the power lines that was originally established by the NNCP as a buffer from rural residential uses east of Sorento Road. This amendment to the NNCP would result in greater visual impacts than previously considered for this area.

The mitigation measure listed below will reduce this impact.

Mitigation Measure 4.12.2 (From MMP). The Panhandle PUD Guidelines shall include provisions for landscape buffer treatments along the site's border with Sorento Road. The Panhandle PUD Guidelines shall include provisions for landscape buffer treatments along the site's eastern edge, west of Sorento Road. The buffer treatment shall involve elements such as landscaping, walls, berms

and fences along the length of Sorento Road adjacent to the PUD, to provide visual screening of the Panhandle PUD site (no walls or visual obstruction shall be placed along the park site associated with PUD Parcel 41).

Finding: Even with implementation of this measure, this impact remains Significant and Unavoidable. The significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

Impact 4.12.4. Implementation of the project in combination with other projects would alter the visual character of the area resulting in a change to public views as well as increased daytime glare and nighttime lighting levels. The project's contribution to this impact would be cumulatively considerable. (Cumulatively Considerable and Significant and Unavoidable Impact After Mitigation)

Facts in Support of Finding

Surrounding development opportunities within the City and County would result in alteration of the existing visual landscape of the area. The conversion of the PUD project area from its current vacant or grazing/grasslands to dense residential and mixed-use urban uses would later change the visual character to an urban setting in terms of land use and nighttime lighting. This, in combination with urbanization opportunities in the City and potentially of the surrounding portions of the County, would result in a cumulatively considerable change in the overall visual character of the area as well as increasing overall daytime glare and nighttime lighting in the area.

The mitigation measures listed below will reduce this impact.

Mitigation Measures (from MMP): Implement mitigation measures MM 4.12.2 and MM 4.12.3a through c.

Finding: Even with implementation of these measures, this impact remains Cumulatively Considerable and Significant and Unavoidable. The cumulatively considerable and significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

Section 4.13 Public Services and Utilities

- **Impact 4.13.4.2.** Wastewater flows of the proposed project at buildout would be able to be accommodated at the SRWTP with its planned expansion. However, the EIR associated with the SWRTP expansion identified significant and unavoidable construction air quality impacts to which the project contributes. This would be a significant impact. (Significant and Unavoidable)

Facts in Support of Finding

As described in the Sacramento Regional Wastewater Treatment Plant 2020 Master Plan Final EIR, construction and operation of the expanded SRWTP would result in several environmental impacts, most of which would be reduced to a less-than-significant level through mitigation implementation. The only significant and unavoidable impact related to the treatment plan that was identified would be from short-term increases in NOx during construction of SWRTP facilities. Although the project would account for less than 2 percent of the existing permitted wastewater treatment of the SRWTU, the project would contribute to the significant impact associated with air quality for the SWRTP expansion. No other feasible mitigation is available.

Finding: There are no mitigation measures available to reduce this impact. This impact will remain Significant and Unavoidable. The significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

Impact 4.13.4.3. Implementation of the proposed project would contribute to cumulative demands for wastewater treatment services within the SRCSD and CSD-1 service areas and the associated need to expand wastewater facilities. This impact would be cumulatively considerable. (Cumulatively Considerable and Significant and Unavoidable)

Facts in Support of Finding

Although the project would account for less than 2 percent of the existing permitted wastewater treatment of the SRWTP under ADWF, the project in combination with other development would contribute to the need for expansion of the SRWTP and would contribute to the impacts assessed in the EIR for the SRWTP 2020 Master Plan Expansion Project, one of which would remain significant and unavoidable. The SRCSD expects to resolve the CEQA challenge to its EIR in the near future and in time to expand the SRWTP in response to demand. Therefore, the project would contribute to a significant wastewater impact. No other feasible mitigation is available.

Finding: There are no mitigation measures available to reduce this impact. This impact will remain Cumulatively Considerable and Significant and Unavoidable. The significant and unavoidable impacts are overridden by the economic, legal and social considerations detailed in Section E.

ii. Findings Related to the Southern Portion

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

statement of overriding considerations. These impacts include: Impact 4.3.1, Impact 4.3.4, Impact 4.4.7, Impact 4.4.8, Impact 4.5.1, Impact 4.5.3, Impact 4.5.8, Impact 4.6.1, Impact 4.6.6, Impact 4.11.3 (short-term flooding and environmental effects of the mitigation measure), Impact 4.11.6 (environmental effects of Mitigation Measure 4.11.3), Impact 4.12.4, Impact 4.13.4.2, Impact 4.13.4.3.

C. Findings Related to the Relationship Between Local Short-term Uses of the Environment and Maintenance and Enhancement of Long-Term Productivity.

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

a. As the Project is implemented, certain impacts would occur on a short term level. Such short term impacts are discussed fully above. Such short term impacts include, without limitation, impacts relating to noise and air quality, although measures have been and will be incorporated in the project to mitigate these potential impacts.

b. The long term implementation of the project would serve to balance the need for residential units, schools, and jobs in the project and surrounding areas with the maintenance of long-term residential development and reutilization of infill areas. Notwithstanding the foregoing, some long term impacts would result. These impacts include, for example, adverse impacts on increased traffic. However, implementation of the project would provide many long term benefits, including, without limitation, an accommodation of the anticipated population growth in the City of Sacramento region, more efficient use of land for residential and commercial uses, the creation of a community that incorporates a park system with local and regional-connecting open space amenities, the implementation of recently adopted and envisioned planning and design tools including the principles of the Pedestrian Master Plan, Greenprint, and SACOG Blueprint principles and the City's Smart Growth Implementation Strategy.

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

D. Project Alternatives

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

facts supporting the finding of infeasibility of each alternative are set forth below.

Off-Site Alternatives Dismissed from Further Consideration

The main objectives of the Panhandle Project are to incorporate into the City of Sacramento (City), an area that is currently located in the City's Sphere of Influence (SOI), and to develop the project area according to the visions of the City General Plan and the North Natomas Community Plan (NNCP). Both these documents have identified the project area as developing with a mix of urban uses, particularly for the Northern Portion of the project area. The Panhandle Planned Unit Development (PUD) component of the project proposes a mix of low-, medium-, and high-density residential units, along with commercial, mixed use public/quasi-public, park and open space uses on a 594.7-acre site. Though the PUD component of the project would require amendments to the NNCP, in general, it meets the target mix of land uses proposed for the North Natomas Community area. Locating the PUD elsewhere within the City may not allow for the same mix of residential densities and commercial and public uses. In addition, though the City has approximately 18,000 acres (8,000 acres within existing City boundaries and 10,000 acres within the City's different SOI areas) of potentially developable land available, the most available vacant areas are located in the North Natomas Community Plan area portions of which are either already developed or have been approved for development projects.

Therefore, an off-site alternative was not considered because (a) the development of the project area is consistent with the goals of the North Natomas Community Plan for this area of the North Natomas community; (b) areas outside the City of Sacramento are outside the jurisdiction of the City to approve entitlements and therefore are not considered feasible alternatives; (c) an off-site alternative would not meet the basic objectives of the project described in Section 3.0 of the Draft EIR; and (d) an off-site alternative would not avoid or substantially lessen the environmental impacts of the proposed project as the remaining vacant areas of the NNCP planning area would have similar impacts on loss of open space and/or conversion of agricultural land.

Alternatives Considered

a. Alternative 1 – No Project Alternative

No Project Alternative: Under the No Project Alternative, the proposed annexation would not take place, the Panhandle PUD project would not be built. This alternative assumes that the Northern Portion of the Project area would remain as vacant/agricultural land with the one existing residential use, while the existing commercial/industrial uses and vacant parcels would remain in the 835.3 acre Southern Portion. Since the project area would remain under Sacramento County jurisdiction, the zoning of the Northern Portion would remain as AG-80 Agricultural and the Southern Portion would be zoned industrial and commercial. The No Project Alternative, including its environmental impacts, is described in Section 6.1 of the Draft EIR.

The No Project Alternative would produce no changes on the project site which would effectively eliminate all project impacts identified in the Draft EIR. Because the site would remain in its current condition, there would be no impacts associated with introducing buildings and people into an area that is currently undeveloped. The drainage of the site would remain unchanged, as would the biological resources on the site. Residents would not be introduced to the site, so there would be no demand for services or utilities and no traffic would be generated under this alternative.

Facts in Support of Finding of Infeasibility: Alternative 1 is rejected because it fails to satisfy basic project objectives and does not provide any of the environmental, community and financial benefits of the Proposed Project. Alternative 1 would remain under Sacramento County jurisdiction and would not be annexed to the City, which does not meet the project's objectives (Objectives 1 through 4) for annexing the project area to the City.

Under Alternative 1, the Panhandle PUD would not be developed with proposed land uses which conflicts with Project Objectives 9 through 16.

b. Alternative 2 – Community Plan Alternative

Community Plan Alternative: The Community Plan Alternative considers that the proposed annexation (and associated reorganization actions) would take place, and the Northern Portion would be developed under existing North Natomas Community Plan designations (1994). This alternative would retain the open space buffers under the North Natomas Community Plan associated with Elkhorn Boulevard (250-foot) and along the eastern boundary. The roadway network for the Northern Portion was assumed to be the same as the Panhandle PUD and the approved high school and middle school site is included in this alternative. Proposed annexation and amendments to the General Plan and North Natomas Community Plan for the Southern Portion would be the same as the proposed project under this alternative. The Community Plan Alternative would yield 2,949 residential units. Alternative 2, including its environmental impacts, is described in Section 6.3 of the Draft EIR.

Impacts from the Community Plan Alternative would be similar to the project for noise, human health/hazards, biological resources, cultural and paleontological resources, geology and soils, hydrology and water quality, and visual resources. Impacts from the Community Plan Alternative would be better for land use and open space, agricultural resources, population/housing/employment, traffic, air quality, and public services and utilities. These impacts would be better due to fewer units and a smaller development footprint since the project would not extend east of the powerlines.

Facts in Support of Finding of Infeasibility: Alternative 2 includes annexation of the project site to the City of Sacramento and would therefore be consistent with Project Objectives 1 through 4. Alternative 2 is inconsistent with many of SACOG's Seven Principles of Smart Growth (Blueprint principles) of maximizing infill opportunities by taking advantage of existing assets and compact development. Compared to the proposed project, Alternative 2 falls short of meeting SACOG's Principles of Smart

Growth and does not include the range of housing types and densities. Therefore, Alternative 2 is inconsistent with Project Objective 9.

In a portion of the area designated as open space in Alternative 2, the Panhandle PUD proposes parks and the 45.6 acre Ninos Parkway, a regional-connecting two-mile open space parkway with recreation amenities and a multi-purpose trail. The proposed project identifies a financing source for the improvements to and maintenance of Ninos Parkway, whereas funding sources for the acquisition and maintenance of open space on the east side of Alternative 2 is unknown. Alternative 2 does not include as many acres of parkland or the Ninos Parkway, including its recreation amenities. Therefore Alternative 2 is inconsistent with Project Objective 12.

The Blueprint principles and the Community Plan focus on the need to establish connections between communities to reduce traffic and enhance pedestrian amenities. Alternative 2 provides little connectivity with other communities in the area, in particular with respect to its eastern side and the creation of a large open space area, which preclude accessibility to and from the site on its eastern boundary. In contrast, the proposed project anticipates future development on the eastern side with the construction of subdivision stubs for future roadways and a large park site in the southwest corner of the Panhandle PUD. Ninos Parkway and its trail will also provide connectivity between the Panhandle site and the surrounding area. Thus, in contrast to Alternative 2, the proposed project furthers the objective of establishing regional connectivity.

Under Alternative 2, the project area would develop with 2,949 residential units and all development would occur west of the powerline easement. No development would occur east of the powerline easement. The developable area under Alternative 2 is approximately 423 gross acres and the average density over the project area would be approximately 7.0 units per gross acre. The Proposed Project includes several features that are not anticipated in Alternative 2 including a middle school/high school site (61.1 acres), required parkland (41.1 acres) detention basins (20.8 acres) and the Ninos Parkway (45.6 acres). These features will reduce the developable area of the Proposed Project to approximately 429.9 acres. The average density of the Proposed Project (3,075 units) over the project area would be approximately 7.2 units per gross acre. Compared to the Proposed Project, Alternative 2 includes fewer units on less land area and is less dense overall.

Under Alternative 2, project area would develop with 2,949 residential units resulting in 25,481 new daily trips within the project area and its vicinity. Though this is approximately 9,000 fewer trips generated than under the proposed project, this would still add traffic to project area intersections and result in the degradation of the operational levels of service particularly for the following intersections:

a. National Drive/Elkhorn Boulevard
b. SR 99 Northbound and Southbound ramps/Elkhorn Boulevard
c. I-5 Northbound and Southbound ramps/Del Paso Road
d. National Drive/Del Paso Road

e. Kenmar Drive/Del Paso Road
f. National Boulevard/Truxel Road/Del Paso Road
g. Gateway Park Boulevard/Del Paso Road
h. Sorento Road/Del Paso Road

While Alternative 2 would reduce significant environmental effects of the project, this alternative generally does not completely avoid the significant impacts identified (the only exceptions are Impacts 4.3.1, 4.3.4, and 4.5.5).

c. Alternative 3 – Modified Community Plan Alternative

Modified Community Plan Alternative: Under this alternative, the proposed annexation (and associated reorganization activities) would take place, and North Natomas Community Plan land use designations would be amended. The roadway network for the Northern Portion was assumed to be the same as the Panhandle PUD and the approved high school and middle school site is included in this alternative. Proposed annexation and amendments to the General Plan and North Natomas Community Plan for the Southern Portion would be the same as the proposed project under this alternative.

The Modified Community Plan Alternative is a hybrid of the Community Plan land uses for the area west of the powerlines along with rural estates in the southeast quadrant of the plan and low density residential uses in the northeast corner. The Modified Community Plan Alternative would yield 3,468 residential units, which exceeds the unit count of the Panhandle PUD portion of the proposed project. Alternative 3, including its environmental impacts, is described in Section 6.4 of the Draft EIR.

Impacts from the Modified Community Plan Alternative would be similar to the project for population/housing/employment, noise, public services and utilities, human health/hazards, biological resources, cultural and paleontological resources, geology and soils, hydrology and water quality, and visual resources. Impacts from the Modified Community Plan Alternative would be better for land use and open space, and agricultural resources. Impacts from the Modified Community Plan Alternative would be worse for traffic and air quality due to the increase in residential units.

Facts in Support of Finding of Infeasibility: Alternative 3 includes annexation of the project site to the City of Sacramento and would therefore be consistent with Project Objectives 1 through 4. This alternative would designate Rural Estates in the southeast corner of the Panhandle PUD, which inconsistent with one of the SACOG principles of smart growth of taking advantage of compact development.

The Alternative 3 design would result in the development of 3,468 residential units, which is 393 units more than that proposed under the proposed project. Both the proposed project and Alternative 3 would exceed population growth projections under the NNCP designations, but this alternative would result in a further exceedance of these projections. As a result, traffic and air quality impacts (significant and unavoidable) related to Alternative 3 would be more severe than the proposed project.

The Blueprint principles and the Community Plan focus on the need to establish connections between communities to reduce traffic and enhance pedestrian amenities. Like Alternative 2, Alternative 3 provides little connectivity with other communities in the area. The proposed project anticipates future development on the eastern side with the construction of subdivision stubs for future roadways.

The project proposes parks and the 45.6 acre Ninos Parkway, a regional-connecting two-mile open space parkway with recreation amenities and a multi-purpose trail. The proposed project identifies a financing source for the improvements to and maintenance of Ninos Parkway. Alternative 3 would be required to provide at least as much parkland but it does not include the proposed Ninos Parkway, including its recreation amenities.

Alternative 3 includes rural estates uses in the southeast corner of the project site, which introduces new residential development adjacent to the Valley View Acres neighborhood, which is inconsistent with Project Objective 13. The Panhandle PUD proposes a park site in the southeast corner of the Panhandle PUD to minimize impacts to uses east of the Panhandle project area.

d. Alternative 4 – Trujillo Plan Alternative

Trujillo Plan Alternative: The Trujillo Alternative includes 2,604 residential units with a emphasis on low density residential uses. The Trujillo Alternative features urban uses west of the powerlines and open space uses east of the powerlines, consistent with the Community Plan. Alternative 4, including its environmental impacts, is described in Section 6.5 of the Draft EIR.

Under the Trujillo Plan Alternative, the proposed annexation (and associated reorganization actions) would take place, and North Natomas Community Plan land use designation would be amended. The roadway network for the Northern Portion was assumed to be the same as the Panhandle PUD, and the approved high school and middle school site is included in this alternative. Proposed annexation and amendments to the General Plan and North Natomas Community Plan for the Southern Portion would be the same as the proposed project under this alternative.

Impacts from the Trujillo Alternative would be similar to the project for population/housing/employment, noise, human health and hazards, biological resources, cultural and paleontological resources, geology and soils, hydrology and water quality and visual resources. Impacts from the Trujillo Alternative would be better for agricultural resources, traffic, air quality, and public services and utilities due to fewer units relative to the proposed project.

Facts in Support of Finding of Infeasibility: Like Alternative 2, Alternative 4 includes annexation of the project site to the City of Sacramento and would therefore be consistent with Project Objectives 1 through 4. Alternative 4 is inconsistent with many of SACOG's Seven Principles of Smart Growth (Blueprint principles) of maximizing infill opportunities by taking advantage of existing assets and compact development.

Compared to the proposed project, Alternative 4 falls short of meeting SACOG's Principles of Smart Growth and does not include the range of housing types and densities. Therefore, Alternative 4 is inconsistent with Project Objective 9.

In a portion of the area designated as open space in Alternative 4, the Panhandle PUD proposes parks and the 45.6 acre Ninos Parkway, a regional-connecting two-mile open space parkway with recreation amenities and a multi-purpose trail. The proposed project identifies a financing source for the improvements to and maintenance of Ninos Parkway, whereas funding sources for the acquisition and maintenance of open space on the east side of Alternative 4 is unknown. Alternative 4 does not include as many acres of parkland or the Ninos Parkway, including its recreation amenities. Therefore Alternative 4 is inconsistent with Project Objective 12.

The Blueprint principles and the Community Plan focus on the need to establish connections between communities to reduce traffic and enhance pedestrian amenities. Alternative 4 provides little connectivity with other communities in the area, in particular with respect to its eastern side and the creation of a large open space area, which preclude accessibility to and from the site on its eastern boundary. In contrast, the proposed project anticipates future development on the eastern side with the construction of subdivision stubs for future roadways and a large park site in the southwest corner of the Panhandle PUD. Ninos Parkway and its trail will also provide connectivity between the Panhandle site and the surrounding area. Thus, in contrast to Alternative 4, the proposed project furthers the objective of establishing regional connectivity.

Under Alternative 4, project area would develop with 2,604 residential units resulting in 26,480 new daily trips within the project area and its vicinity. Though this is approximately 8,000 fewer trips generated than under the proposed project, this would still add traffic to project area intersections and result in the degradation of the operational levels of service particularly for the following intersections:

a. National Drive/Elkhorn Boulevard
b. SR 99 Northbound and Southbound ramps/Elkhorn Boulevard
c. I-5 Northbound and Southbound ramps/Del Paso Road
d. National Drive/Del Paso Road
e. Kenmar Drive/Del Paso Road
f. National Boulevard/Truxel Road/Del Paso Road
g. Gateway Park Boulevard/Del Paso Road
h. Sorento Road/Del Paso Road

These intersections would experience a delay of five seconds or more during the AM and PM peak hour conditions, thereby adding to travel delays and congestion. This is a significant impact under the Trujillo alternative.

While Alternative 4 would reduce significant environmental effects of the project, this alternative generally does not completely avoid the significant impacts identified.

E. Statement of Overriding Considerations.

Pursuant to Guidelines section 15092, the Planning Commission finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible. The Planning Commission further finds that it has balanced the economic, legal, social, technological, and other benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable. The Planning Commission makes this statement of overriding considerations in accordance with section 15093 of the Guidelines in support of approval of the Project.

Statement of Overriding Considerations:

a. Benefits of the project include the enhancement of public access to open space through the construction of a two-mile multi-purpose trail and passive/active recreation areas within the 45.6-acre Ninos Parkway and the development of a portion of the City in a manner that carefully coordinates the planning process to minimize environmental impacts and provide logical transitions among land uses, among other benefits as more specifically detailed below.

b. Approval of the Project will aid the City in meeting its obligation to accommodate a portion of the State and region's projected growth by providing 3,075 residential units. The Project will provide a variety of housing types that respond to various segments of the market. A minimum of fifteen percent of units (461 units) will be designated as affordable units to low and very-low income households, of which 150 units are designated for senior housing (Parcel 29).

c. The Project will provide an age restricted residential community (Parcel 21) of 150 single family units that complements the Panhandle project and that responds to the market preferences and needs of senior adults within the region as they relate to housing type, size, cost, security, recreational and social amenities.

d. The Project will provide economic benefits to the City and its residents by providing construction spending over a ten year period, spurring generation of annual retail spending and generating local property taxes.

e. The Project will provide an estimated 677 to 900 new jobs in addition to seasonal construction jobs and additional jobs in the region as a result of local spending.

f. The Project will provide sites for three schools (Parcels 70, 71, 72, 73) and funding for the construction of four schools to serve the Project and adjacent area: two elementary schools (one each in the Rio Linda Union School District and Robla School District) and a middle school/high school within the Grant Joint Union High School District.

g. Two commercial sites (Parcels 30, 31), a mixed use site (Parcel 15) and a live/work site (Parcel 22) will be developed for uses such as professional offices, community and neighborhood-serving retail stores and services, public uses, medical/dental offices, fitness centers, banks and restaurants. Each of these sites permits high density residential uses to promote mixed use development.

h. The Project will include a mixed use center as an activity hub at the intersection of Club Center Drive and National Drive that is compact and walkable. The mixed use area features a mix of higher-intensity land uses include high density residential uses (Parcel 16), commercial mixed use area (Parcel 15), park site (Parcel 37) and connections to adjacent residential areas (Parcels 13, 19A, 17) and Ninos Parkway.

i. The Project will set aside approximately 280 acres of permanent open space as part of the Natomas Basin Habitat Conservation Plan for permanent preservation of open space, wetlands, soils, and habitat and 45.6 acres on-site within the Ninos Parkway.

j. The Project provides 41.1 acres of parks in nine park sites ranging from 0.4 acre to 13.7 acres, that include two community parks and seven neighborhood parks. Two community parks include 13.7-acre park (Parcel 41), located in the southeast corner of the Panhandle PUD and 7.4-acre park (Parcel 40) located adjacent to the elementary school site. The Project will fully fund ongoing, long-term maintenance of neighborhood and community parks through a Community Facilities District (CFD).

k. The Project will create a community with a park system that incorporates neighborhood and community park facilities with local and regional-connecting open space amenities (Ninos Parkway) that are accessible to residents and the public. Ninos Parkway will be extended throughout the Project to link park sites, school sites with adjacent uses. Ninos Parkway will a Class 1 multi-purpose trail for a length of two miles through the 250-foot Ninos Parkway. The Project will improve Ninos Parkway with active and passive recreation facilities, dedicate the parkway to the City and provide funding toward the long-term maintenance of the parkway.

l. The Project will include payment of approximately $3,000,000 in fees toward the North Natomas Regional Park. (Draft Panhandle Planned Unit Development Public Facilities Financing Plan, March 9, 2007).

m. The Project will construct and install backbone infrastructure and other public facilities estimated at $145.6 million. In addition, the Project will construct in-tract and other subdivision specific improvements, which will be privately financed.

n. The Project will promote a logical and reasonable extension of the City boundaries since this area is already surrounded on three sides by existing City limits.

o. The Project will maintain the continued viability of existing industrial, warehousing, commercial and other employment generating and supporting uses located south of Del Paso Road.

p. The Panhandle PUD will aid the City in meeting its responsibility to accommodate a percentage of anticipated population growth, as projected by the Sacramento Area Council of Governments (SACOG), by providing approximately 200,000 square feet of commercial space and approximately 3,075 residential units in a mix of residential unit types and densities.

q. The proposed project will optimize the land use potential of an infill location in the City by providing a mix of residential, mixed use, commercial, park, open space uses and school uses.

r. The proposed project will provide a safe and efficient circulation system that interconnects uses, promotes pedestrian circulation and minimizes impacts to rural uses east of the Panhandle project area.

s. The proposed project will create a community that makes efficient use of land (i.e., compact development, density, efficient use of open space and parks) by directing development toward the existing urban area as a means to reduce sprawl in the region.

6. Upon approval of the Project, the City's Environmental Planning Services shall file a notice of determination with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.

7. Pursuant to Guidelines section 15091(e), the administrative record of these proceedings is located, and may be obtained from, the City of Sacramento Development Services Department, Environmental Planning Services, 2101 Arena Boulevard, Suite 200, Sacramento, CA 95834. The custodian of these documents and other materials is the Development Services Department, Environmental Planning Services.

Section 3. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program.

Section 4. Upon approval of the Project, the City's Environmental Planning Services shall file a notice of determination with the County Clerk of Sacramento County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.

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Exhibit A: Mitigation Monitoring Program

MITIGATION MONITORING PLAN
Environmental Impact Report

Northgate 880 / Panhandle
M05-031 / P05-077

Prepared by:

Jennifer Hageman, Senior Planner
Development Services Department
Environmental Planning Services
2101 Arena Boulevard
Suite 200
Sacramento, CA 95834
(916) 808-5538

Date:

May 24, 2007

Adopted By:

City of Sacramento

Attest:

_____

MITIGATION MONITORING PLAN
Environmental Impact Report

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

SECTION 1: PROJECT IDENTIFICATION

Project Name: Northgate 880 / Panhandle
File Number: M05-031 / P05-077

Applicant/Developer: Dunmore Homes
8781 Sierra College Boulevard, Suite 100
Granite Bay, CA 95746

Vaquero Land Holdings
4855 Ketchum Court
Granite Bay, CA 95746

City of Sacramento
915 I Street
Sacramento, CA 95814

City of Sacramento Contact: Jennifer Hageman, Senior Planner
Environmental Planning Services
Development Services Dept
2101 Arena Blvd., Ste. 200
Sacramento, CA 95834
(916) 808-5538

Project Location: Bounded by Northgate Boulevard, Sorento Road, and East Levee Road to the east; Interstate 80 to the south; current City limits to the west and Elkhorn Boulevard to the north.

Project Components:

The project proposes the annexation of 1,430± acres within the North Natomas Community Plan (NNCP) area to the City of Sacramento (City). The Panhandle area consists of two components: the Southern Portion of the site (the area to the south of Del Paso Road, between Del Paso Road and Interstate 80) which is nearly built-out with light industrial, warehousing, commercial and office uses, and the Northern Portion of the site (the area to the north of Del Paso Road, between Del Paso Road and Elkhorn Boulevard) which is primarily undeveloped grazing land. The Southern Portion consists

of approximately 835.3-acres, of which 13 vacant parcels (52-acres of vacant land – based on field review in 2006) are available for future development; however, no development or entitlement request, (other than annexation and amendments to the City General Plan and North Natomas Community Plan and Pre-zoning/Re-zoning), is proposed for this area. The Northern Portion consists of approximately 594.7-acres, all of which are proposed to be developed as a PUD.

The Panhandle PUD proposes approximately 200,000 square feet of commercial space and 3,075 residential units in a mix of residential unit types and varieties. Densities of residential uses range from 3.7 to 30 units per acre. In addition, the Grant Joint Union High School District has approved a junior high school and high school on a 61.1-acre educational complex within the Panhandle PUD site. This school project has already been approved under its own EIR (Grant Joint Union High School District New High School/Middle School, SCH# 2004102018, December 2005), but is being included as part of the development of the PUD (including infrastructure improvements). An 8.0-acre elementary school facility (within the Robla School District) is also proposed under the PUD. Additionally, the Panhandle PUD proposes approximately 107.5 acres of parks and open space uses consisting of neighborhood parks, open space parkways and detention areas.

Entitlements requested for the project include annexation to the City and associated reorganization of various service providers, City of Sacramento General Plan amendments, amendments to the NNCP and to the City of Sacramento Zoning Ordinance, Pre-zoning/Re-zoning, Tentative Parcel and Subdivision Maps, and Development Agreements.

SECTION 2: GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for significant impacts identified in the Final EIR. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the FEIR for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the applicants 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 were taken verbatim from the FEIR 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, along with other applicable local, State or federal agencies, will be responsible for ensuring compliance.

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
LAND USE AND OPEN SPACE					
MM 4.1.3 The Panhandle PUD project applicants shall coordinate with the City and LAFCo to identify appropriate off-site lands to be set aside in a permanent conservation easements at a ratio of no less than one acre of land converted to urban use to one-half acre of open space land preserved. This mitigation measure may be satisfied by compliance with other mitigation requirements involving the permanent conservation of agricultural lands and habitat (e.g., MM 4.2.1).	City of Sacramento and LAFCo	City of Sacramento and LAFCo	See text of mitigation measure.	Prior to approval of annexation	
AGRICUTLRUAL RESOURCES					
MM 4.2.1 The Applicant shall protect one acre of existing farmland of equal or higher quality for each acre of Prime Farmland or Farmland of Statewide Importance that would be converted to non-agricultural uses in the Panhandle PUD. This protection may consist of the establishment of farmland easements or other appropriate mechanisms. The farmland to be preserved shall be located within the County. This mitigation measure may be satisfied by compliance with other mitigation requirements involving the permanent conservation of agricultural lands and habitat.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to approval of small lot final maps	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
MM 4.2.2a The project applicant shall obtain the right to maintain a 250 foot agricultural buffer along Elkhorn Boulevard, which shall be extinguished if the land north of Elkhorn Boulevard is designated for urban uses.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to Building Permit Issuance within the Panhandle North (Krumenacher) Subdivision Map.	
MM 4.2.2b As necessary, identify and implement the financing mechanism to fund maintenance of the 250-foot wide agricultural open space buffer identified in Mitigation Measure MM 4.2.2a until such time as it is converted to urban uses.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to Building Permit Issuance within the Panhandle North (Krumenacher) Subdivision Map.	
MM 4.2.2c A disclosure statement including the following text shall be recorded against the properties located within the Panhandle PUD: "Residents of property which are adjacent to land which is zoned for agricultural use or which is designated for agricultural use may be subject to inconveniences or discomfort from the pursuit of agricultural operations including but not limited to cultivation, plowing, spraying, fertilizing, pruning, and harvesting which occasionally generates dust, smoke, noise and odor; from the noise, odors, and other features attributed to the keeping of farm animals; and from the conduct of farming activities during typical working hours, as well as late in the evening, early in the morning, or 24-hours a day during certain times and seasons of the year.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to approval of the small lot final maps	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
Residents on adjacent property should be prepared to accept such inconvenience and recognize that these uses will occur. If, however, an agricultural operation is being conducted in a manner which does not appear to be consistent with accepted agricultural practices, any person may file a complaint with the office of the Agricultural Commissioner, located at 4137 Branch Center Road, Sacramento, California."					
TRAFFIC AND CIRCULATION					
MM 4.4.1 The project applicant shall be required to develop the Panhandle PUD Public Facilities Finance Plan for review and approval by the City of Sacramento. The Panhandle PUD Public Facilities_Finance Plan shall identify the financing mechanism(s) for all feasible transportation improvements defined as adopted mitigation measures including, but not limited to, new roadway widenings, traffic signals, and public transit. The project applicant shall coordinate the preparation of the finance plan with the City, County of Sacramento and the Metro Air Park Public Facilities Financing Plan and Greenbriar Finance Plan. All mitigation measures with "fair share" contributions would be implemented through the proposed financing mechanism(s) indicated in the finance plan or by some other mechanism as determined by the City of Sacramento in consultation with the County of Sacramento. The Panhandle PUD Public Facilities	City of Sacramento	City of Sacramento	See text of mitigation measure.	As part of the approval of the Panhandle PUD Public Facilities Finance Plan	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
Finance Plan shall be approved by the City at the time the project is considered for approval and shall become a condition of approval.					
MM 4.4.2a The project applicant shall pay its fair share, currently calculated to be 7.67% (based on the Panhandle PUD Public Facilities Financing Plan), to install a traffic signal at the SR 99 Northbound Ramps/Elkhorn Boulevard Intersection. This improvement shall be included in either the City of Sacramento Capital Improvement Program, North Natomas Financing Plan, or other reasonable enforceable plan or program that provides for the funding and construction of the improvement to mitigate the impact. The applicant shall fund the revisions necessary to include this improvement in the plans.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Fees shall be paid at building permit, consistent with the Panhandle PUD PFFP	
MM 4.4.2b The project applicant shall modify the traffic signal timings at the Natomas Boulevard/Elkhorn Boulevard intersection to provide additional green time for the eastbound and westbound through movements.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the occupancy of the first building	
MM 4.4.2c The project applicant shall provide an additional left-turn lane on westbound Elkhorn Boulevard to serve vehicles traveling from Elkhorn Boulevard to	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the occupancy of the first building	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
southbound National Drive (associated with the National Drive/Elkhorn Boulevard intersection).					
MM 4.4.2d The project applicant shall pay its fair share, calculated to be 4.16% (based on the Panhandle PUD Public Facilities Financing Plan), to install a traffic signal at the I-5 Southbound Ramps/Del Paso Road intersection. This improvement shall be included in either the City of Sacramento Capital Improvement Program, North Natomas Financing Plan, or other reasonable enforceable plan or program that provides for the funding and construction of the improvement to mitigate the impact. The applicant shall fund the revisions necessary to include this improvement in the plans.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Fees shall be paid at building permit, consistent with the Panhandle PUD PFFP	
MM 4.4.2e The project applicant shall pay its fair share, calculated to be 6.40% (based on the Panhandle PUD Public Facilities Financing Plan), to install a traffic signal at the I-5 Northbound Ramps/Del Paso Road intersection. This improvement shall be included in either the City of Sacramento Capital Improvement Program, North Natomas Financing Plan, or other reasonable enforceable plan or program that provides for the funding and construction of the improvement to mitigate the impact. The applicant shall fund the revisions necessary to include this	City of Sacramento	City of Sacramento	See text of mitigation measure.	Fees shall be paid at building permit, consistent with the Panhandle PUD PFFP	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
improvement in the plans.					
MM 4.4.2f The project applicant shall pay its fair share, calculated to be 10.30% (based on the Panhandle PUD Public Facilities Financing Plan), to provide an additional left-turn lane on eastbound and westbound Del Paso Road (i.e., dual left-turn lanes on both approaches) at the Natomas Boulevard/Truxel Road intersection. This improvement shall be included in either the City of Sacramento Capital Improvement Program, North Natomas Financing Plan, or other reasonable enforceable plan or program that provides for the funding and construction of the improvement to mitigate the impact. The applicant shall fund the revisions necessary to include this improvement in the plans.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Fees shall be paid at building permit, consistent with the Panhandle PUD PFFP	
MM 4.4.2g The project applicant shall provide the following improvements at the National Drive/Del Paso Road intersection: • Provide two additional eastbound left-turn lanes on Del Paso Road (triple left-turn lanes). • Provide an additional eastbound through lane on Del Paso Road. • Provide an additional through lane on northbound National Drive.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the occupancy of the first building	
MM 4.4.2h The project applicant shall pay its fair share, calculated to be 27.30% (based on the	City and County of Sacramento	City and County of Sacramento	See text of mitigation measure.	Prior to the occupancy of the first building	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
Panhandle PUD Public Facilities Financing Plan), to provide a traffic signal at the Del Paso Road/Kenmar Road intersection and provide a westbound left-turn lane to serve vehicles turning from westbound Del Paso Road onto southbound Kenmar Road. This improvement shall be included in either the City of Sacramento Capital Improvement Program, North Natomas Financing Plan, or other reasonable enforceable plan or program that provides for the funding and construction of the improvement to mitigate the impact. The applicant shall fund the revisions necessary to include this improvement in the plans.					
MM 4.4.3 The project applicant shall pay a fair share contribution to the Natomas-Airport Light Rail Extension (DNA) project to mitigate the Project's regional traffic impacts on the mainline freeway system in the Panhandle Project area. The City shall determine the project applicant's total "fair share" contribution based on the Project's transit trips in relation to the DNA project's capacity.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to issuance of any building permits	
MM 4.4.4 The project applicant shall meet the following requirements: a. Prior to recordation of the first small lot final map for each individual map, the project applicants shall coordinate with the City of Sacramento, Development Services Department to identify the necessary pedestrian and bicycle facilities serving the proposed	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to recordation of each final small lot map.	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
development. These facilities shall be incorporated into the project and may include sidewalks, STOP signs, in-pavement lighted crosswalks, standard pedestrian and school crossing warning signs, bicycle lanes, bicycle parking, and signs to identify pedestrian and bicycle paths, marked and raised crosswalks, and pedestrian signal heads. b. Circulation and access facilities to all proposed parks and public spaces shall include sidewalks that meet American with Disability Act standards. c. The project applicant shall provide on-street bicycle lanes within the community. Details on the design of these bicycle lanes shall be prepared in consultation with the City of Sacramento, Development Services Department. d. Bicycle parking facilities shall conform to City standards and shall be located in high visibility areas to encourage bicycle travel.					
MM 4.4.5 The project applicant shall coordinate with Sacramento Regional Transit District (SRTD) and the North Natomas Transportation Management Association (TMA) to provide transit services during peak commute periods. To promote the	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to improvement plan approval.	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
use of public transit services, the project applicant shall promote the availability of transit services at the time the proposed residences are available for sale. The residents shall be able to use public transit services to the Central Business District (CBD) where they can transfer to light rail, buses or trains and connect to destinations in the greater Sacramento metropolitan area and the San Francisco Bay Area. Off-peak transit services shall also be considered as development and ridership demands increase. Final design and location of bus stops and shelters shall be prepared in consultation with the City of Sacramento, North Natomas TMA and SRTD and will be subject to the approval of the City and SRTD.					
MM 4.4.6 Prior to the issuance of grading permits for the Panhandle PUD, the project applicant shall prepare a Construction Management Plan that will address construction traffic and ensure acceptable and safe operating conditions on project area roadways. This Plan shall be reviewed and approved by the City and any other affected agency and will contain the following (at a minimum): • Identification of the anticipated mix of construction equipment and vehicles and their proposed staging location. • Number of truck trips and the daily schedule of truck trips entering and leaving the site. Truck trips shall be scheduled outside the AM and PM peak hours of traffic.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the issuance of grading permits.	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
• Prohibition of construction traffic using any of the existing residential roadways west of the site or Sorento Road to access the site. All construction traffic shall utilize either Del Paso Road to Elkhorn Boulevard. • Identification of measures to maintain safe vehicular, pedestrian and bicycle movements in the project area. • Maintenance of access for emergency vehicles in the project area. • Provision of manual traffic control (if required). • Clear demarcation of construction areas along project roadways. • Provision of this Plan 14 days prior to the commencement of construction.					
MM 4.4.7a The project applicant shall pay its fair share, calculated to be 57.17% (based on the Panhandle PUD Public Facilities Financing Plan), to install a traffic signal at the E. Levee Road/Elkhorn Boulevard Intersection. This improvement shall be included in either the City of Sacramento Capital Improvement Program, North Natomas Financing Plan, or other reasonable enforceable plan or program that provides for the funding and construction of the improvement to mitigate the impact. The applicant shall fund the revisions necessary to include this improvement in the plans.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Fees shall be paid at building permit, consistent with the Panhandle PUD PFFP	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
MM 4.4.7b The project applicant shall pay its fair share, calculated to be 12.73% (based on the Panhandle PUD Public Facilities Financing Plan), to modify the traffic signal timings and modify the signal phasing to provide a right-turn overlap phase for the southbound right-turn movement (i.e., the southbound right-turn movement would receive a green arrow when the Del Paso Road eastbound left-turn movement received a green arrow). This would require prohibiting U-turns for the eastbound left-turn movement on Del Paso Road (associated with the Natomas Boulevard/Truxel Road/Del Paso Road intersection). This improvement shall be included in either the City of Sacramento Capital Improvement Program, North Natomas Financing Plan, or other reasonable enforceable plan or program that provides for the funding and construction of the improvement to mitigate the impact. The applicant shall fund the revisions necessary to include this improvement in the plans.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Fees shall be paid at building permit, consistent with the Panhandle PUD PFFP	
MM 4.4.7c The project applicant shall provide a two-way left-turn lane on Del Paso Road at the Sorento Road intersection.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the issuance of the first occupancy permit for the Dunmore South subdivision map.	
MM 4.4.11a The project applicant shall widen Del Paso Road to six lanes from Blackrock Drive to the east through the National Drive	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the issuance of the first occupancy permit for the Dunmore South	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
intersection. East of National Drive, the project applicant shall widen Del Paso Road to include two-way left-turn lane through the Sorento Road and Kenmar Road intersections.				subdivision map.	
MM 4.4.11b The project applicant shall provide a stop sign at Intersection 3 (National Drive/Parcel 2) for the westbound approach of Intersection 3 and a southbound left-turn on National Drive to serve vehicles entering Parcel 2 rather than installation of a traffic signal as part of final roadway design of the Panhandle PUD.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the issuance of the first occupancy permit for the Krumenacher subdivision map.	
MM 4.4.11c The project applicant shall eliminate Intersection 1 and relocate the roadway serving Parcel 1 to the south to become the east leg of Intersection 2 and provide stop signs on the eastbound and westbound approaches as part of final roadway design of the Panhandle PUD.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the issuance of the first occupancy permit for the Krumenacher subdivision map.	
MM 4.4.11d The project applicant shall design Intersection 4 to be restricted to right-turns in/out as part of final roadway design of the Panhandle PUD.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the first certificate of occupancy.	
MM 4.4.11e The project applicant shall eliminate the roadway serving Parcel 9 (west of National	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the first certificate of occupancy.	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
Drive as part of final roadway design of the Panhandle PUD.					
MM 4.4.11f Provide the following lane configurations at the G Way/F Drive/National Drive signalized intersection (as shown in Figure 1 of the Fehr and Peers Technical Memorandum dated May 7, 2007) to accommodate the high school pick-up/drop off area and signalize the intersection. • Northbound National Drive: one left-turn lane, one through lane and one combined through/right-turn lane. • Southbound National Drive: one left-turn lane, one through lane and one combined through/right turn lane. • Westbound F Drive: one left-turn lane and one combined through/right-turn lane. • Eastbound G Way: one left-turn lane and one combined through/right-turn lane.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the issuance of the first certificate of occupancy for the Krumenacher subdivision map.	
MM 4.4.11g Restrict the turning movements at High School driveways A, B, and C to right-turns in/out only (as shown in Figure 1 of the Fehr and Peers Technical Memorandum dated May 7, 2007).	City of Sacramento	City of Sacramento	See text of mitigation measure.	As part of City approval to the Grant Union High School District to obtain access to National Drive.	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
MM 4.4.11h Signalize the Main High School Driveway/National Drive intersection and design the access as follows (as shown in Figure 1 of the Fehr and Peers Technical Memorandum dated May 7, 2007): • Northbound National Drive: one left-turn lane and two through lanes. • Southbound National Drive: one right-turn lane and two through lanes. • Main High School Driveway: one left-turn lane and one right-turn lane.	City of Sacramento	City of Sacramento	See text of mitigation measure.	As part of City approval to the Grant Union High School District to obtain access to National Drive.	
MM 4.4.11i Provide the lane configurations identified below at the A Drive/National Drive intersection and signalize the "T" intersection (as shown in Figure 1 of the Fehr and Peers Technical Memorandum dated May 7, 2007). • Northbound National Drive: one through lane and one combined through/right-turn lane. • Southbound National Drive: one left-turn lane and two through lanes. • Westbound A Drive: one left-turn lane and one right-turn lane.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the issuance of the first certificate of occupancy for the Dunmore Central subdivision map.	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
MM 4.4.11j Restrict the outbound movements from "T or X" Drive and "S" Drive to right-turns out to National Drive (as shown in Figure 1 of the Fehr and Peers Technical Memorandum dated May 7, 2007).	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the issuance of the first certificate of occupancy for the Dunmore Central subdivision map.	
AIR QUALITY					
MM 4.5.1a Prior to the issuance of grading permits for the Panhandle PUD, project applicant shall prepare a construction mitigation plan and implement air quality emission reduction measures. The construction mitigation plan shall be reviewed and approved by SMAQMD staff prior to beginning construction. At a minimum, the construction mitigation plan shall include the following measures: The following measures shall be included to reduce NO_X and visible emissions from heavy-duty diesel equipment. • The project shall provide a plan for approval by the City, in consultation with SMAQMD, demonstrating that the heavy-duty (>50 horsepower), off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20-percent NO_X reduction and 45-percent particulate reduction compared to the most recent CARB fleet average at the	City of Sacramento/ SMAQMD	City of Sacramento/ SMAQMD	See text of mitigation measure.	The fee will be paid in total or as tentative maps get approved prior to issuance of any grading permit and/or ground disturbance.	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
time of construction. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps, engine retrofit technology, after-treatment products, and/or such other options as become available. • The project applicant shall submit to the City and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp, that will be used an aggregate of 40 or more hours during any portion of the project. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction operations occur. At least 48 hours before subject heavy-duty off-road equipment is used, the project representative shall provide the SMAQMD with the anticipated construction timeline including start date, and the name and phone number of the project manager and onsite foreman. • The project shall ensure that emissions from off-road, diesel-powered equipment used on the project site do not exceed 40-percent opacity for more than 3 minutes in any 1 hour, as determined by an on-site inspector trained in visual emissions assessment. Any equipment found to exceed 40-percent opacity (or Ringlemann 2.0)					

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
shall be repaired immediately, and the SMAQMD shall be notified of non-compliant equipment within 48 hours of identification. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of visual survey results shall be submitted to SMAQMD throughout the duration of the construction project, except that the monthly summary shall not be required for any 30-day period in which no construction operations occur. The monthly summary shall include the quantity and type of vehicles surveyed, as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance.					
• The project applicant shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NO_X that exceed SMAQMD's daily emission threshold of 85 lbs/day. The project applicant shall coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce construction related emissions within the region. Fees shall be paid based upon the SMAQMD NO_x Reduction Fee in place at the time of fee payment. That fee is currently $14,300/ton of NOx emissions generated, but will likely change over time. This fee shall be paid prior to issuance of grading permits. Detailed construction information for the proposed project is not yet available.					

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However, based upon the preliminary URBEMIS emissions modeling, the expected payment for remaining construction related NOx emissions over the significance threshold. Fees may be paid on a per/acre basis, in which case the average fee would be approximately $3,310.12/acre of development. If the projected construction equipment or phases change, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated or lowered if project-specific construction information is provided that demonstrates lower emissions than estimated in the Panhandle Annexation and PUD FEIR.					
• All heavy-duty equipment shall be properly tuned and maintained in accordance with manufacturers' specifications. Construction equipment will utilize the Best Available Technology (BAT) so as to minimize vehicle emissions to the extent possible. This may include the use of diesel particulate filters and cooled exhaust gas recirculation or equivalent measures on all off-road and on-road diesel equipment in the construction phase of the project. The project proponent will review amendments to CARB and SMAQMD regulations and City of Sacramento ordinances during construction, and comply immediately with newly adopted regulations, including those for equipment idling, which would reduce the cumulative					

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
release of pollutants.					
MM 4.5.1b As recommended by the SMAQMD, the Panhandle PUD shall reduce fugitive dust emissions by implementing the measures listed below: • All disturbed areas, including storage piles that are not being actively used for construction purposes, as well as any portions of the construction site that remain inactive longer than a period of 3 months, shall be effectively stabilized of dust emissions using water, a chemical stabilizer or suppressant, or vegetative ground cover. Soil shall be kept moist at all times. Alternatively, non-toxic soil stabilizers shall be applied to all inactive construction areas in accordance with manufacture's specifications. • During clearing, grading, earth-moving, or excavation operations, fugitive dust emissions shall be controlled by watering exposed surfaces two times per day, watering haul roads three times per day or paving of construction roads, or other dust-preventive measures. All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or a chemical stabilizer or suppressant. • All vehicles hauling dirt, sand, soil or other loose material shall be covered or	City of Sacramento Development Services Department/ SMAQMD	City of Sacramento Development Services Department/ SMAQMD	See text of mitigation measure.	Throughout all stages of construction	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
should maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114. • All operations shall limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. • Onsite vehicle speeds on unpaved roads shall be limited to 15 mph. • Excavation and grading activities shall be suspended when winds exceed 20 mph.					
MM 4.5.2 The project applicant shall implement the following measures to offset construction-related air quality impacts. • Onsite diesel-powered stationary construction equipment, such as electrical power generators, shall be located at the furthest distance from nearby receptors. • Onsite diesel-powered mobile equipment shall not be left idling for periods of longer than five minutes. • Onsite diesel powered equipment shall be fitted with diesel particulate filters.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Throughout all stages of construction	
MM 4.5.3 Prior to the issuance of grading permits, the	City of Sacramento and SMAQMD	City of Sacramento and SMAQMD	See text of mitigation measure.	Prior to issuance of grading permits	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
project applicant will coordinate with the SMAQMD and the City of Sacramento and develop a project Air Quality Mitigation Plan (AQMP). In accordance with the North Natomas Community Plan, the AQMP shall reduce ozone precursor emissions associated with new residential development by a minimum of 20 percent compared to the single occupant vehicle baseline. Emissions associated with new non-residential developments shall reduce ozone precursor emissions by a minimum of 50 percent compared to the single occupant vehicle baseline (North Natomas Community Plan 1994). Project applicants shall coordinate with the SMAQMD to determine the specific mitigation measures to be included in the AQMP The AQMP shall be reviewed and endorsed by SMAQMD staff prior to issuance of grading permits. Grading permits shall not be issued for the project unless the project applicant has received a letter of endorsement for the project AQMP from the SMAQMD. Available measures to be included in the AQMP include, but are not limited to the following: Bicycle/Pedestrian/Transit Measures • Short-term and long-term bicycle parking facilities • End of trip facilities: showers, lockers, and changing space • Proximity to bicycle path/bicycle lanes: located within ½ mile of Class I					

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or II bicycle lanes and include comparable network that connects to the off-site lanes • Pedestrian network internally linking all uses and connecting to existing and planned external streets and pedestrian facilities contiguous with the site • Pedestrian/bicycle safety and traffic calming measures in excess of City requirements Parking Measures • Employee and/or customer paid parking system • Parking reduction less than code • Parking lot design with pedestrian pathways between transit facilities and building entrances • Off-street parking Site Design Measures • High density office or mixed-use proximate to transit • Orient toward existing transit, bicycle, or pedestrian corridor • High density residential development • Multiple and direct street routing					

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
(grid style)					
• Affordable housing component					
Mixed-Use Measures					
• Urban, suburban and other mixed-use					
Building Component Measures					
• No fireplaces or woodburning stoves					
• Include ozone destruction catalyst on air conditioning system					
• Install Energy Star labeled roof materials					
• Exceed Title 24 energy requirements by 20 percent					
• Provide shade and/or use light-colored materials and open grid pavement for at least 30 percent of the project's non-roof impervious surfaces					
• Green roof					
TDM and Miscellaneous Measures					
• Include permanent transit management association membership and funding					
• Provide complimentary electric lawnmower to each residential buyer					

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MM 4.5.5 The project applicant shall implement the following measures to reduce exposure of sensitive receptors to odorous emissions to a less than significant level: • Land uses that have the potential to emit objectionable odorous emissions (e.g., dry cleaning establishments, restaurants, and gasoline stations) shall be located as far away as possible from existing and proposed sensitive receptors or downwind of nearby receptors. • If an odor-emitting facility is to occupy space in the commercial/convenience area, odor control devices shall be installed to reduce the exposure of receptors to objectionable odorous emissions. The SMAQMD shall be consulted to determine applicable/feasible control devices to be installed.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to approval of Special Use Permits	
NOISE					
MM 4.6.2 A landscaped noise barrier shall be constructed along the southern boundary of the existing residential parcels that are located east of the proposed project site and within line-of-sight and 200 feet of the centerline of Del Paso Road. The sound barrier shall be constructed to a minimum height of 6 feet and shall be of solid construction with no visible air gaps between building materials or at the base of	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the issuance of the first occupancy permit for the Dunmore South subdivision map	

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the structure. This barrier would be placed along the property lines of residential parcels along Del Paso Road between Sorento Road and Carey Road and one residential parcel east of Carey Road. This will require modification of the existing driveway access for the residence at the northeastern corner of Sorento Road and Del Paso Road to obtain access to Sorento Road rather than Del Paso Road. This wall shall be installed with required traffic improvements to Del Paso Road.					
MM 4.6.3 Prior to approval of special permits and/or development plan review, site-specific acoustical analysis shall be conducted to determine predicted noise impacts attributable to the proposed subsequent project taking into account site-specific conditions (e.g., site design, location of structures, building characteristics). Each future non-residential use shall be required to conduct a noise analysis with the application of each special use permit and/or development plan review. Mitigation measures shall be identified to reduce existing (power line noise) and project-related noise impacts at noise-sensitive receptors that meets City noise standards (interior and exterior). Mitigation measures may include, but are not limited to the following: <u>Residential Land Uses</u> • All residential units be equipped with air conditioning sufficient to adequately	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to approval of special permits and/or development plan review.	

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cool the residential unit in summer conditions with doors and windows closed. • Use of increased noise-attenuation measures in building construction (e.g., dual-pane, sound-rated windows; mechanical air systems; exterior wall insulation, etc.). • All window openings on the south, west, north and east facades in residential units located adjacent to Del Paso Road, National Drive and Elkhorn Boulevard shall be constructed with windows rated STC 30 or better, unless landscaped noise barriers mitigate the traffic noise exposure impact. • Incorporate landscaped noise barriers between residential land uses located adjacent to noise-generating sources, when necessary, to reduce exterior noise levels within outdoor activity areas to within acceptable levels. <u>Parks</u> • Limit use of amplified public address/sound systems to the community park sites and only during community sports and social events. Design public address/sound systems to direct sound away from residential areas. • Provide advance written notification to future PUD residents within 200 feet of park sites planned with sports fields regarding noise associated with upcoming sporting and other special					

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
events. Commercial Land Uses • Limit material deliveries, landscape maintenance, waste-collection activities, and the operation of noise-generating stationary equipment (e.g., portable generators, compressors, and compactors) to between the hours of 7:00 a.m. and 10:00 p.m. • Noise-generating stationary equipment associated with proposed commercial land uses, including portable generators, compressors, and compactors, should be enclosed or acoustically shielded to reduce noise-related impacts to nearby dwelling units. • Material loading and unloading areas at commercial land uses should be shielded from line-of-sight of nearby residential dwellings. • Include noise-reduction features (e.g., sound barriers, truck-to-dock seals, increased setback distances/shielding) in the design of material loading and unloading areas at commercial land uses. Schools • Incorporate landscaped noise barriers between residential lots immediately adjacent to school noise-generating sources (e.g., parking lots and sports facilities) to reduce exterior noise levels. • Provide advance written notification to future PUD residents within 1,000 feet					

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
of the planned middle school/high school stadium regarding noise associated with upcoming sporting and other special events.					
MM 4.6.5 As part of improvement plans for land uses along Del Paso Road, Elkhorn Boulevard, National Drive and Club Center Drive, landscape noise barriers and/or other subsequent project design features (e.g., building orientation and construction for proposed multi-family PUD parcels 28 and 29) shall be identified that demonstrates compliance with City noise standards (interior and exterior).	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to approval of improvement plans for individual projects	
HAZARDS/RISK OF UPSET					
MM 4.7.2a Prior to the demolition of existing structures in the Panhandle PUD, the project applicant shall have the buildings evaluated for the presence of asbestos containing materials and lead paint. Should these materials be identified, they shall be removed by a licensed and certified contractor using	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to issuance of demolition permits	
MM 4.7.2b Should unknown contamination or underground storage tanks be discovered during construction activities, construction activities shall cease and the project applicant shall notify the City and Sacramento County Environmental Management Department. Discovered contamination shall be remediated to local,	City of Sacramento	City of Sacramento	See text of mitigation measure.	During construction activities	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
state and federal standards. This requirement shall be noted on all project improvement plans.					
MM 4.7.4 As part of site-specific design of the Panhandle PUD detention basins and park water features, a Vector Control Plan shall be developed to the satisfaction of the Sacramento-Yolo Mosquito and Vector Control District. The Vector Control Plan shall specify mosquito control measures to be used (e.g., biological agents, pesticides, larvacides, circulating water) as well as identification of maintenance program to ensure control measures are maintained.	Sacramento-Yolo Mosquito and Vector Control District	Sacramento-Yolo Mosquito and Vector Control District	See text of mitigation measure.	Prior to improvement plan approval for detention basins and park sites containing water features	
BIOLOGICAL RESOURCES					
MM 4.8.2a The project applicant shall participate and implement all species-specific avoidance, minimization, and mitigation measures of the Natomas Basin Habitat Conservation Plan. This shall include provision of evidence that applicable fees and/or land dedication requirements have been met and that all preconstruction and avoidance measures are included in all improvement plans.	City of Sacramento and Natomas Basin Conservancy	City of Sacramento and Natomas Basin Conservancy	See text of mitigation measure.	Prior to improvement plan or building permit approval.	
MM 4.8.2b If tree removal or ground disturbance occurs between March 15 and August 31, a qualified biologist shall conduct a survey to identify the location of active nests used by	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to approval of grading permits.	

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migratory birds including raptors. • If an active migratory bird nest is located, the location will be identified on a map. No construction shall occur within a 100 foot-wide buffer established around the nest, in consultation with CDFG. • If an active raptor nest is located, the location will be identified on a map. No construction should occur within a 250 foot-wide buffer established around the nest. If construction must occur, the biologist will monitor the nesting bird's activity to determine if the disturbance results in nest abandonment. If construction is affecting the nesting birds, construction within the buffer will cease until the nesting is completed.					
MM 4.8.3 To compensate for anticipated and future wetland impacts, a mitigation and monitoring plan will be prepared for submittal to the USACOE with the Section 404 permit application, the RWQCB with the 401 application, and to the CDFG with the Section 1602 Streambed Alteration Agreement permit application. The mitigation plan will identify impacts on all jurisdictional features and mitigation measures that will be implemented to achieve the "no net loss" (i.e., the same amount of wetland resources lost to site development shall be replaced/created). This may include creation of stream or wetland resources off-site as determined	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to approval of grading permits impacting areas requiring mitigation.	

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acceptable to the City, USACOE, RWQCB and CDFG.					
MM 4.8.4a The following measures shall be implemented to avoid impacts to trees to be retained. These measures shall be included in project improvement plans. • No grade cuts greater than one foot shall occur within the driplines of heritage trees, and no grade cuts whatsoever shall occur within five feet of their trunks; • No fill greater than one foot shall be placed within the driplines of heritage trees and no fill whatsoever shall be placed within five feet of their trunks; • No trenching whatsoever shall be allowed within the driplines of heritage trees. If it is absolutely necessary to install underground utilities within the driplines of a heritage tree, the trench shall be either bored or drilled; • No irrigation system shall be installed within the driplines of preserved native oak tree(s), which may be detrimental to the preservation of the native oak tree(s) unless specifically authorized by the approving body. • Landscaping beneath native oak trees may include non-plant materials such as boulders, cobbles, wood chips, etc. The only plant species which shall be planted within the driplines of oak trees	City of Sacramento	City of Sacramento	See text of mitigation measure.	During construction activities.	

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are those which are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.					
MM 4.8.4b Where it is not possible to avoid impacts to heritage trees, tree replacement will be provided consistent with the City Tree Preservation Ordinance to the satisfaction of the City.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to the issuance of grading permits.	
CULTURAL AND PALEONTOLOGICAL RESOURCES					
MM 4.9.2a Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, or architectural remains be encountered during development activities, work shall be suspended within 50 feet of the discovery and the City of Sacramento Planning Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with an appropriate specialist (e.g., archaeologist or architectural historian). The project proponent shall be required to implement any mitigation necessary for the protection of cultural resources. The City and the project applicant shall consider mitigation recommendations presented by a qualified archeologist for any unanticipated discoveries. The City	City of Sacramento Planning Department	City of Sacramento Planning Department	See text of mitigation measure.	As a condition of project approval, and implemented during construction activities.	

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and the project applicant shall consult and agree upon implementation of a measure or measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.					
MM 4.9.2b If human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.	City of Sacramento Planning Department	City of Sacramento Planning Department	See text of mitigation measure.	As a condition of project approval, and implemented during construction activities.	
MM 4.9.3 Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be suspended within 50 feet of the discovery and the City of Sacramento Planning Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist. The project proponent shall be required to implement any mitigation necessary for the protection of paleontological resources.	City of Sacramento Planning Department	City of Sacramento Planning Department	See text of mitigation measure.	As a condition of project approval, and implemented during construction activities.	

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The City and the project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of a measure or measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.					
GEOLOGY AND SOILS					
MM 4.10.2a Prior to issuance of a grading permit, a geotechnical report shall be prepared by a qualified geotechnical engineer. The report shall contain specific design and engineering recommendations for the construction of buildings and infrastructure. The design of critical structures shall take into account the existing on-site seismic parameters, sub-surface conditions, soil movement and surface drainage conditions in order to reduce seasonal fluctuations in soil moisture content.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to issuance of grading permits	
MM 4.10.2b The measures outlined in the project geotechnical report and/or subsequent geotechnical reports shall be implemented throughout all stages of construction, at the direction of the City engineer, to prevent significant impacts associated with geologic instability. A geotechnical engineer shall be	City of Sacramento	City of Sacramento	See text of mitigation measure.	Throughout all stages of construction	

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present on-site during earthmoving activities to ensure that requirements outlined in the geotechnical reports are adhered to for proper fill and compaction of soils. If construction work is necessary during the wet weather months (e.g., October through April), the project applicant shall consult with the City engineer and a qualified civil engineer to implement any additional recommendations provided, as conditions warrant. These recommendations would include but not be limited to (1) allowing a prolonged drying period before attempting grading operations at any time after the onset of winter rains; and (2) implementing aeration or lime treatment, to allow any low-permeability surface clay soils intended for use as engineered fill to reach a moisture content that would permit the specified degree of compaction to be achieved.					
HYDROLOGY AND WATER QUALITY					
MM 4.11.1 As part of approval of each small lot final map and/or each subsequent project, the project applicant shall demonstrate that drainage facilities are consistent with the Drainage Report for the Panhandle PUD (Civil Engineering Solutions, 2006) as approved by the City's Department of Utilities, and adequately attenuate increased drainage flows consistent with City standards. During construction of the Panhandle PUD, sub-grades within 300 feet of the levee shall not be left below the existing grades between November 1st and	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to Small Lot Final Map Approval or Improvement Plan Approval for Individual Projects.	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
April 15th This demonstration may take the form of plans and/or reports and will also be required for future development of the Southern Portion. Prior to recording a master parcel map or each small lot final map, the project applicant shall construct the drainage facilities or provide the drainage assurances for the construction of drainage facilities.					
MM 4.11.2a Drainage facilities shall be designed to meet or exceed storm water quality requirements set forth in City Standards pertaining to regional storm water quality control in association with NPDES Stormwater Permit No. CA502597. Water quality control may consist of pollutant source control, water quality treatment through Best Management Practices or a combination of both measures. Water quality control features as part of drainage facilities shall be reviewed and approved by the City prior to approval of improvement plans for the site.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to Improvement Plan approval.	
MM 4.11.2b The project applicant shall prepare a SWPPP in conformance with the California Stormwater Quality Association Construction Handbook (Construction Handbook), City standards (Grading, Erosion, and Sediment Control Ordinance and Stormwater Management and Discharge Control Code), NPDES Stormwater Permit No. CA502597 and in compliance with the requirements of the	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to Issuance of grading permits.	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
State General Construction Activity Storm Water Permit (CGP) for each construction activity in the Panhandle area (Northern and Southern portions). The Construction Handbook provides general guidance for selecting and implementing BMPs that will eliminate or reduce the discharge of pollutants from construction sites to receiving waters and for developing and implementing storm water pollution prevention plans that document the selection and implementation of BMPs for a particular construction project. The site specific SWPPP must describe the site, including a description of the erosion and sediment controls proposed (BMPs for water quality), the means of waste disposal, implementation of approved local plans, control measures of post-construction sediment and erosion, maintenance responsibilities, and non-storm water management controls. The developer shall file a Notice of Intent with the State Water Resources Control Board. The Waste Discharge Identification Number and a copy of the SWPPP shall be provided to the City prior to approval of grading improvement plans for the site. The project applicant shall retain a copy of the approved SWPPP on the construction site. BMPs identified in the SWPPP shall be utilized in all project site development activities. Implementation of appropriate, effective water quality controls will ensure no increase in turbidity, sediment or other pollutant loads into downstream facilities over predevelopment conditions during construction and will ensure that storm					

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
water discharges that will result with implementation of the project are in compliance with all current requirements.					
MM 4.11.3 The following mitigation measures shall apply in the event that levees currently providing adequate flood protection to the Panhandle Area are decertified by the U.S. Army Corps of Engineers and can no longer provide 100-year floodzone protection. The City anticipates that after any such decertification but before recertification of the levees, FEMA intends to remap the Panhandle Area as a special flood hazard area (likely as an AE, AR, or A99 Zone). Each designation contains specific building and design requirements for new above-ground-level development. If the Panhandle Area is remapped by FEMA into an AE Zone, AR Zone, or A99 Zone, then (1) the City shall require development within the project site to comply with all applicable building and design regulations identified by FEMA and by the City of Sacramento's Floodplain Management Ordinance in existence at the date of issuance of building permits pertaining to the applicable remapped zone; (2) the project applicant shall participate in a funding mechanism such as an assessment district established by SAFCA and/or the City for the purpose of implementing measures that would provide no less than 100-year flood protection for the Panhandle Area, or for that portion of the Natomas Basin requiring re-certification	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to Improvement Plan Approval and Issuance of Building Permits.	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
for 100-year flood protection including the Panhandle Area provided that such funding mechanism is (i) based on a nexus study; (ii) is regional in nature; (iii) is proportionate, fair, and equitable; and (iv) complies with all applicable laws and ordinances; and (3) the requirements of the applicable FEMA zone and corresponding requirements under the City of Sacramento's Floodplain Management Ordinance shall be satisfied prior to the issuance of building permits for the project. Homeowners within the floodzone shall maintain federal flood insurance, as required under the applicable FEMA and City of Sacramento Floodplain Management Ordinance regulations. These mitigation measures shall terminate upon the first recertification of the levees by the U.S. Army Corps of Engineers. Under any of these three scenarios (AE, AR, or A99 Zone), homebuilders within the floodzone area shall disclose to all prospective buyers, lenders, bondholders and insurers of property through written disclosure, prior to the sale of units, that the U.S. Army Corps of Engineers has determined that the levees protecting the Natomas Basin may not provide flood protection from a 100-year or greater storm event until the levees are recertified as providing 100-year storm protection.					
MM 4.11.4 As part of the final design of the project detention basins, soil borings shall be taken at representative locations within the	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to Improvement Plan Approval.	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
detention basins to analyze the subsurface soils that are present and the elevation of the subsurface water table. If these soil borings identify shallow groundwater within two (2) feet of the proposed bottom elevation of detention basins or within the detention basins, a liner and/or additional water quality control features may be incorporated into the design of the detention basin, subject to City review and approval.					
VISUAL RESOURCES					
MM 4.12.2 The Panhandle PUD Guidelines shall include provisions for landscape buffer treatments along the site's border with Sorento Road. The Panhandle PUD Guidelines shall include provisions for landscape buffer treatments along the site's eastern edge, west of Sorento Road. The buffer treatment shall involve elements such as landscaping, walls, berms and fences along the length of Sorento Road adjacent to the PUD, to provide visual screening of the Panhandle PUD site (no walls or visual obstruction shall be placed along the park site associated with PUD Parcel 41).	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to approval of improvement plans for the PUD.	
MM 4.12.3a A lighting plan shall be developed and provided with special permits and/or development plan review for the Panhandle PUD to ensure that all lights are low intensity, fully hooded, back shielded and directed away from residential areas to reduce the light "spillage" and glare, and	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to approval of special permits.	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
prohibit the illumination from breaking the horizontal plane.					
MM 4.12.3b Outdoor lighting for commercial uses and community parks/sports facilities in the Panhandle PUD shall be designed to be turned off when not in use where security and safety is not a concern. This requirement shall be included in lighting plans submitted to the City as part of the improvement plans.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to approval of special permits and building permits for commercial uses.	
MM 4.12.3c Light fixtures for sports fields that are planned to be lighted in the Panhandle PUD shall be directed away from residential areas to reduce light "spillage" and glare. Light fixtures shall be designed to limit illumination to the sports fields and shall demonstrate that the illumination of adjacent residential properties will not exceed 1.0 foot-candles.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to approval of the improvement plans for applicable parks.	
PUBLIC SERVICES AND UTILITIES					
MM 4.13.1.1a The project applicant shall pay the necessary project-specific fire service impact fees associated with fire protection services, as outlined in the project's Finance Plan.	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to issuance of building permits	
MM 4.13.1.1b The Panhandle PUD Finance Plan shall include all necessary public facility	City of Sacramento	City of Sacramento	See text of mitigation measure.	Prior to final approval of the Panhandle PUD Finance Plan	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
improvements (e.g., fire, law enforcement, water, wastewater, parks, roadways and libraries) intended to solely serve the PUD as well as its fair-share contribution to public facilities that serve the North Natomas Community Plan area. The Panhandle PUD Finance Plan shall ensure that public facilities and equipment required to service the PUD are in place concurrent with site development.					
MM 4.13.4.1a Connection to the CSD-1 sewer system for the Panhandle PUD and subsequent development in the Southern Portion shall be required to the satisfaction of the CSD-1. Each parcel and each building with a sewage source shall have a separate connection to the CSD-1 sewer system.	CSD-1 and City of Sacramento.	CSD-1 and City of Sacramento.	See text of mitigation measure.	Prior to issuance of individual building permits and/or improvement plans.	
MM 4.13.4.1b The project applicant shall submit a final sewer study for the Panhandle PUD for review and approval by CSD-1 prior to approval of small lot final maps. The sewer study report shall be done in accordance with CSD-1's current Minimum Sewer Study Requirements and shall demonstrate that downstream facilities have capacity to accommodate flows from the Panhandle PUD.	CSD-1, SRCSD and City of Sacramento.	CSD-1, SRCSD and City of Sacramento.	See text of mitigation measure.	Prior to approval of small lot final maps.	
MM 4.13.4.1c Prior to approval of small lot final maps or issuance of building permits for the Krumenacher Subdivision map, the project applicant shall enter into and record an agreement, to require land reservation for	CSD-1 and City of Sacramento.	CSD-1 and City of Sacramento.	See text of mitigation measure.	Prior to approval of small lot final maps or issuance of building permits within the	

MITIGATION MONITORING PLAN
PANHANDLE ANNEXATION AND PUD (P05-077)

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
acquisition by the SRCSD for the upper Northwest Interceptor project to install pipelines and facilities in conformance with the SRCSD Master Plan.				Krumenacher Subdivision map.	

ATTACHMENT 4 - REORGANIZATION RESOLUTION

RESOLUTION NO.

Adopted by the Sacramento City Council

INTITIATING THE NORTHGATE 880 / PANHANDLE ANNEXATION (REORGANIZATION) (M05-031 / P05-077)

(APNs: 201-0320-016 and -018 through -021; 225-0050-003, -016, -020 through -022; 225-0060-021, -032 through -034, -040 through -042, -054 through -059, -061, and -066 through -068; 225-0941-001, -025, -027 through -029, -032 through -034, -036 through -038, -046 through -048, and -050 through -054; 225-0942-001, -006, -023 through -025, -028, -034, -035, -038 through -049, -051 through -054, 225-0943-001, -011, -016, -020, -023, -026 through -032, -034 through -037, 225-0944-002, -031 through -033, -042, -043, -054, -056, -057, -060, -064, -065, -068, -071, -073, -076, -078, -080 through -085, -091, -096 through -111, -114, and -115; 225-2310-001 through -007; 237-0011-016, -028, -029, -037, -046, -047, -049 through -057, -060 through -067, and -069 through -072; 237-0012-011 through -013; 237-0013-002; 237-0014-001; 237-0015-003, and -006 through -013; 237-0031-039; 237-0410-010, -011, -014 through -017, -019, -020, -024 through -027, -029 through -034, and -037 through -045; 237-0420-001, -007, -011 through -016, -018, -021, -022, -028 through -030, -032 through -045, and -048; 237-0600-001 through -008)

BACKGROUND

A. The City Council conducted a public hearing on _____, 2007, and the City Planning Commission conducted a public hearing on June 28, 2007, concerning the above annexation (reorganization), and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:

1. This action of reorganization is being taken pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et. seq.);

2. This reorganization is the Annexation to City of Sacramento and Detachment from the Rio Linda-Elverta Recreation and Parks District; Natomas Fire Protection District; County Service Area #1; and Sacramento County Water Maintenance District Zone #40;

3. A description of the exterior boundaries of the affected territory subject to this reorganization is attached hereto as Exhibits A and B, and incorporated herein by reference;

4. The reasons for the reorganization are as follows:

   a. The affected territory is within the Sphere of Influence of the City.

   b. The annexation represents a logical and reasonable extension of the City boundaries since it is surrounded on the south, east, and west by the existing City limits;

   c. The annexation would facilitate the more efficient provision of municipal services, including compliance with uniform City planning and development standards;

   d. The annexation and inclusion in the North Natomas Community Plan area will provide greater protection from inappropriate land uses adjacent to existing land uses.

5. The regular County Assessment Roll will be utilized.

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

Section 1. The City Council of the City of Sacramento hereby initiates the reorganization described above, and requests that proceedings be taken for the proposal pursuant to Cortese-Knox-Hertzberg Government Reorganization Act of 2000 (Government Code Section 56700, etal.)

Table of Contents:

Exhibit A Northgate 880 / Panhandle Annexation Boundary Description
Exhibit B Northgate 880 / Panhandle Annexation Map

Exhibit A Northgate 880 / Panhandle Annexation Boundary Description

Jan-05-06 05:39pm From-Sac Local Agency Formation Commission +916-874-2939 T-557 P 010/035 F-818

Exhibit B4

FRYING PANHANDLE ANNEXATION

All that real property situate in the County of Sacramento, State of California described as follows.

Beginning at a point being the interception of the center line of Interstate Freeway Route 80 with the West line of the Northeast one-quarter of Section 13 Township 9 North, Range 4 East, M. D B & M., also being a point on the easterly boundary of the Sacramento City Limits as described in Sacramento City Ordinance No 2327, Forth Series "Natomas Annexation Area No 2", said point also being the northwest corner of the "Raney Annexation" as described in Resolution No 82-385 as adopted by the Sacramento City Council on June 1, 1982; thence, from said point of beginning, northerly along said easterly boundary of said "Natomas Annexation Area No 2" to the north line of Section 36, Township 10 North, Range 4 East, M. D B & M ; thence easterly and southerly along the northerly and easterly lines of the proposed annexation the following five (5) courses distances and area:

1 Easterly along said north line of Section 36 a distance of 2246.46 feet to its interception with the northerly production of the easterly boundary of that certain property deeded to Louis F. Krumenacher and Viola Krumenacher by Louis F Krumenacher, also known as Louis Krumenacher, as recorded in the Official Records of the County Recorder of Sacramento County in Book 2209, Page 371;

2 South 0° 23' 00" East along said northerly production of said easterly line of said property a distance of 2673 32 feet to the northeast corner of Lot 74 of Natomas East Side Subdivision, as shown and recorded in Book 17 of Maps, Map No. 34, in the Office of the Recorder of Sacramento County;

LICENSED LAND SURVEYOR ROY J. HEAVENSTON No. LS7356 REN. 12/31/2001 STATE OF CALIFORNIA

Page 1 of 2

FOR CITY CLERK USE ONLY

RESOLUTION NO 2000-734

DATE ADOPTED DEC 12 2000

Exhibit B5

3. South 0° 23' 00" East a distance of 806.00 feet along the easterly line of said Lot 74 to a point of curvature;

4. From a radial line which bears South 89° 34' 15" West southeasterly 806.34 feet along the arc of a 766.80 foot radius non-tangent curve to the left through a central angle of 60° 15' 00" said curve being the easterly, northeasterly line of Lots 74 and 75 of said Natomas East Side Subdivision, subtended by a chord bearing South 30° 33' 15" East a distance of 769.70 feet as shown on said Natomas East Side Subdivision;

5. South 60° 37' 30" East a distance of 37.20 feet to its intersection with the center line of Sorento Road, said center line also being the most northerly west line of the Sacramento City Limits as described in Sacramento City Ordinance No. 2399, Fourth Series, "Gardenland-Del Paso Heights-Robla Annexation Area", effective August 25, 1962;

Thence southerly along the westerly line of said "Gardenland-Del Paso Heights-Robla Annexation Area" to its intersection with the northeasterly corner of the "Northgate Commerce Park Annexation" as described in Resolution No. 92-351 as adopted by the Sacramento City Council on May 19, 1992; thence southerly along the westerly line of said "Northgate Commerce Park Annexation" to the intersection with the northerly line of said "Raney Annexation"; thence westerly along said northerly line of said "Raney Annexation" to said point of beginning, said northerly line also being the center line of Interstate Freeway Route 80, containing 1430.617 acres of land, more or less.

LICENSED LAND SURVEYOR
ROY J. HEAVENSTON
LS7356
REN. 12/31/2001
STATE OF CALIFORNIA

FOR CITY CLERK USE ONLY

RESOLUTION NO 2000-734

DATE ADOPTED: DEC 12 2000

Exhibit B Northgate 880 / Panhandle Annexation Map

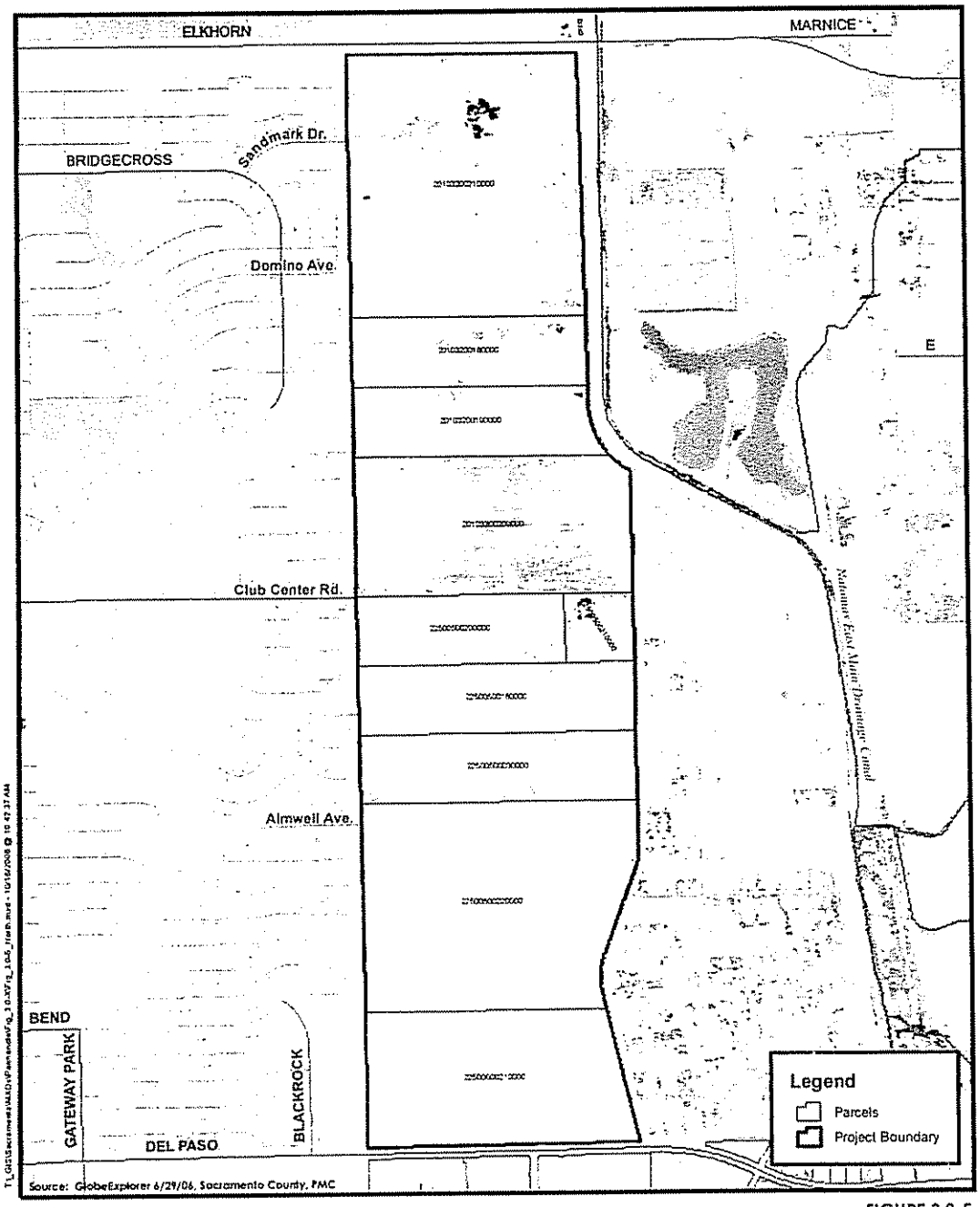

FIGURE 3.0-5
NORTHERN PORTION OF PANHANDLE AREA

PMC

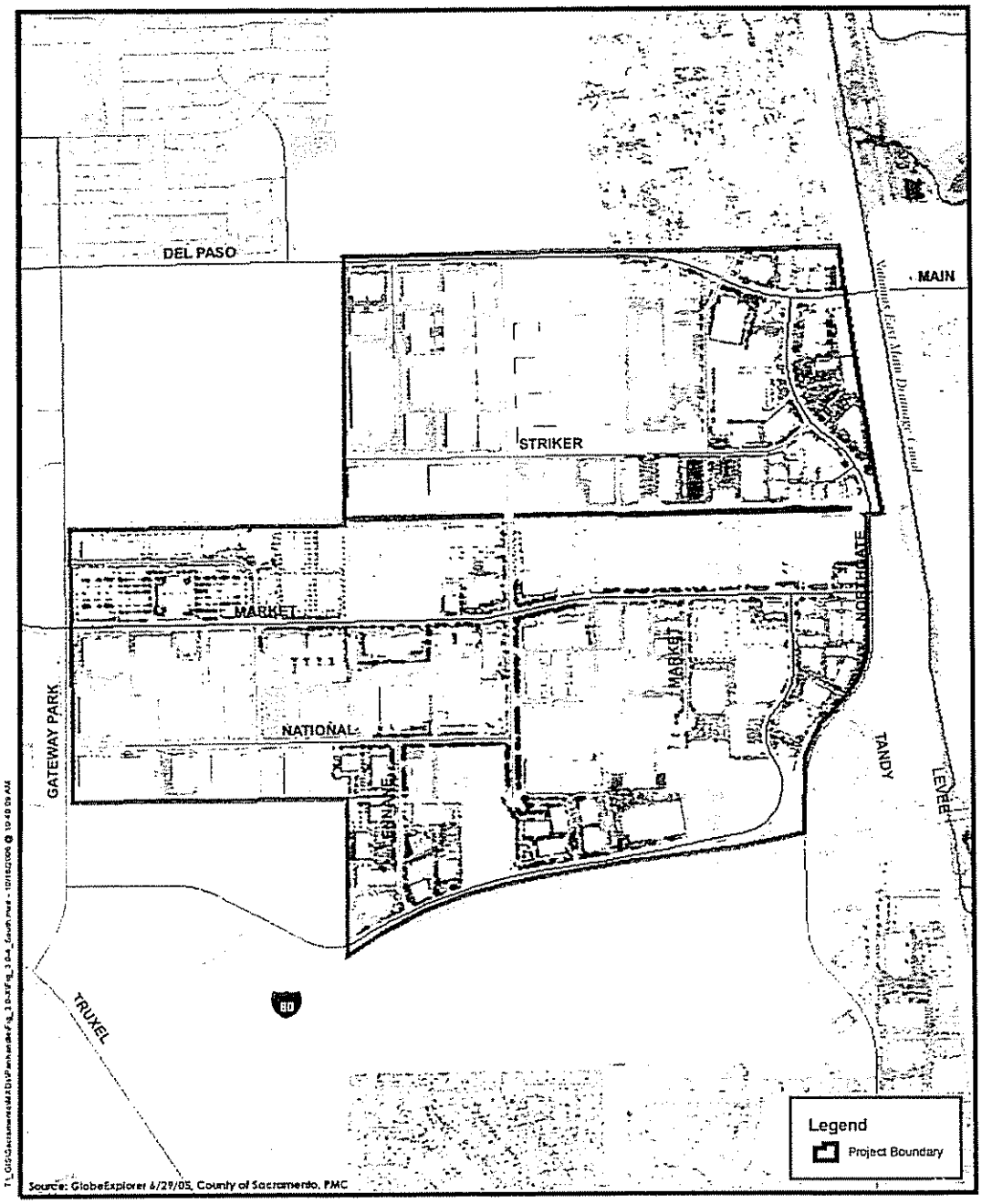

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FIGURE 3.0-4
SOUTHERN PORTION OF PANHANDLE AREA

PMC

ATTACHMENT 5 – PROPERTY TAX EXCHANGE AGREEMENT RESOLUTION

RESOLUTION NO.

Adopted by the Sacramento City Council

ADOPTING THE PROPERTY TAX EXCHANGE AGREEMENT FOR THE NORTHGATE 880 / PANHANDLE ANNEXATION (M05-031 / P05-077)

BACKGROUND

A. Whereas, before a Local Agency Formation Commission may act upon a proposed annexation to a city; and

B. Whereas, landowners and the City of Sacramento have proposed the Northgate 880 / Panhandle Annexation to the City of Sacramento; and

C. Whereas, the County and City have negotiated a property tax exchange agreement specifying how property tax revenues will be allocated should the annexation be approved;

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

Section 1. The City Manager is hereby authorized to execute the Property Tax Exchange Agreement on behalf of the City of Sacramento with the County of Sacramento and to do and perform everything necessary to carry out the purpose of this Resolution.

ATTACHMENT 6 – GENERAL PLAN AMENDMENT RESOLUTION (M05-031)

RESOLUTION NO. 2007-XXXX

Adopted by the Sacramento City Council

Date

AMENDING THE GENERAL PLAN LAND USE MAP RELATING TO THE NORTHGATE 880 AREA (M05-031)

BACKGROUND

A. The Planning Commission conducted a public hearing on June 28, 2007, and the City Council conducted a public hearing on _____, 2007 concerning the above General Plan land use map amendment and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:

1. The proposed land use amendment is compatible with the surrounding land uses;

2. The subject site is suitable for light industrial development; and

3. The proposal is generally consistent with the policies of the North Natomas Community Plan and the General Plan.

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

Section 1. The City Council adopts the General Plan Amendment for the property, as described on the attached Exhibit A, and the property is hereby re-designated on the General Plan land use map from 11.0± acres of Rural Estates, 43.0± acres of Low Density Residential, 307.0± acres of Mixed Use, 377.0± acres of Heavy Commercial or Warehouse, 15.0± acres of Water, and 82.0± acres of Roadways to 736.98± acres of Special Planning District, 16.02± acres of Water, 82.0± acres of Roadways (APN: 225-0060-021, -032 through -034, -040 through -042, -054 through -059, -061, and -066 through -068; 225-0941-001, -025, -027 through -029, -032 through -034, -036 through -038, -046 through -048, and -050 through -054; 225-0942-001, -006, -023 through -025, -028, -034, -035, -038 through -049, -051 through -054, 225-0943-001, -011, -016, -020, -023, -026 through -032, -034 through -037, 225-0944-002, -031 through -033, -042, -043, -054, -056, -057, -060, -064, -065, -068, -071, -073, -076, -078, -080 through -085, -091, -096 through -111, -114, and -115; 225-2310-001 through -007; 237-0011-016, -028, -029, -037, -046, -047, -049 through -057, -060 through -067, and -069 through -072; 237-0012-011 through -

013; 237-0013-002; 237-0014-001; 237-0015-003, and -006 through -013; 237-0031-039; 237-0410-010, -011, -014 through -017, -019, -020, -024 through -027, -029 through -034, and -037 through -045; 237-0420-001, -007, -011 through -016, -018, -021, -022, -028 through -030, -032 through -045, and -048; 237-0600-001 through -008)

Table of Contents:

Exhibit A: General Plan Amendment Exhibit – 2 Pages

Exhibit A – General Plan Amendment Exhibit (M05-031)

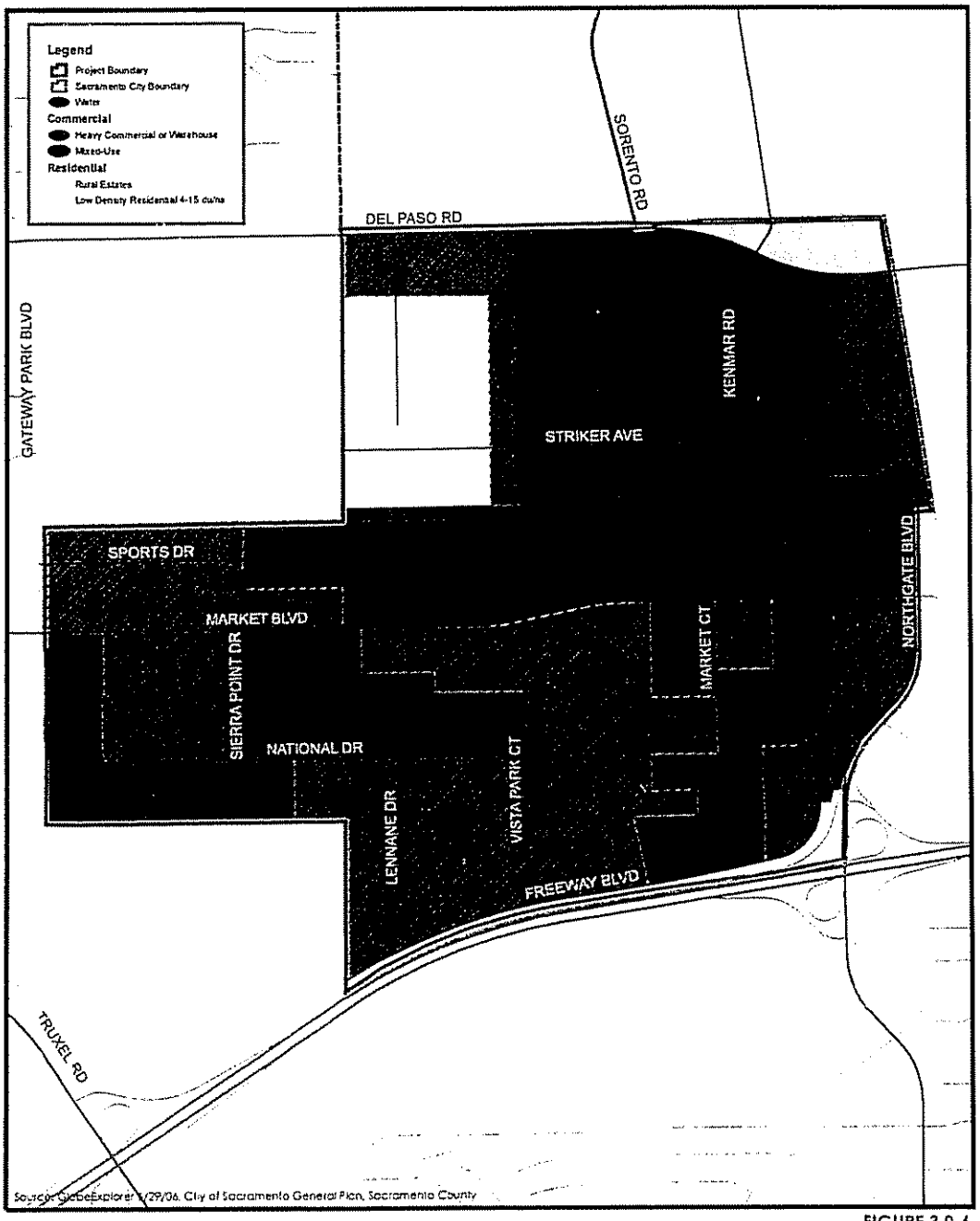

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FIGURE 3.0-6
EXISTING CITY GENERAL PLAN
DESIGNATIONS FOR SOUTHERN PORTION

PMC

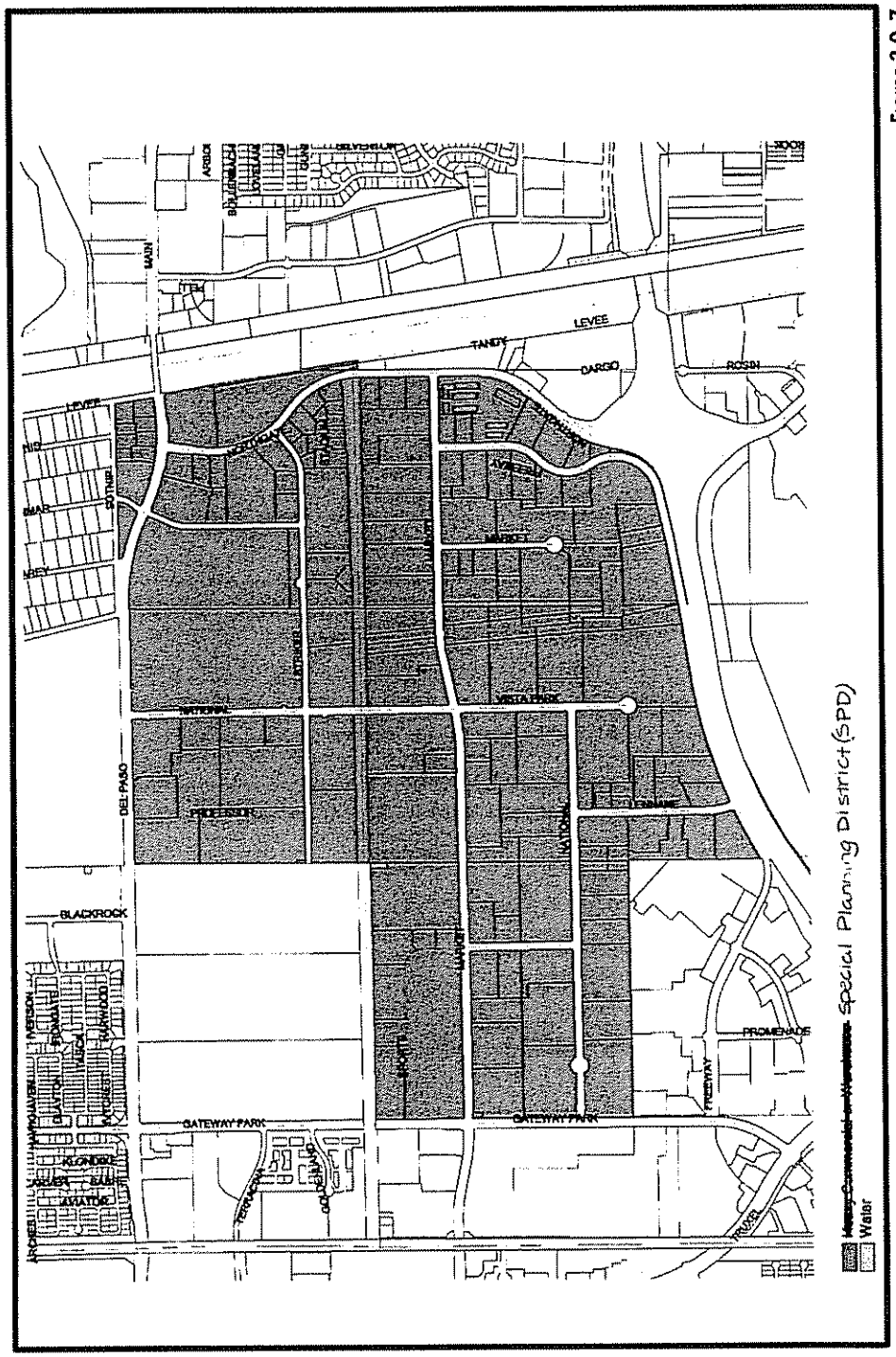


FIGURE 3.0-7
PROPOSED CITY GENERAL PLAN DESIGNATIONS FOR SOUTHERN PORTION

PMC

ATTACHMENT 7 – DRAFT NORTH NATOMAS COMMUNITY PLAN TEXT AMENDMENT RESOLUTION (M05-031)

RESOLUTION NO.

Adopted by the Sacramento City Council

AMENDING THE NORTH NATOMAS COMMUNITY PLAN TEXT TO ADD REFERENCES TO THE NORTHGATE 880 SPECIAL PLANNING DISTRICT (M05-031)

BACKGROUND

A. The Planning Commission conducted a public hearing on June 28, 2007, and the City Council conducted a public hearing on _____, 2007 concerning the above plan amendment and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:

1. The proposed plan amendment is compatible with the existing and surrounding use;

2. The subject plan area is already included in the North Natomas Community Plan area; and

3. The proposal is consistent with the policies of the City's general Plan.

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

Section 1. The City Council of the City of Sacramento determines that the attached amendments, included as Exhibits A and B, be made to the North Natomas Community Plan text.

Table of Contents:

Exhibit A Northgate 880 SPD Amendments to the North Natomas Community Plan
Exhibit B Northgate 880 SPD Boundary Map

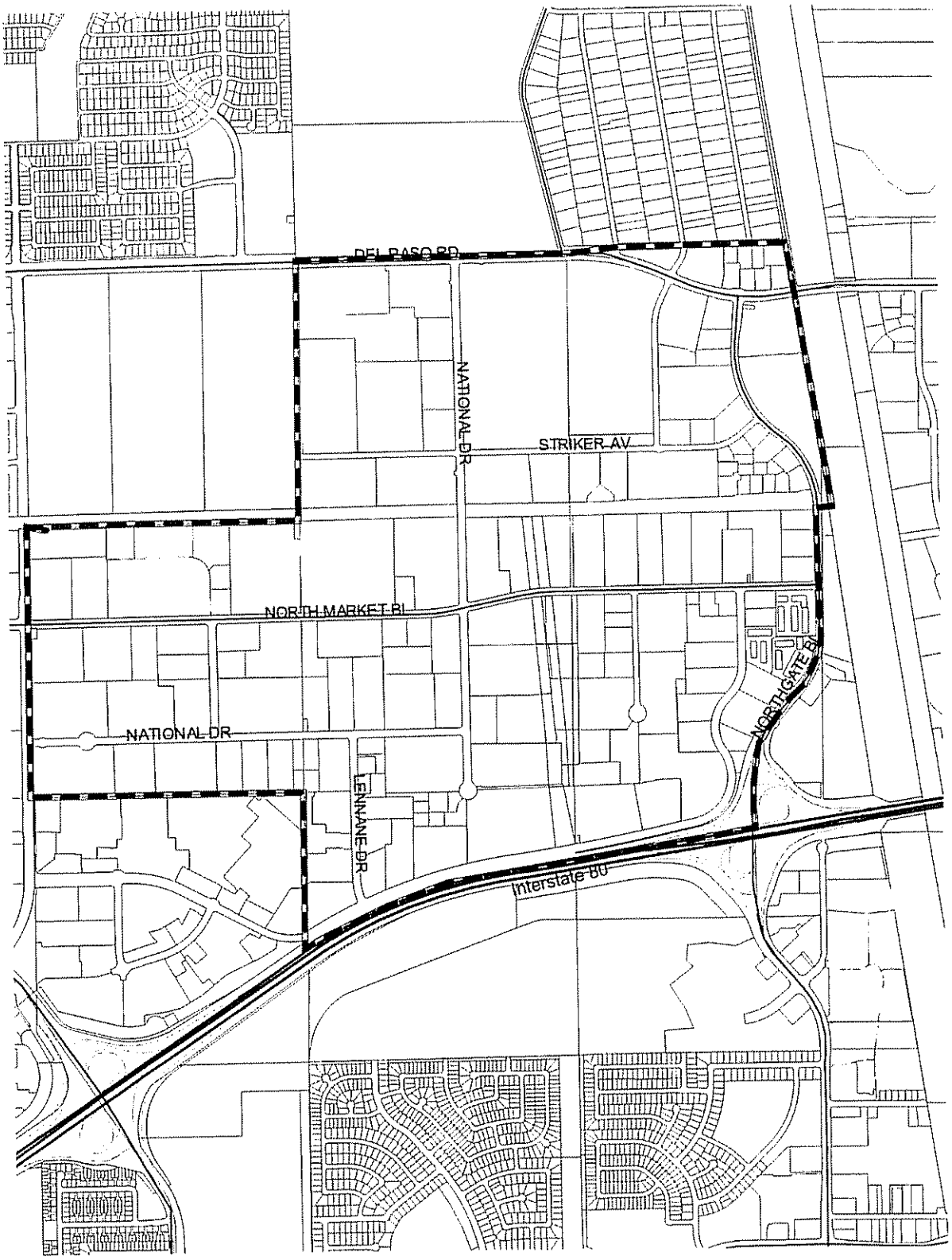
Exhibit A Northgate 880 SPD Amendments to the North Natomas Community Plan

Northgate 880 Special Planning District (N880-SPD): Prior to annexation to the city, the Northgate 880 area was almost fully developed with light industrial, warehousing, office and commercial uses, consistent with Sacramento County zoning. The purpose of the Northgate 880 special planning district is to ensure zoning regulations similar to what applied in the county will apply to this area upon annexation to the city.

The Northgate 880 special planning district ("district") is comprised of that area of North Natomas generally bounded by Interstate 80 (I-80) to the south; Northgate Boulevard and East Levee Road to the east; Gateway Park Boulevard to the west; and Del Paso Road and Sotnip Road to the north. The area is comprised of the following APNs and is shown on the map in Figure __.

> APNs: 225-0060-021, -032 through -034, -040 through -042, -054 through -059, -061, and -066 through -068; 225-0941-001, -025, -027 through -029, -032 through -034, -036 through -038, -046 through -048, and -050 through -054; 225-0942-001, -006, -023 through -025, -028, -034, -035, -038 through -049, -051 through -054, 225-0943-001, -011, -016, -020, -023, -026 through -032, -034 through -037, 225-0944-002, -031 through -033, -042, -043, -054, -056, -057, -060, -064, -065, -068, -071, -073, -076, -078, -080 through -085, -091, -096 through -111, -114, and -115; 225-2310-001 through -007; 237-0011-016, -028, -029, -037, -046, -047, -049 through -057, -060 through -067, and -069 through -072; 237-0012-011 through -013; 237-0013-002; 237-0014-001; 237-0015-003, and -006 through -013; 237-0031-039; 237-0410-010, -011, -014 through -017, -019, -020, -024 through -027, -029 through -034, and -037 through -045; 237-0420-001, -007, -011 through -016, -018, -021, -022, -028 through -030, -032 through -045, and -048; 237-0600-001 through -008

Exhibit B Northgate 880 SPD Boundary Map



ATTACHMENT 8 – DRAFT NORTH NATOMAS COMMUNITY PLAN AMENDMENT RESOLUTION (M05-031)

RESOLUTION NO. 2007-XXXX

Adopted by the Sacramento City Council
Date

AMENDING THE NORTH NATOMAS COMMUNITY PLAN LAND USE MAP RELATING TO THE NORTHGATE 880 SPECIAL PLANNING DISTRICT (M05-031)

BACKGROUND

The Planning Commission conducted a public hearing on June 28, 2007, and the City Council conducted a public hearing on _____, 2007 concerning the North Natomas Community Plan land use map and based on documentary and oral evidence submitted at the public hearing, the City Council hereby finds:

A. The proposed plan amendment is compatible with the surrounding uses;

B. The subject site is suitable for light industrial development; and

C. The proposal is consistent with the policies of the General Plan and the North Natomas Community Plan to support the annexation of unincorporated lands within the Community Plan area and implement this plan throughout the plan area.

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

Section 1. The City Council adopts the Community Plan Amendment for the property, as described on the attached Exhibit A, which property is hereby re-designated on the North Natomas Community Plan land use map from 11.0± acres of Rural Estates, 37.0± acres of Low Density Residential, 5.0± acres of Medium Density Residential, 307.0± acres of Employment Center (EC-30), 377.0± acres of Light Industrial, 16.0± acres of Parks/Open Space, and 82.0± acres of Roadways to 16.02± acres of Parks/Open Space, 736.98± acres of Northgate 880 Special Planning District (SPD), and 82.0± acres of Roadways (APN: 225-0060-021, -032 through -034, -040 through -042, -054 through -059, -061, and -066 through -068; 225-0941-001, -025, -027 through -029, -032 through -034, -036 through -038, -046 through -048, and -050 through -054; 225-0942-001, -006, -023 through -025, -028, -034, -035, -038 through -049, -051 through -054, 225-0943-001, -011, -016, -020, -023, -026 through -032, -034 through -037, 225-0944-002, -031 through -033, -042, -043, -054, -056, -057, -060, -064,

-065, -068, -071, -073, -076, -078, -080 through -085, -091, -096 through -111, -114, and -115; 225-2310-001 through -007; 237-0011-016, -028, -029, -037, -046, -047, -049 through -057, -060 through -067, and -069 through -072; 237-0012-011 through -013; 237-0013-002; 237-0014-001; 237-0015-003, and -006 through -013; 237-0031-039; 237-0410-010, -011, -014 through -017, -019, -020, -024 through -027, -029 through -034, and -037 through -045; 237-0420-001, -007, -011 through -016, -018, -021, -022, -028 through -030, -032 through -045, and -048; 237-0600-001 through -008)

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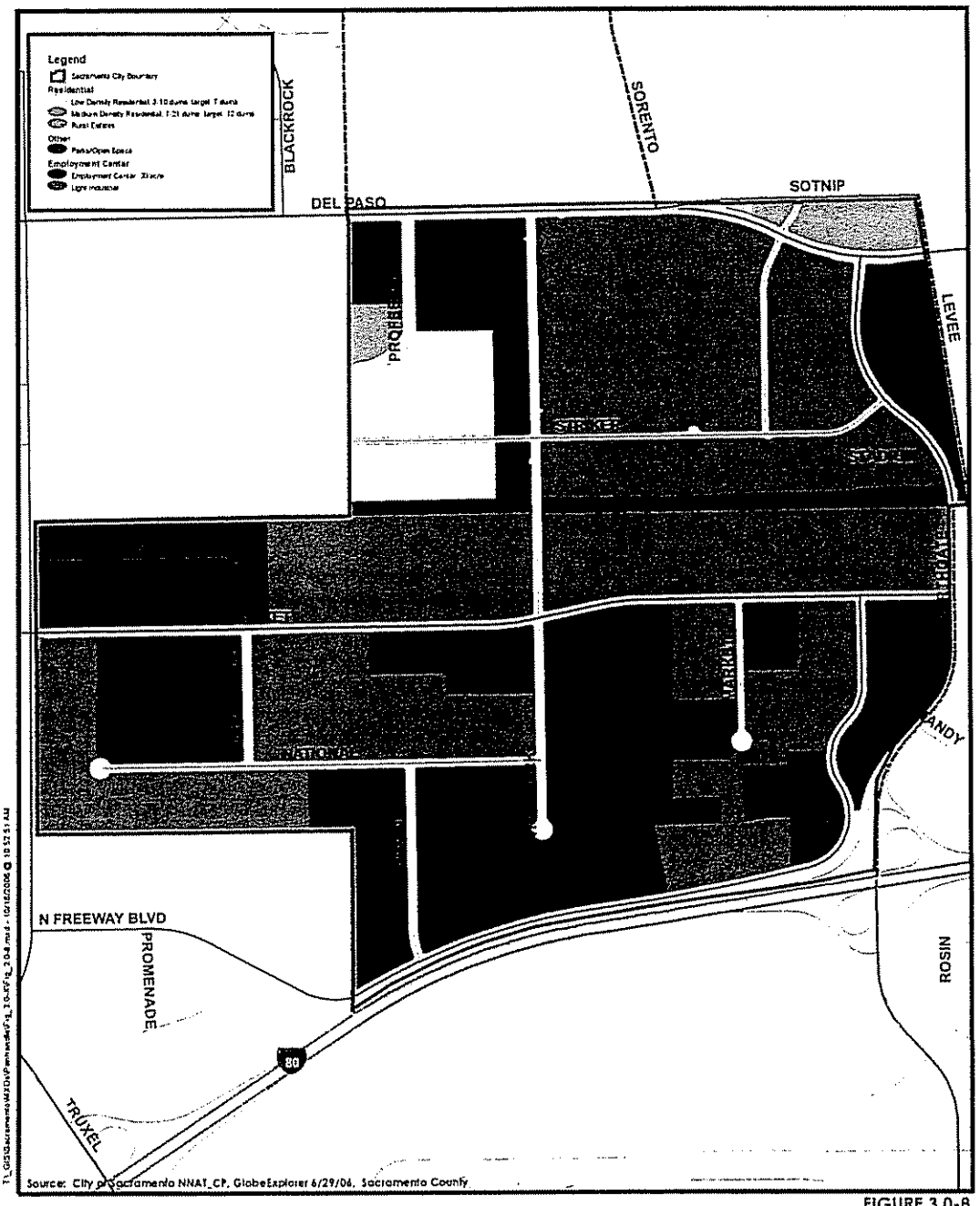
Exhibit A: North Natomas Community Plan Amendment Exhibit – 1 page

Exhibit A: North Natomas Community Plan Amendment Exhibit



500 0 500 Feet

FIGURE 3.0-8
EXISTING NORTH NATOMAS COMMUNITY
PLAN DESIGNATIONS FOR SOUTHERN PORTION

PMC

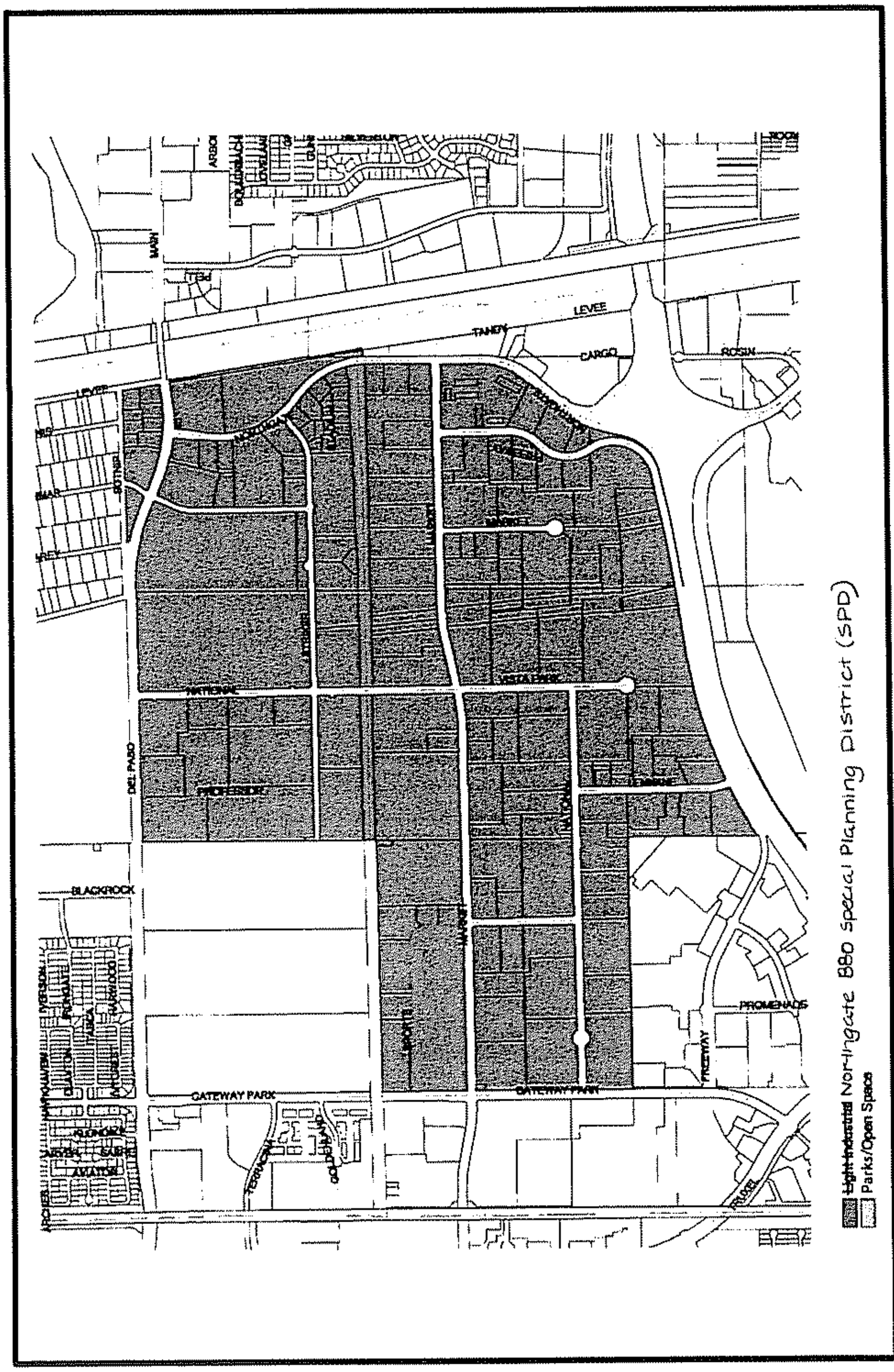


FIGURE 3.0-9
PROPOSED NORTH NATOMAS COMMUNITY PLAN DESIGNATIONS FOR SOUTHERN PORTION

PMC

ATTACHMENT 9 – DRAFT ZONING CODE TEXT AMENDMENT ORDINANCE (M05-031)

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

ADDING CHAPTER 17.102 TO TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) ESTABLISHING THE NORTHGATE 880 SPECIAL PLANNING DISTRICT (M03-051)

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

SECTION 1. Chapter 17.102 is added to Title 17 of the Sacramento City Code (the Zoning Code) to read as follows:

Chapter 17.102

Northgate 880 Special Planning District

17.102.010 Purpose and intent.

Prior to annexation to the city, the Northgate 880 area was almost fully developed with light industrial, warehousing, office and commercial uses, consistent with Sacramento County zoning. The purpose of the Northgate 880 special planning district is to ensure zoning regulations similar to what applied in the county will apply to this area upon annexation to the city.

17.102.020 Northgate 880 SPD boundaries.

The Northgate 880 special planning district ("district") is comprised of that area of North Natomas generally bounded by Interstate 80 (I-80) to the south; Northgate Boulevard and East Levee Road to the east; Gateway Park Boulevard to the west; and Del Paso Road and Sotnip Road to the north. The area is shown on the map in Appendix A, set out at the end of this chapter.

17.102.030 Land use regulations.

Development within the Northgate 880 SPD shall be subject to the requirements and restrictions of this chapter in addition to those of the underlying zoning district set forth in this title. If a conflict between a provision in this chapter and a provision contained in another chapter of this title relating to the underlying zoning district occurs, the provisions of this chapter shall prevail.

17.102.040 Allowed uses in the M-1 zone.

A. Except as provided in subsection (B) of this section, uses permitted in the M-1 zone outside of the Northgate 880 SPD shall be permitted in the M-1 zone inside of the Northgate 880SPD. If this title requires the approval of a special permit or other discretionary entitlement(s) or imposes other restrictions or requirements on the establishment of a particular use in the M-1 zone outside of the Northgate 880 SPD, approval of the same discretionary entitlement(s) and compliance with the same restrictions or requirements shall be required to establish the use within the M-1 zone inside of the Northgate 880 SPD.

B. The following uses shall be allowed by right in the M-1 zone in the Northgate 880 SPD:

Offices

Military Surplus Equipment and Goods

Church

Parking Lot/Garage

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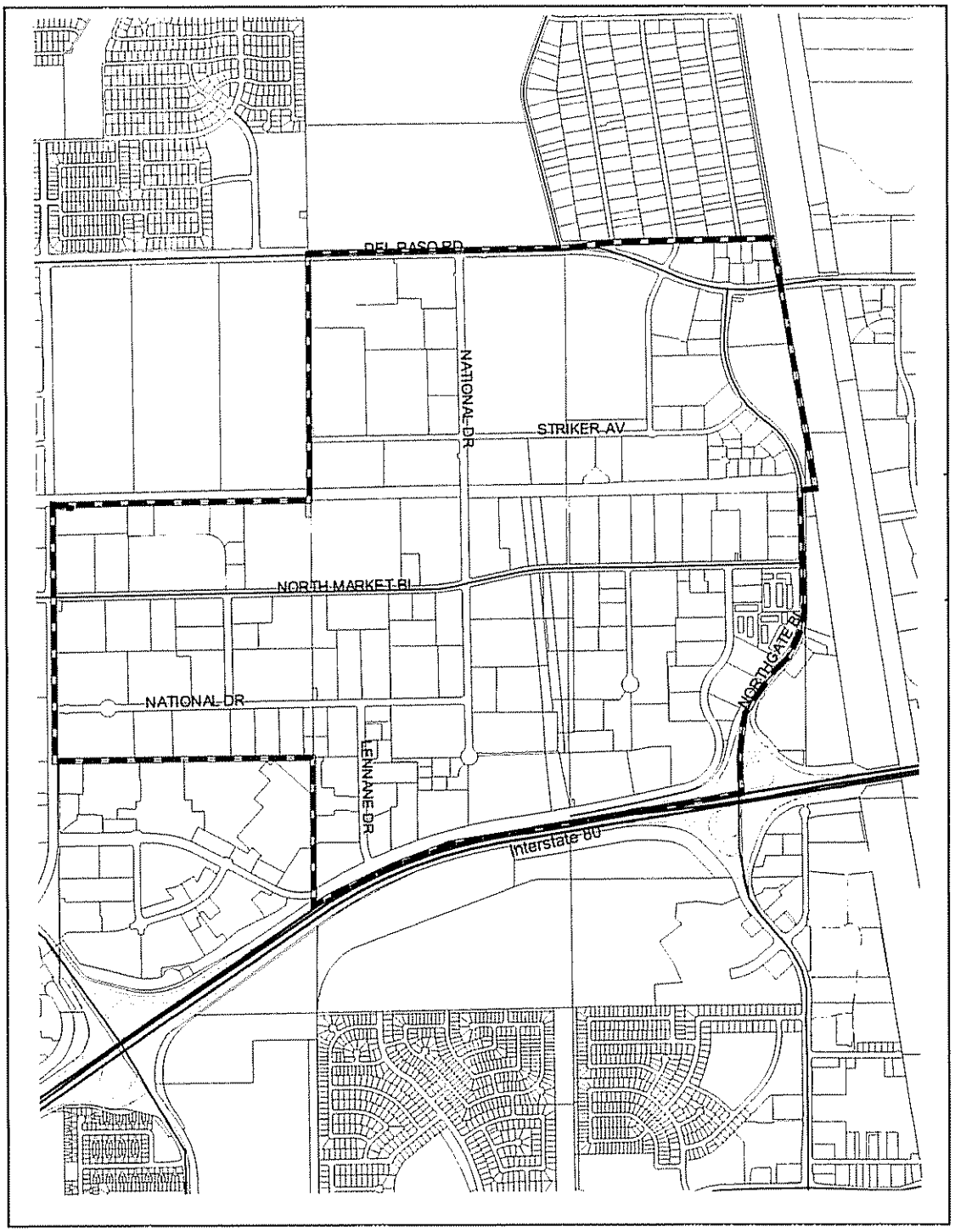
Exhibit A Northgate 880 Special Planning District Boundary Map

Exhibit A Northgate 880 Special Planning District Boundary Map



ATTACHMENT 10 – DRAFT PREZONE ORDINANCE (M05-031)

ORDINANCE NO.

Adopted by the Sacramento City Council
Date

PREZONING CERTAIN REAL PROPERTY FLOOD (F) AND LIGHT INDUSTRIAL NORTHGATE 880 SPECIAL PLANNING DISTRICT (M-1-N880-SPD) ZONES (LOCATED GENERALLY SOUTHWEST OF DEL PASO ROAD AND NORTHGATE BOULEVARD)

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

Section 1. The prezoning designations for the properties described by APNs below and as shown and described in the attached Exhibit A are approved.

APN: 225-0060-021, -032 through -034, -040 through -042, -054 through -059, -061, and -066 through -068; 225-0941-001, -025, -027 through -029, -032 through -034, -036 through -038, -046 through -048, and -050 through -054; 225-0942-001, -006, -023 through -025, -028, -034, -035, -038 through -049, -051 through -054, 225-0943-001, -011, -016, -020, -023, -026 through -032, -034 through -037, 225-0944-002, -031 through -033, -042, -043, -054, -056, -057, -060, -064, -065, -068, -071, -073, -076, -078, -080 through -085, -091, -096 through -111, -114, and -115; 225-2310-001 through -007; 237-0011-016, -028, -029, -037, -046, -047, -049 through -057, -060 through -067, and -069 through -072; 237-0012-011 through -013; 237-0013-002; 237-0014-001; 237-0015-003, and -006 through -013; 237-0031-039; 237-0410-010, -011, -014 through -017, -019, -020, -024 through -027, -029 through -034, and -037 through -045; 237-0420-001, -007, -011 through -016, -018, -021, -022, -028 through -030, -032 through -045, and -048; 237-0600-001 through -008

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Exhibit A: Prezone Exhibit – 2 pages

Exhibit A – Prezone Exhibit

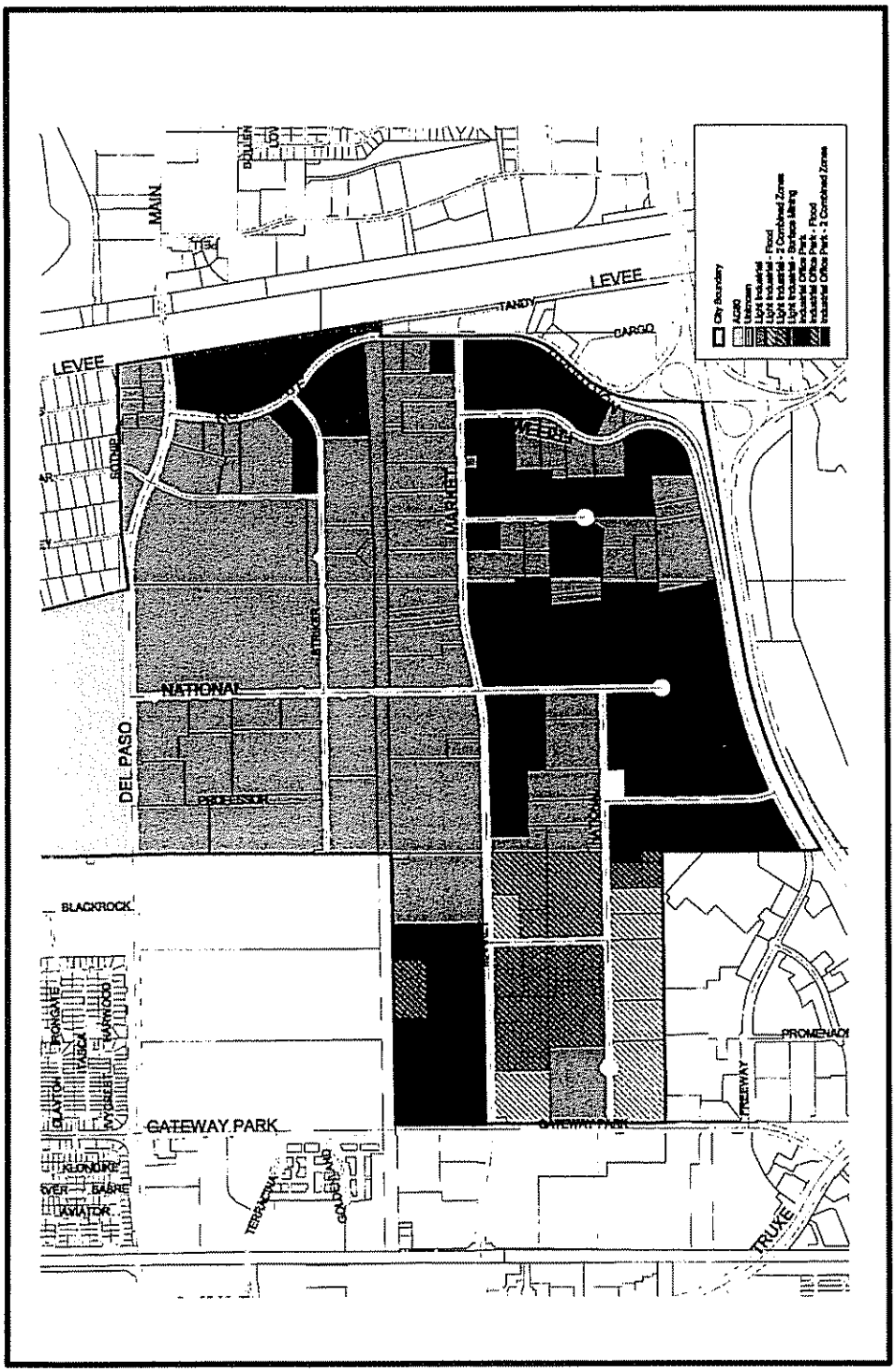

FIGURE 3.0-10
EXISTING COUNTY ZONING FOR SOUTHERN PORTION

PMC

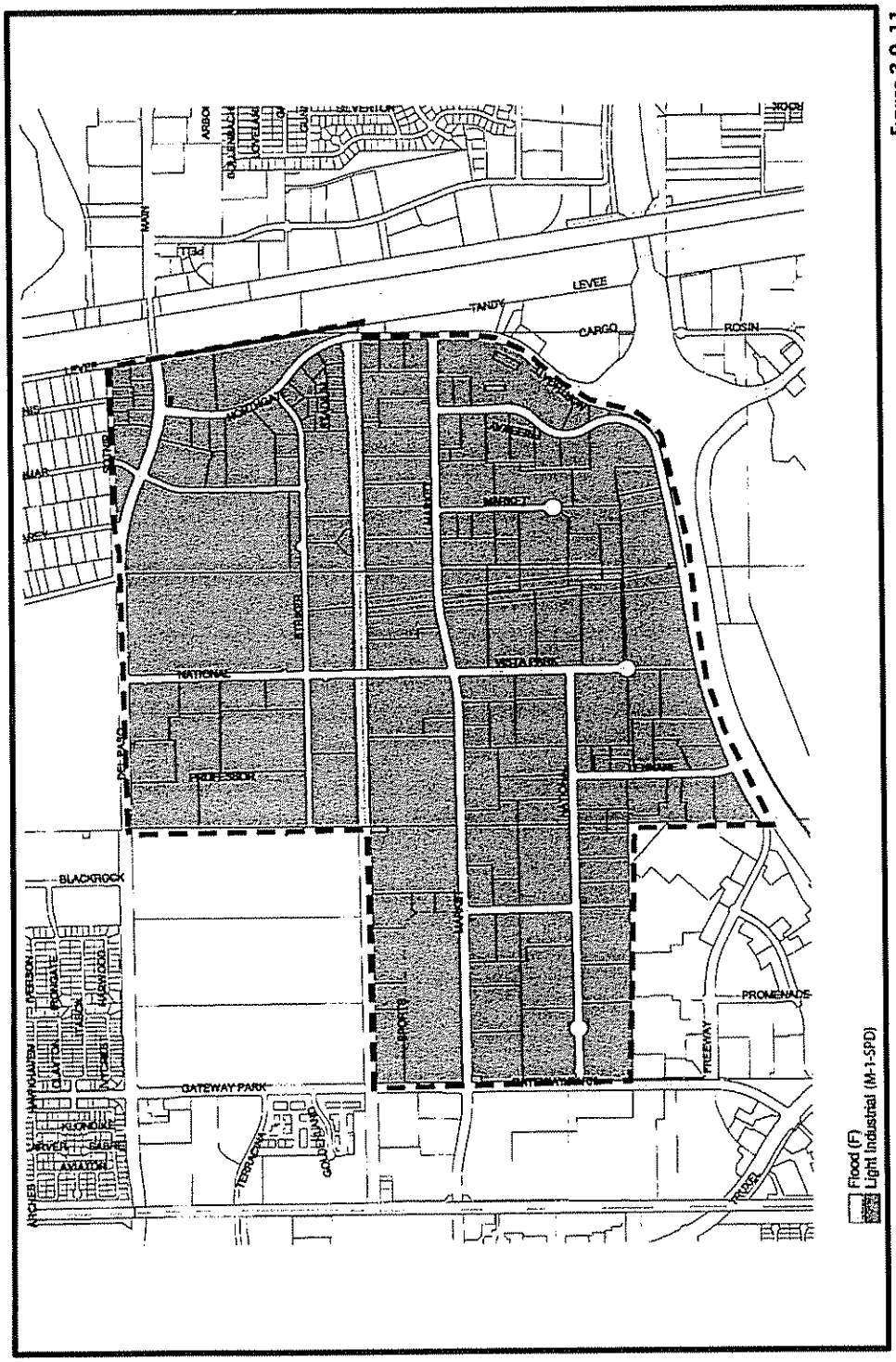

FIGURE 3.0-11
PROPOSED CITY ZONING FOR SOUTHERN PORTION
PMC

ATTACHMENT 11 – DRAFT DEVELOPMENT AGREEMENT ORDINANCE (DUNMORE)

ORDINANCE NO. 2007-XXXX

Adopted by the Sacramento City Council
Date

APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SACRAMENTO AND DUNMORE LAND COMPANY, LLC., THE RICHTER-KAZER 1993 IRREVOCABLE TRUST, BD PROPERTIES, LLC, AND TASSO PETER CONONELOS, FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF DEL PASO ROAD AND SORENTO ROAD.

(P05-077) (APN: 201-0320-016 and -018 through -021; 225-0050-003, -016, -020 through -022)

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

SECTION 1

This Ordinance incorporates, and by this reference makes part hereof, that certain Development Agreement, by and between the City of Sacramento and Dunmore Land Company, LLC., the J. Rise Richter Trust, the Richter-Kazer 1993 Irrevocable Trust, BD Properties, LLC, and Tasso Peter Cononelos (collectively, "the landowner"), a copy of which is attached hereto.

SECTION 2

The City Council finds:

1. The agreement is consistent with the city general plan and the goals, policies, standards and objectives of any applicable specific or community plan;

2. The project should be encouraged in order to meet important economic, social, environmental or planning goals of any applicable specific or community plan;

3. The project would be unlikely to proceed in the manner proposed in the absence of a development agreement;

4. The landowner will incur substantial costs in order to provide public improvements, facilities or services from which the general public will benefit;

5. The landowner will participate in all programs established and/or required under the general plan or any applicable specific or community plan and all of its approving resolutions (including any mitigation monitoring plan), and has agreed to financial participation required under any applicable financing plan and its implementation measures, all of which will accrue to the benefit of the public;

6. The landowner has made commitments to a high standard of quality and has agreed to all applicable land use and development regulations.

SECTION 3

The Development Agreement attached hereto is hereby approved, and the Mayor is authorized to execute after the effective date of this Ordinance said Development Agreement on behalf of the City of Sacramento. This approval and authorization is based upon the Environmental Impact Report and Mitigation Monitoring Plan which is the subject of a separate resolution adopted by City Council prior to or concurrent with the adoption of this Ordinance.

Table of Contents:
Exhibit A: Development Agreement – 63 Pages

No Fee Required: Recording benefits the City of Sacramento, a government entity.

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City Clerk
City of Sacramento
915 I Street (Historic City Hall)
Sacramento, CA 95814

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

[DRAFT 5/24/07]

PANHANDLE PUD

DEVELOPMENT AGREEMENT

•••

Metre Project
Project # P05-077

Dummore Land Company, LLC
BD Properties, LLC
The J. Rise Richter Trust
The Richter-Kazer 1993 Irrevocable Trust
Tasso Peter Cononelos

Panhandle Development Agreement - Dummore Land Company et al
05/24/07 - 43421.wpd

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

CITY AGREEMENT NO _____ DATE ADOPTED: _____

PANHANDLE PUD
DEVELOPMENT AGREEMENT

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E Landowners Commitment
F Landowner's Objective and Agreement
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J. Agreement Voluntary
K. Agreement Authority
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   - B. Discretionary Approvals

FOR CITY CLERK USE ONLY

ORDINANCE NO _____

CITY AGREEMENT NO _____ DATE ADOPTED: _____

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FOR CITY CLERK USE ONLY

ORDINANCE NO _____

CITY AGREEMENT NO _____

DATE ADOPTED: _____

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FOR CITY CLERK USE ONLY

ORDINANCE NO _____

CITY AGREEMENT NO _____

DATE ADOPTED: _____

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FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

CITY AGREEMENT NO _____

DATE ADOPTED: _____

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Execution Page for City and Landowner
Execution Page for Lender

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Exhibit "B"	Landowner's Development Plan
Exhibit "C"	Special Conditions
Exhibit "D"	Assignment and Assumption Agreement
Exhibit "E"	Panhandle Land Acquisition Program
Exhibit "F"	Protest Waiver Provisions Agreed to by Landowner
Exhibit "G"	Irrevocable Offer of Dedication Form
Exhibit "H"	Map and Categorical Listing of Land and Infrastructure
Exhibit "I"	Public Safety Radio Communication Requirements For Buildings

FOR CITY CLERK USE ONLY

ORDINANCE NO _____

CITY AGREEMENT NO _____

DATE ADOPTED: _____

DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF SACRAMENTO
AND
DUMMORE LAND COMPANY, LLC;
BD PROPERTIES, LLC;
THE J. RISE RICHTER TRUST;
THE RICHTER-KAZER 1993 IRREVOCABLE TRUST; AND
TASSO PETER CONONELOS

This Development Agreement (hereinafter "Agreement") is made and entered into this ___ day of _____, 2007, by and between the CITY OF SACRAMENTO, a municipal corporation (hereinafter the "CITY"), and Dummore Land Company. LLC, a Delaware Limited Liability Company, BD Properties. LLC, a California Limited Liability Company. The J. Rise Richter Trust, The Richter-Kazer 1993 Irrevocable Trust. and Tasso Peter Cononelos (hereinafter collectively, the "LANDOWNER").

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risks of development, the Legislature of the State of California adopted section 65864 et seq. of the Government Code which authorizes any city, county, or city and county to enter into a development agreement with an applicant for a development project, in order to establish certain rights and obligations of the parties relative to the Property.

B. LANDOWNER owns a legal or equitable interest in those certain parcels of real property (hereinafter the "Property"), described in Exhibit "A" attached hereto and incorporated herein by this reference, which are located within the CITY. The Property consists of lands designated as **Assessor Parcels Nos. 225-0050-016, 225-0050-020, 225-0050-021, 225-0050-003, 225-0050-022, 225-0060-021 and 201-0320-020**. LANDOWNER seeks to develop the Property consistent with CITY's General Plan, the 1994 North Natomas Community Plan and the Zoning Ordinance as they exist on the Effective Date.

C. The City Council has held duly noticed public hearings on the CITY's General Plan, the 1994 North Natomas Community Plan and the Environmental Impact Reports prepared therefor. At the conclusion of these hearings, the City Council, on January 19, 1988, certified the Environmental Impact Report on the City General Plan Update as adequate and complete, and on May 3, 1994, certified the Environmental Impact

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ORDINANCE NO _____

CITY AGREEMENT NO _____ DATE ADOPTED: _____

Report on the 1994 North Natomas Community Plan Update as being adequate and complete.

The City Council on January 19, 1988, after making specific findings and adopting a Statement of Overriding Considerations, approved a revised General Plan by Resolution No. 88-058 (hereinafter the "General Plan"). The City Council on May 3, 1994, after making specific findings and adopting a Statement of Overriding Considerations, approved the 1994 North Natomas Community Plan by Resolution No. 94-259. (hereinafter the "NNCP") The uses allowed under the General Plan, NNCP, and the applicable zoning ordinances provide for a balanced mix of residential housing and employment opportunities as well as provide for the protection of major open space and recreational resources.
The City Council on June 26, 2007, after a duly noticed public hearing, approved the Panhandle PUD Public Facilities Finance Plan (hereinafter the"Panhandle Finance Plan") to provide a plan for the financing of the Infrastructure and public improvements needed to successfully implement the Panhandle PUD portion of the NNCP over time.

D. CITY and LANDOWNER desire to enter into a development agreement pursuant to the provisions of Government Code section 65865 et seq. in order to provide for the orderly development of the Property, in accordance with the goals set forth in Government Code section 65865, the General Plan and the NNCP

E. The coordinated and orderly development of the Property, and LANDOWNER's commitment to the implementation of the Panhandle Finance Plan in order to assure the timely and properly-phased construction of all required Infrastructure and facilities, are essential to the proper implementation of the General Plan and the NNCP

F. LANDOWNER desires to facilitate implementation of the General Plan, the NNCP and the Panhandle Finance Plan, and LANDOWNER therefore agrees to develop the Property in a manner consistent with the policies of the General Plan, the NNCP, the Panhandle Finance Plan and the Special Conditions, provided that LANDOWNER is assured that no subsequent changes in the General Plan, the NNCP, the Panhandle Finance Plan, the Zoning Ordinance or the Special Conditions shall apply to the Property during the term of this Agreement.

G. The City Council, on March 7, 1995, adopted the Procedural Ordinance, by which CITY will, inter alia, consider, adopt, amend and subsequently review the development agreements by and between CITY and a given landowner.

FOR CITY CLERK USE ONLY

ORDINANCE NO _____

CITY AGREEMENT NO _____ DATE ADOPTED: _____

H. Development of the Property, in accordance with the conditions of this Development Agreement, will provide orderly growth and development of the Property in accordance with the requirements, policies, goals, standards, and objectives of the General Plan and the NNCP. At the same time, it will assure that LANDOWNER is committed to funding its appropriate share of the cost of Infrastructure and other facilities which are the subject of the Panhandle Finance Plan, and that the funding for acquisition and construction of those facilities will be available to CITY as and when required under the Infrastructure phasing program

I. An integral part of the Panhandle Finance Plan is the Panhandle Land Acquisition Program ("PLAP"), with the associated Land Acquisition Fee ("LAF") The PLAP is designed to provide a means for transfer to or acquisition by CITY, or such other public agency as is appropriate, of certain lands within the NNCP area (as those lands are specified in the PLAP) which are designated to be held publicly. Such lands are identified under the Panhandle Finance Plan. The purpose of the PLAP is to provide a method whereby all of such lands will be transferred or acquired with funds from the private development community without cost to the CITY general fund, or any of its other funds, and at the time when needed. The purpose of the LAF is to provide a means, through the fee program, of equalizing the cost of the PLAP among the various landowners within the NNCP area, inasmuch as certain landowners will be required to relinquish land to public ownership in amounts in excess of their fair share as defined by the Panhandle Financing Plan. The LAF also provides a means for reimbursing landowners who have advanced funds to CITY for the purpose of acquiring land required for Infrastructure, where eminent domain or other procedures are needed, or where it is otherwise required to enable a particular landowner to develop its property One of the purposes of this Agreement is to provide LANDOWNER's commitment to the provisions of the PLAP and the LAF.

J. This Agreement is voluntarily entered into by LANDOWNER in order to assure the implementation of the General Plan, the NNCP and the Panhandle Finance Plan, and is made in consideration of the rights conferred and the procedures specified herein for the development of the Property. This Agreement is voluntarily entered into by CITY in the exercise of its legislative discretion in order to assure the implementation of the General Plan, the NNCP, and the Panhandle Finance Plan and in consideration of the agreements and undertakings of LANDOWNER hereunder. But for LANDOWNER's contribution to and participation in programs to mitigate the impacts of the development of the Property and the cumulative impacts of development in the NNCP area, and to the implementation of the Panhandle Financing Plan, the CITY would not approve development of the Property

FOR CITY CLERK USE ONLY

ORDINANCE NO _____

CITY AGREEMENT NO _____ DATE ADOPTED: _____

K. The authority for this Agreement is contained in the City Charter of CITY, the Procedural Ordinance, other applicable CITY ordinances, resolutions and procedures and Government Code section 65864 et seq.

L. CITY and LANDOWNER have taken all actions mandated by and have fulfilled all requirements set forth in the Procedural Ordinance for the adoption of this Agreement by the City Council.

M. The City Council has reviewed and approved this Agreement. It finds that this Agreement is consistent with the General Plan, the NNCP, the Panhandle Finance Plan, and all other applicable CITY ordinances, rules and regulations. The implementation of this Agreement is in the best interest of CITY and the health, safety and welfare of its residents. The environmental impacts of the development contemplated herein were adequately considered in the environmental documentation prepared by CITY and adoption of the ordinance and approval of this Agreement complies in all respects with the California Environmental Quality Act.

AGREEMENT

NOW, THEREFORE, in further consideration of the above recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and covenants of the parties contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

I

DEFINITIONS

The terms set forth below, unless the context otherwise requires, shall have the meanings prescribed, for purposes of this Agreement.

- **Adopting Ordinance**: the ordinance pursuant to which the City Council approves this Agreement.
- **Allocation Procedures**: those procedures set forth in section 5 H of this Agreement, whereunder the various uses and densities are distributed to and among the various parcels, or portions thereof, comprising the Property.
- **Annual Review**: the process, and procedures therefor, whereby CITY reviews, pursuant to Government Code section 65865.1, the nature and extent of compliance by

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

CITY AGREEMENT NO _____ DATE ADOPTED: _____

LANDOWNER with all of the terms and conditions of this Agreement, which process and procedures are as specified in the Procedural Ordinance, and in section 17 of this Agreement.

- **Assessment**: a special assessment levied on real property within the North Natomas Community Plan area, for the purpose of financing Infrastructure and/or public facilities, or maintenance thereof, in accordance with the California Streets and Highways Code, the California Government Code, and/or the Sacramento City Code.

- **Assessment District Policy Manual**: the document entitled "City of Sacramento Policy and Procedures for Use of Special Assessment and Mello-Roos Community Facilities District Financing for Infrastructure and Public Facilities," as adopted by the City Council on June 29, 1993 (Resolution 93-381), as said document may be amended from time to time.

- **Assignee**: a third Person executing an Assumption Agreement prepared in accordance with the format prescribed in Exhibit D.

- **Assignment**: the sale or other transfer by LANDOWNER of all or part of its right, title and interest in the Property and in this Agreement to another Person, in accordance with the terms and conditions of this Agreement.
- **Assumption Agreement**: the agreement prescribed in Exhibit D, whereby an Assignee undertakes to perform all obligations, and other terms and conditions of this Agreement, as a condition of release of the Assignee's predecessor in interest from the responsibility for performance of such obligations and other terms and conditions, with respect to the portion of the Property assigned to the Assignee.

- **CEQA**: the California Environmental Quality Act, set forth at California Public Resources Code section 21000 et seq., as amended from time to time.

- **CITY**: the City of Sacramento.

- **City Agency**: the Redevelopment Agency of the City of Sacramento, and the Housing Agency of the City of Sacramento.

- **City Council**: the Council of the City of Sacramento.

- **Comprehensive Drainage Plan**: the Drainage System for North Natomas, prepared by the City of Sacramento, Borcalli & Associates, Ensign & Buckley, or other consulting firm, and adopted by the City Council, as it may be amended from time to time.

FOR CITY CLERK USE ONLY

ORDINANCE NO _____

CITY AGREEMENT NO _____ DATE ADOPTED: _____

- **Comprehensive Flood Management Plan:** that plan required to be prepared, and to be adopted by the City Council, pursuant to the CITY's floodplain policy adopted by Resolution No. 93-696

- **Dedication:** the transfer of real property, or a defined interest therein, to CITY or another public agency, free of all encumbrances and other matters affecting the title except as may otherwise be agreed to by CITY or such other public agency, and at no cost to CITY or such other public agency, as specifically set forth in the PLAP, within the Panhandle Finance Plan, as it may exist from time to time.

- **Deed of Trust:** a real property security device whereby the debtor (trustor) conveys title to real property to a trustee as security for a debt owed to the creditor (beneficiary).

- **Default:** a failure of performance, or unreasonable delay in performance, by either party to this Agreement, of any of its terms, conditions, obligations or covenants. Default shall include, but not be limited to failure to comply with all provisions of the Panhandle Finance Plan and/or failure to pay any fee, tax or assessment enacted pursuant to that Plan.

- **Development:** the use(s) to which the Property will be put, the buildings and improvements to be constructed on it, and the construction activities incident thereto, together with the process of obtaining all required land use entitlements

- **Development Agreement:** this Agreement

- **Development Plan:** LANDOWNER's plan for development of the Property, as set forth in Exhibit B. Where LANDOWNER, at the time of execution of this Agreement, does not propose a specific development project, the Development Plan shall be deemed to be development consistent with the Land Use and Development Regulations

- **Drainage Phasing Plan:** that portion of the Comprehensive Drainage Plan which identifies the sequence of construction of the Drainage System.

- **Drainage System:** that drainage system set forth in the Comprehensive Drainage Plan, as that plan may exist from time to time.

- **Drainage Sub-basin:** the individual drainage sub-areas identified in the Comprehensive Drainage Plan.

FOR CITY CLERK USE ONLY

ORDINANCE NO _____

CITY AGREEMENT NO _____ DATE ADOPTED: _____

- **Effective Date**: The date on which the Property is annexed to the City of Sacramento, provided that such annexation occurs within two (2) years of the date on which the ordinance approving this Development Agreement takes effect Failure to annex within this time period shall result in this Agreement being null and void, pursuant to Section 65865 of the Government Code.

- **General Plan**: the General Plan of the City of Sacramento, as adopted by the City Council on January 19, 1988, as said plan may be amended from time to time.

- **Habitat Conservation Plan**: that plan, which must be adopted and implemented by the City Council, pursuant to which measures are taken to implement the provisions of the federal and state Endangered Species Acts, and pursuant to which incidental take permits will be issued to the City of Sacramento, to Landowner, or to others under said Acts.

- **Infrastructure**: all public facilities and improvements needed to serve urban development, as identified in the NNCP and the Panhandle Finance Plan, or in subdivision maps, parcel maps, or as may otherwise be constructed and conveyed to CITY or another public agency, including but not limited to street and freeway improvements, drainage improvements, sanitary sewer improvements and water storage and transmission facilities
- **Interim Drainage**: temporary surface water drainage to be provided to the North Natomas area by RD-1000, and/or any phase of the Drainage System, and/or any drainage project resulting in the removal of land within the Panhandle Finance Plan Area from a 100-year floodplain, pursuant to a plan approved by that agency and the City Council for the initial phase of development within North Natomas, until such time as the Drainage System is constructed and operational, all pursuant to the RD-1000 Agreement.
- **Irrevocable Offer of Dedication**: an unconditional and irrevocable offer by LANDOWNER to transfer real property to CITY in accordance with the provisions of the PLAP and/or any condition of any land use entitlement applicable to the Property, in the form specified in Exhibit G.

- **Land Acquisition Program** (PLAP): the plan, also called the Panhandle Land Acquisition Program, which as an integral part of the Panhandle Finance Plan, is designed to provide a means for transfer to or acquisition by CITY, or such other public agency as is appropriate, of all lands within the North Natomas Community Plan area which are designated to be held publicly, at no cost to CITY. A copy of the plan is attached hereto as Exhibit E and incorporated herein by this reference.

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- **Land Acquisition Fee** (LAF): the fee/reimbursement program, which is an integral part of the Panhandle Finance Plan, and which is designed to equalize the cost of the PLAP among the various landowners within the Panhandle Finance Plan area.

- **Land Use and Development Regulations:** the General Plan, the North Natomas Community Plan, the CITY's Subdivision Map Act Ordinance, and Zoning Ordinances, together with any other CITY ordinance, or resolutions, rules, regulations and official policies as they exist on the Effective Date, which govern or regulate land use and/or development in the North Natomas Community Plan area.

- **Lender**: a Person (or a successor in interest to such person) who has advanced funds to, or who is otherwise owed money by a debtor, where the obligation is embodied in a promissory note or other evidence of indebtedness, and where such note or other evidence of indebtedness is secured by a Mortgage or Deed of Trust

- **Mortgage**: a contract by which the mortgagor (debtor) as owner hypothecates or pledges real property, or otherwise grants a security interest therein to a Lender (mortgagee), to secure performance under a promissory note or other evidence of indebtedness, and where the holder of the mortgage is granted a power of sale.

- **North Natomas Community Plan** (NNCP): the Community Plan for development of the North Natomas area, as adopted by the City Council on May 3, 1994, as said plan exists on the Effective Date. The NNCP includes, without limitation, a Land Use Diagram and Policy Statements.
- **Panhandle Finance Plan**: the plan, as it may be amended from time to time, which establishes methods for financing required Infrastructure and public facilities through a combination of land transfers, dedications, contributions, fees, assessment districts, community facilities districts, and other measures.

- **Panhandle Finance Plan Area:** the lands within the area covered by the Panhandle Finance Plan, and which are obligated thereby, as that area may exist from time to time.

- **Parties**: the City of Sacramento and LANDOWNER.

- **Person**: any person, firm, association, organization, partnership, business trust, corporation or company.

- **Procedural Ordinance**: Ordinance No. 95-012, adopted by the City Council on March 7, 1995, and which sets forth procedures for execution, approval, implementation,

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amendment, and related matters, with respect to development agreements for lands within the NNCP area

- **Project**: part or all of the elements set forth in LANDOWNER's Development Plan.
- **Project Review**: CITY's actions in reviewing any project proposed by LANDOWNER with respect to the Property, including but not limited to review of all required land use entitlement applications.
- **Property**: the real property owned by LANDOWNER, as set forth in Exhibit A
- **Protest Waiver**: the agreement set forth in Exhibit F, executed by LANDOWNER pursuant to this Agreement, or in connection with the conditions of any required entitlement
- **Purchaser**: an assignee.
- **Reconfiguration**: the reconfiguration, adjustment or alteration of property lines through parcel or subdivision mapping, or lot line adjustment.
- **RD-1000 Agreement**: any agreement which governs the terms and conditions under which Interim Drainage, if applicable, will be provided to the Property.
- **Reimbursement**: the reimbursement of monies to a Person who has advanced funds for Infrastructure required for development of the Property, or who has advanced funding for Infrastructure or other improvements which are required by the NNCP, the Panhandle Finance Plan, or other document, and which have benefit to land beyond the Property, in accordance with a reimbursement agreement approved by CITY. Any such agreement will be limited to the portion of the funding advanced which is in excess of the allocable share of the cost of the Infrastructure or improvement attributable to the Property
- **Reimbursable Infrastructure Costs**: those costs paid by LANDOWNER, and which are identified as reimbursable pursuant to CITY's Assessment District Policy Manual (as defined in section 8.D (1) of this Agreement)
- **Special Conditions**: those conditions, terms and requirements specified in Exhibit C

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- **Special Permit**: any discretionary permit required pursuant to the Land Use and Development Regulations, and issued by CITY for development of the Property, upon proper application therefor by LANDOWNER.
- **Term**: the length of this Agreement in terms of time, as specified in section 3, or as that time may be extended pursuant to any applicable provision of this Agreement
- **Transfer**: an assignment.
- **Transferee**: an assignee.
- **Zoning**: the division of the City of Sacramento into districts, and the application of zoning regulations thereto, which include (without limitation) regulation of the height or bulk of buildings (structural and architectural design) and the use to which the land and buildings within prescribed districts may be put, all as specified in the Zoning Ordinance
- **Zoning Ordinance**: the Comprehensive Zoning Ordinance of the City of Sacramento, as that ordinance exists on the Effective Date.

II

TERMS AND CONDITIONS OF AGREEMENT

1. **Property Description and Binding Covenants**. The Property is that certain real property owned by LANDOWNER and described in Exhibit "A." The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to the benefit of, the parties and, subject to section 4 below, to their successors-in-interest.

2. **Interests of Landowner** LANDOWNER represents that LANDOWNER owns a legal or equitable interest in the Property and that all other Persons holding legal or equitable interests in the Property, have executed and are bound by this Agreement

3. **Term**

   A. **Initial Term.** The term of this Agreement shall commence on the Effective Date and shall extend for a period of ten (10) years thereafter, unless it is sooner terminated or modified by the mutual consent of the parties

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B. **Failure to Annex in a Timely Manner.** If the property is not annexed to the City within two years of the date on which the ordinance approving this Development Agreement takes effect, this Agreement shall be null and void, pursuant to Government Code Section 65865.

C. **Renewal Options.** Subject to the provisions of this subsection, LANDOWNER shall have the right to renew this Agreement on its same terms and conditions, taking into account any amendments hereto mutually agreed upon after the Effective Date. The term of this Agreement shall mean and include the initial term, plus any renewal periods The specific conditions for exercise of the renewal options are as follows:

(1) On the Exercise Date, LANDOWNER shall not be in default in any material respect under this Agreement, including any amendments hereto. For purposes of this subsection, "Exercise Date" shall mean the date that LANDOWNER or LANDOWNER's successor in interest gives written notice of intention to exercise the option to renew this Agreement, in accordance with the provisions of section 20 hereof

(2) The option to renew shall be exercisable by giving CITY written notice of LANDOWNER's intention to exercise the option on or before the Exercise Date, which notice shall be given not later than one hundred eighty (180) days prior to expiration of the initial term or any renewal term

(3) LANDOWNER shall be limited to three (3) renewal periods of five (5) years each; the parties specifically intend that under no circumstances shall the term of this Agreement extend beyond twenty-five (25) years, unless this Agreement is amended in accordance with the procedures set forth herein for Agreement amendments.

4. **Assignment** LANDOWNER shall have the right to sell, assign, or transfer its interests under this Agreement as part of a contemporaneous and related sale, assignment or transfer of its interests in the Property, or any portion thereof, without the consent of CITY; provided, however, that LANDOWNER shall notify CITY of such sale, assignment or transfer by providing written notice thereof to CITY in the manner provided in this Agreement LANDOWNER shall remain obligated to perform all terms and conditions of this Agreement, unless such purchaser, assignee or transferee, to the satisfaction of and in a form acceptable to the City Attorney, executes and delivers to CITY an express agreement to assume all of the obligations and other terms and conditions of this Agreement with respect to the Property or such portion thereof sold, assigned or transferred. The execution of such an assumption

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agreement shall relieve LANDOWNER of the obligations expressly assumed only if (a) LANDOWNER is not in default under this Agreement at the time of the assignment or transfer; and (b) LANDOWNER has provided CITY with notice of said assignment or transfer in the manner provided hereunder. Any such assumption agreement with respect to LANDOWNER's obligations under this Agreement shall be deemed to be to the satisfaction of the City Attorney if executed in the form of the Assignment and Assumption Agreement attached hereto as Exhibit "D" and incorporated herein by this reference, or such other form as shall be proposed by LANDOWNER and approved by the City Attorney prior to the effective date of the assignment.

Any purchaser, assignee, or transferee shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, only with respect to the Property, or such portion thereof, sold, assigned, or transferred to it. Any such purchaser, assignee, or transferee shall observe and fully perform all of the duties and obligations of LANDOWNER under this Agreement, as such duties and obligations pertain to the portion of the Property sold, assigned, or transferred.

5. **Development of the Property.**

A. **Permitted Uses and Development Standards.** Subject to the Special Conditions set forth in Exhibit C, attached hereto and incorporated herein by this reference (herein the "Special Conditions"), any reserved discretionary approvals specified in this Agreement, and all other terms and conditions of this Agreement, LANDOWNER may develop the Property in accordance with and subject to the terms and conditions specified in the Land Use and Development Regulations in effect on the Effective Date, or, where applicable, the Development Plan, as set forth in Exhibit B, attached hereto and incorporated herein by this reference. Specifically, the permitted uses, density or intensity of use, height or size of buildings and provisions for reservation and dedication of land for public purposes shall be as set forth in the Development Plan.

B. **Discretionary Approvals.**

(1) **Project Review.** Development of the Property is subject to all required discretionary approvals. In reviewing and approving applications for special permits and other discretionary approvals, CITY may exercise Project Review and may attach such conditions and requirements as are consistent with the policies, goals, standards and objectives of the General Plan, the NNCP and the Panhandle Finance Plan, and as may

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be necessary to comply with all applicable legal requirements and policies of CITY pertaining to such reserved discretionary approvals.

(2) **Rezoning of the Property** Upon proper and complete application by LANDOWNER, CITY agrees to rezone the Property in accordance with the provisions of the NNCP in effect on the Effective Date.

C. **Development Timing**. This Agreement contains no requirement that LANDOWNER must initiate or complete development of any phase of the development of the Property or any portion thereof within any period of time set by CITY. It is the intention of this provision that LANDOWNER be able to develop the Property in accordance with LANDOWNER's own schedule; provided, however, that to the extent that phasing is required by the NNCP, or by the Special Conditions, such provisions shall govern. No future modification of the Sacramento City Code or any ordinance or regulation which limits the rate of development over time shall be applicable to the Property. However, nothing herein shall be construed to relieve LANDOWNER from any time conditions in any permit or subdivision map approval or to excuse the timely completion of any act which is required to be completed within a time period set by any applicable code or permit provisions.

D. **Special Conditions**. Development of the Property shall be subject to the Special Conditions, as specified in Exhibit C.

E. **Land Use and Development Regulations**.

(1) Subject to the Special Conditions specified in Exhibit C, development of the Property shall be subject to the Land Use and Development Regulations applicable to such development on the Effective Date.

(2) Except as otherwise provided in this Agreement, to the extent any future changes in Land Use and Development Regulations adopted by CITY purport to be applicable to the Property but are inconsistent with the terms and conditions of this Agreement, including subsection 5E(1) above, the terms and conditions of this Agreement shall prevail, unless the parties or their successors in interest mutually agree to amend or modify this Agreement in accordance with the provisions for modification hereinafter set forth.

(3) To the extent that any future changes in the Land Use and Development Regulations adopted by CITY are applicable to the Property and are not

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inconsistent with the terms and conditions of this Agreement or are otherwise made applicable by other provisions of this Agreement, such future changes shall be applicable to the Property

(4) Nothing in this Agreement shall preclude the application to development of the Property of changes in the Land Use and Development Regulations, the terms of which are specifically mandated by changes in state or federal laws or regulations In the event state or federal laws or regulations enacted after the effective date of this Agreement or action by any governmental jurisdiction other than CITY prevent or preclude compliance with one or more provisions of this Agreement or require changes in permits, maps or plans approved hereunder by CITY, this Agreement shall be modified, extended or suspended as may be necessary to comply with such state or federal laws or regulations or the regulations of such other governmental jurisdiction

(5) To the extent that any actions of federal or state agencies (or actions of regional and local agencies, including CITY, required by federal or state agencies or actions of CITY taken in good faith in order to prevent adverse impacts upon CITY by state or federal actions) have the effect of preventing, delaying or modifying development of the NNCP area or any area therein, CITY shall not in any manner be liable for such prevention, delay or modification of said development Such actions may include, but are not limited to, flood plain or wetlands designations and actions of CITY or regional agencies as a result thereof and the imposition of air quality measures or sanctions and actions of CITY or regional and local agencies as a result thereof In such a situation, CITY's actions shall not be arbitrary or capricious, and the parties shall meet and endeavor to achieve solutions which preserve the integrity of the NNCP, while to the extent feasible allow development of the Property in the manner contemplated by this Agreement

(6) Nothing herein shall be construed to limit the authority of CITY to enact amendments to the Land Use and Development Regulations, or enact other ordinances or resolutions, which have the legal effect of protecting persons or property from conditions which create a health, safety or physical risk

(7) Building codes, ordinances and regulations relating to construction standards or permits shall apply as of the time of grant of each applicable construction permit

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(8) No modification of CITY's ordinances, resolutions, policies, rules or regulations adopted after the Effective Date, which purport to limit the rate of development over time or to govern the sequence of development of land within the NNCP area, shall apply to the Property The provisions of this subsection apply to modifications adopted or imposed by the City Council, or through the initiative or referendum process; provided, however, nothing in this subsection shall limit the ability of CITY to act in accordance with the provisions of subsections 5E(4), 5E(5) and 5E(6) of this Agreement

F. **CITY Review of Applications**. Consistent with the standards set forth in section 15 of this Agreement, nothing contained in this Agreement shall preclude CITY from its right and responsibility to review applications for entitlements submitted by LANDOWNER in accordance with its normal and usual procedures and practices, as they may exist at the time the application is accepted as complete, or is otherwise deemed complete by operation of law.

G. **Extension of Entitlements**. Pursuant to Government Code section 66452 6 all vesting tentative subdivision maps, master parcel tentative maps, parcel maps, subdivision tentative maps, planned unit development permits, special permits, or any other maps, rezonings or land use entitlements of potentially limited duration previously, contemporaneously or subsequently approved for the Property subject to this Development Agreement, shall be valid for a minimum term equal to the full term of this Agreement (including the initial term, and any renewal period resulting from exercise by LANDOWNER of the options provided for in section 3 hereof), or for a period of thirty-six (36) months, whichever is longer, but in no event for a shorter period than the maximum period of time permitted by the Subdivision Map Act or Government Code for such land use entitlements. The provisions of section 25 of this Agreement relating to estoppel certificates shall apply to any request made by LANDOWNER to CITY with respect to the life of any entitlement covered by this subsection. Nothing in this section shall be construed to, or operate to extend the term of this Agreement.

H. **Allocation Procedures for Building Square Footage**. Procedures for allocating the uses or densities approved for the Property among the various parcels and/or portions thereof, and for resolution of any disputes regarding such allocations, shall be as follows:

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(1) **Allocation.** Unless otherwise identified in the Development Plan, which is attached as Exhibit B to this Agreement, the allocation of building square footage shall be as identified in subsequent entitlements for the Property, including but not limited to parcel maps, subdivision maps, PUD schematic plans and development guidelines. The appropriate entitlement to address the allocation of building square footage shall be determined by City. Allocations for residential development shall be determined in the subdivision mapping process, unless CITY determines that some other method is appropriate under the circumstances

(2) **Dispute Resolution**. Where a dispute exists between LANDOWNER, and/or any successor or successors in interest, with respect to any matter involving allocation of building square footage for or on the Property, such dispute shall be resolved by arbitration, utilizing the commercial arbitration procedures of the American Arbitration Association, or some other alternative dispute resolution procedure mutually agreed upon by the parties involved in the dispute. In no case shall CITY be a party to such dispute, or to the dispute resolution procedures. All of the provisions of this Agreement relating to indemnification and defense of CITY, and payment of CITY costs, shall apply to all disputes relating directly or indirectly to allocation

6. **Fees, Charges, Assessments and Taxes**

A. **City Fees**. All applications for CITY approvals, permits and entitlements shall be subject to the application fees, processing fees, mitigation fees and other development fees within the control of the CITY that are in force and effect as of the date that the application or other request for approval is filed.

B. **Levies Imposed by Other Jurisdictions** LANDOWNER shall be responsible for:

(1) all fees, charges, assessments, special taxes or levies of any sort imposed by any other state or local agency, including but not limited to the Sacramento Area Flood Control Agency, in the future as a charge for mitigation measures imposed for the purpose of mitigation of environmental impacts associated with the provision of flood control improvements and measures for the NNCP area;

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(2) all fees, charges, assessments, special taxes or levies of any sort associated with the financing of the construction and implementation of said flood control improvements and measures;

(3) all special benefit assessments, special taxes or levies of any sort associated with construction of or maintenance of public improvements, where the Property is located within a district formed for that purpose by any agency other than CITY;

(4) any fees or other charges required by RD-1000 to be paid to it in implementation of the RD-1000 Agreement; and

(5) ad valorem real estate taxes, and utility fees.

In the event that any of the fees, charges, assessments, special taxes or levies covered by this subsection B are imposed by or with the assistance of CITY, LANDOWNER shall nevertheless be responsible therefor. Nothing in this Agreement shall be construed to limit LANDOWNER's right to protest, in accordance with applicable provisions of law: the formation of any district included within the provisions of this subsection or to protest the amount of any assessment levied by or on behalf of such district on the Property or any portion thereof; or to protest the nature and amount of any tax, fee, assessment or charge imposed pursuant to this subsection.

C. **Implementation of the Panhandle Finance Plan**. The Panhandle Finance Plan establishes a method for financing of required Infrastructure and public facilities through a combination of land transfers, dedications and contributions, fees, assessment districts, community facilities districts and other sources, so that the land within the Panhandle Finance Plan Area pays for its share of the cost of such Infrastructure and facilities. The plan also recognizes that there is a regional cost associated with certain portions of Infrastructure and facilities, and that that share will ultimately have to be paid from other sources, even though developers within the area, including LANDOWNER, acknowledge that they may have to participate in funding regional costs on a fair share basis. LANDOWNER shall participate in the Panhandle Finance Plan, as made applicable to the development of the Property, and shall faithfully and timely comply with each and every provision thereof, including but not limited to the PLAP, the Land Acquisition Fee, assessments, special taxes, and other development fees and exactions set forth therein. Without limiting the foregoing, applications for special permits, subdivision maps or other land use entitlements and building permits may be made subject to LANDOWNER's participation in and compliance with the plan. Failure to so

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participate shall be an event of default to which the default provisions of this Agreement and the Procedural Ordinance shall apply. For purposes of this Agreement "participate" and "participation" shall mean payment of all monies required by virtue of the Panhandle Finance Plan, and performance of all obligations imposed thereby.

D. **LANDOWNER's Waivers**

(1) LANDOWNER hereby agrees to the provisions of Exhibit F, which (without limitation) contains a comprehensive waiver of protest rights with respect to CITY's establishment and implementation of development and impact fees; CITY's actions in forming assessment districts and community facilities districts, and in levying assessments and taxes pursuant thereto; and CITY's actions in implementing any provision of the Panhandle Finance Plan. As set forth in Exhibit F, LANDOWNER reserves the right to protest the actual amount of the fee, assessment or tax levy, or other CITY charge imposed on or allocated to the Property pursuant to the Finance Plan.

(2) LANDOWNER has reviewed the Panhandle Finance Plan and acknowledges that a nexus study was not done for certain features of the Finance Plan. LANDOWNER further acknowledges that certain facilities costs allocated as specified in the Finance Plan are not nexus-based costs, but rather are extrapolations from the established nexus-based costs under the North Natomas Finance Plan for the adjacent North Natomas Finance Plan area. With such knowledge, LANDOWNER waives any and all administrative or judicial challenges it can legally make to the Panhandle Finance Plan or this Agreement based on insufficient nexus for any facilities costs specified in the Finance Plan.

7. **Reconfiguration of Parcels** LANDOWNER shall have the right to file applications with CITY for subdivision, lot line adjustment, or for master parcelization of all or part of the Property, for the purpose of reconfiguration of the Property. Such applications shall be processed and determined in accordance with the provisions of section 5, and all other applicable provisions of this Agreement. Where reconfiguration requires a Special Permit, or a P.U.D. designation, or other entitlement applicable to the Property or portion thereof which is subject to the application, CITY reserves the right to require such entitlements as a condition of granting the application.

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8. **Infrastructure**

A. **Construction by CITY**. To the extent that funds are available to CITY pursuant to the Panhandle Finance Plan, and to the extent that any required real property has been transferred to CITY pursuant to the PLAP, or has been obtained by CITY through its power of eminent domain, which CITY agrees to utilize, where required, and subject to LANDOWNER's compliance with the terms of this Agreement and all of the terms and conditions of any entitlement applicable to the Property, CITY agrees to use its best efforts to bring about the construction of the Infrastructure required to implement the Development Plan (Exhibit B). Provided, however, that CITY's obligations hereunder shall be limited to those items of Infrastructure which, under the Panhandle Finance Plan, are to be constructed by CITY or under CITY's direction and control; where Infrastructure is to be constructed by LANDOWNER, either pursuant to conditions of approval or otherwise, the provisions of this subsection shall not apply.

B. **Construction by LANDOWNER**. When required by conditions of approval, and in accordance with CITY specifications and standards in effect as of the date of construction, LANDOWNER shall diligently construct Infrastructure required for implementation of the Development Plan (Exhibit B). LANDOWNER shall further comply with all required funding requirements specified in the Panhandle Finance Plan, and the real property transfer provisions of the PLAP.

C. **Drainage Infrastructure**. As of the Effective Date, it is contemplated that permanent drainage for the Property, and the entire Panhandle Finance Plan Area, will be provided by the Drainage System. It is further contemplated that Interim Drainage for the Property and the NNCP area will be provided pursuant to the RD-1000 Agreement or some other arrangement which has been implemented by CITY. Construction of the Drainage System will require land transfers to CITY pursuant to the PLAP, or acquisition of required land by CITY through the use of eminent domain procedures, and funding for the required improvements, all on a timely basis and in accordance with the North Natomas Finance Plan, and subject to the provisions of the RD-1000 Agreement (or such other arrangement which has been implemented by CITY), together with the Drainage Sub-basin agreement, or substitute therefore, as specified in the Special Conditions. In recognition of the need for retention of flexibility and CITY discretion with respect to decisions relating to the ultimate solution to drainage for the NNCP area, and the need for unconditional provision of financing by LANDOWNER and other owners of land in the Panhandle Finance Plan Area through the mechanisms specified in the Panhandle Finance Plan, the parties agree as follows:

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(1) **Establishment of Financing Mechanisms** CITY shall, as soon as feasible following the adoption of the Panhandle Finance Plan by the City Council and the annexation of the Panhandle Finance Plan Area to the City, establish public financing mechanisms as identified in the Panhandle Finance Plan, applicable to lands within the NNCP area which will benefit from the Drainage System.

(2) **Issuance of Bonds** Decisions as to whether to issue bonds pursuant to such financing mechanisms, and the timing and manner of issuance thereof, shall be within the sole and exclusive discretion of CITY; provided, however, that CITY shall exercise its discretion in a good faith manner, so as to provide for timely construction of Infrastructure in order not to stop or slow development

(3) **Linkage of Development to Completion of Drainage System** CITY has established a performance standard that requires (inter alia) that the Drainage System be completed and in operation no later than the point in time when building permits have been issued for fifty percent (50%) build-out of the Panhandle Finance Plan Area, as measured by developable acreage as defined in the Panhandle Finance Plan. In the event that a different phasing plan is adopted and implemented by CITY, LANDOWNER shall comply with all provisions of such a plan, and shall execute any agreement or other document, or participate in any mechanism as is required by CITY to implement such a plan.

D. **Infrastructure Financing Proceedings**

(1) **LANDOWNER-Initiated Proceedings** In the event that LANDOWNER desires to initiate proceedings for the formation of an assessment district, community facilities district, or other similar form of improvement financing mechanism to fund the construction of Infrastructure required by conditions of approval or otherwise, LANDOWNER shall file an application with CITY for that purpose in accordance with CITY's Assessment District Policy Manual, as same may be amended from time to time, or such other policy document as may after the Effective Date be adopted by the City Council as a substitute therefor. CITY agrees to diligently process any such application, provided that such application:

(a) is complete and is accompanied by payment of CITY fees applicable on the date of filing of the application;

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(b) otherwise complies with the Land Use and Development Regulations and applicable law, as it exists on the date of the application, including but not limited to the Assessment District Policy Manual;

(c) is consistent with CITY's policies and procedures; (iv) provides for a value to lien ratio and other financial terms that are reasonably acceptable to CITY;

(d) provides for all funding requirements established by CITY for the purpose of payment of the costs of outside consultants needed, in CITY's sole discretion; and

(e) provides that the specific consultants (e.g., bond counsel, financial advisors, underwriters, or other consultants as may be necessary under the circumstances) shall be selected by CITY in its sole discretion.

Notwithstanding any other provision of this Agreement, CITY agrees that upon request made by LANDOWNER, CITY will consider making exceptions to the Assessment District Policy Manual, to allow for alternative methods of financing in-tract improvements, including but not limited to formation of assessment districts or similar financing mechanisms, where such alternatives are contemplated by the Panhandle Finance Plan, including any amendments thereto. Provided, however, that CITY reserves its discretion to condition use of any such alternatives on satisfaction of performance preconditions (including but not limited to drainage capacity), and to consider underwriting considerations and criteria, together with the manner in which such alternatives further the overall implementation of the Panhandle Finance Plan. Further, CITY may in its reasonable discretion deny any such request upon grounds, including but not limited to consistency of application of its policies and the potential for establishing negative precedent.

(2) **Proceedings Initiated by CITY.** In the event that pursuant to the Panhandle Finance Plan, CITY in its discretion determines that a particular financing mechanism, including but not limited to an assessment district, a community facilities district, a fee district, a development fees procedure, or any similar mechanism, is required in order to implement the Panhandle Finance Plan, LANDOWNER's participation obligations set forth hereunder (including but not limited to Exhibit C), in the Panhandle Finance Plan, or in any condition of approval, shall apply

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(3) **Maintenance Districts** LANDOWNER may, following the procedures specified in subsection 8D(1) above, request that CITY establish one or more maintenance districts for the purpose of financing the maintenance of landscaping or other public improvements, whereunder lands benefitting from the improvements and their maintenance are assessed for a proportionate share of the maintenance cost

E. **Reimbursement to LANDOWNER**

(1) **From Financing Proceeds** Subject to the Panhandle Finance Plan, where LANDOWNER has provided advance funding for public Infrastructure required by the Panhandle Finance Plan or has constructed such Infrastructure under the direction and control of CITY, LANDOWNER shall be reimbursed for Reimbursable Infrastructure Costs at such time as CITY has established a permanent financing mechanism in the form of an assessment district. community facilities district, or other similar mechanism through which permanent public financing for such improvements is established Those items qualifying as Reimbursable Infrastructure Costs shall be determined pursuant to CITY policies in existence at the time of establishment of the permanent financing mechanism CITY agrees to entertain reasonable requests from LANDOWNER for exceptions to such policies; provided. however, that CITY may, in its reasonable discretion, deny any such request upon grounds, including but not limited to consistency of application of its policies and the potential for establishing negative precedent Nothing in this Agreement shall authorize reimbursement of any cost which, in the opinion of CITY's bond counsel, is not permissible for purposes of establishing or retaining tax free status of any bonds issued, or contemplated to be issued by CITY

(2) **Reimbursement From Others Benefitted** In any case where CITY requires or permits LANDOWNER to plan, design, construct, or fund the planning, design or construction of improvements required for development by the Panhandle Finance Plan, in excess of or beyond those required for development of the Property. or, where required by the Panhandle Finance Plan, to make dedications, provide mitigation or incur costs in connection with public improvements or the planning of the North Natomas area in excess of or beyond those required for development of the Property, and the provisions of the preceding subsection do not apply. CITY shall utilize its best efforts to require that all other Persons benefitted by the improvements shall reimburse (through fee districts, agreements, conditions of approval, or otherwise) LANDOWNER for such Person's proportionate share of such

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costs as determined in accordance with the Panhandle Finance Plan, or by CITY. For purposes of this Agreement, the term "in excess of or beyond those required for development of the Property" shall mean requirements which exceed LANDOWNER's fair proportionate share, as determined in accordance with the provisions of the Panhandle Finance Plan and any associated documents or studies

Such reimbursement shall be subject to the limitations specified in the preceding paragraph (including those provisions relating to consideration by CITY of exceptions to its policies), relating to CITY policy and Reimbursable Infrastructure Costs Reimbursement shall be limited to that amount which exceeds LANDOWNER's appropriate share of the cost, determined in accordance with principles established in the Panhandle Finance Plan, and any associated documents or studies.

(3) **Reimbursement of Planning, Engineering and Staff Costs** In accordance with the provisions of the Panhandle Finance Plan, and as soon as feasible following City Council adoption of the said Plan, CITY shall enact a fee ordinance which imposes a fee upon the Panhandle Finance Plan area of the NNCP area landowners, including LANDOWNER, to pay the planning, engineering, staff and related costs (including but not limited to CITY staff and related costs), as specified in the Panhandle Finance Plan, and which relate to development of the NNCP, the Finance Plan, the general form of the Development Agreement, the Comprehensive Drainage Plan, and all related documents. The fee shall be spread across lands within the NNCP area in the same fashion as the public facilities fees Credits shall be given to those landowners who have paid some or all of their share of the said costs, for the amounts so paid The fee shall be payable prior to issuance of the first discretionary entitlement for the land as to which an application has been filed with CITY.

9. **LANDOWNER Obligations**.

A. **Transfer of Land to CITY**. As set forth elsewhere in this Agreement, LANDOWNER has agreed to transfer lands needed for Infrastructure or public facilities to CITY, or to such other public agency as is appropriate, pursuant to the provisions of the PLAP Set forth in Exhibit H, attached hereto and incorporated herein by this reference, is a map depicting the currently contemplated approximate location and amount of land which LANDOWNER will be required to transfer to CITY, together with a categorical listing of the types of Infrastructure and public facilities which are covered by the terms of this subsection.

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LANDOWNER shall transfer the said required lands to CITY, utilizing the Irrevocable Offer of Dedication form set forth in Exhibit G, attached hereto and incorporated herein by this reference, at such time as is:

(1) required pursuant to a condition or term of any entitlement for use or development of the Property; or

(2) requested by CITY, where LANDOWNER has not applied for an entitlement for use or development of the Property, but the land is needed, in CITY's sole discretion, for purposes of construction of Infrastructure or public facilities.

In the event that, at the time of the required transfer to CITY, the location of, or the quantity of land required for the Infrastructure or public facilities has changed from that depicted on Exhibit H, to such a significant degree or extent that the location or quantity is inconsistent with both the NNCP as it exists on the effective date of this Agreement, and the Panhandle Finance Plan, the parties shall meet and negotiate, and in good faith endeavor to reach agreement on any amendments to this Agreement needed to allow development of the Property in a reasonable manner, taking into account the changes in Infrastructure and public facilities. If agreement is reached between the parties, the procedures specified herein and in the Procedural Ordinance shall apply to amendments to this Agreement. If agreement is not reached, either party shall have the right to terminate this Agreement by providing the other party sixty (60) days notice.

B. **Development Timing.** LANDOWNER shall have no obligation to initiate or commence development of any particular phase of the Property within any period of time.

10. **Litigation/Indemnification.**

A. **Challenge to Agreement or Entitlements**

(1) In the event of any action instituted by a third party challenging the validity of any portion of this Agreement, including but not limited to, the proceedings taken for its approval (including the requirements of the California Environmental Quality Act – "CEQA") or any other act undertaken by the parties hereto in furtherance of this Agreement or its terms, or any action instituted by a third party challenging the validity of any of the entitlements specified herein (including CEQA challenges), the parties agree to cooperate

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in the defense of the action. In all such litigation brought to contest the validity of this Agreement or such entitlements, the following shall apply:

(a) City may, in its sole discretion, either defend such litigation or tender its defense to LANDOWNER.

(b) In the event that CITY determines to defend the action itself, LANDOWNER shall be entitled, subject to court approval, to join in or intervene in the action on its own behalf, or to advocate in favor of validity of this Agreement or any challenged entitlement. In such a case, each party shall bear its own attorney fees and costs.

(c) In the event that CITY determines to tender the defense of the action to LANDOWNER, LANDOWNER shall defend the action on its behalf and on behalf of CITY, and shall bear all attorney fees and costs associated with such defense from and after the date of the tender. Provided, however, that CITY may at any time after the tender elect to assume representation of itself; in that event, from and after the date CITY gives notice of its election to do so, CITY shall be responsible for its own attorney fees and costs incurred thereafter.

(2) If, in such litigation, a final judgment or other final order is issued by the court which has the effect of invalidating or rendering ineffective, in whole or in part, any provision of this Agreement or the Agreement itself, or any entitlement issued during the term of this Agreement and pursuant to its terms, the following shall apply:

(a) if the judgment or order includes a provision for attorney fees and/or costs of the successful party or parties, LANDOWNER shall pay the entire cost thereof, without right of offset, contribution or indemnity from CITY, irrespective of anything to the contrary in the judgment or order. Provided, however, that if the litigation relates entirely, solely and exclusively to a challenge to the NNCP in general, or to the Panhandle Finance Plan in general, separate and apart from this Agreement or any entitlement relating to the Property, and if LANDOWNER is named or becomes a party in such litigation, LANDOWNER and CITY shall bear the cost of the successful party's attorney fees and/or costs in the manner specified in the court's judgment.

(b) CITY and LANDOWNER shall meet and endeavor, in good faith, to attempt to reach agreement on any amendments needed to allow

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development of the Property to proceed in a reasonable manner, taking into account the terms and conditions of the court's judgment or order. If agreement is reached, the procedures for amending this Agreement as specified herein, and in the Procedural Ordinance, shall apply. If agreement is not reached, either party shall have the right to terminate this Agreement by giving the other party sixty days' notice of termination.

(c) In the event that amendment is not required, and the court's judgment or order requires CITY to engage in other or further proceedings, CITY agrees to comply with the terms of the judgment or order expeditiously.

B. **Indemnification.** LANDOWNER agrees to defend and indemnify CITY, its elective and appointive boards, commissions, officers, agents and employees against any liability for damage or claims for damage for personal injury, including death, or property damage, arising out of or relating in any way to actions or activities to develop the Property, undertaken by LANDOWNER or LANDOWNER's contractors, subcontractors, agents or employees.

11. **Effect of Subsequent Laws.**

A. **Laws of Other Agencies.**

(1) If any public agency, other than CITY, adopts any new law, regulation, ordinance or imposes any new condition (herein referred to collectively as "the New Law") after the date of this Agreement, which prevents or precludes either the CITY or LANDOWNER, or both, from complying with one or more provisions of this Agreement, then immediately following the enactment of the New Law the parties shall meet and confer in good faith to determine whether the New Law applies to the Property, and whether suitable amendments to this Agreement can be made, in order to maintain LANDOWNER's right to develop the Property in a reasonable manner pursuant to Exhibit B.

(2) In the event that the parties, after having engaged in good faith negotiations, are unable to agree on such amendments, the parties shall consider whether suspension of the term of this Agreement is appropriate, and if so, what the terms and conditions of any such suspension should be. In the event that the parties, after having engaged in good faith negotiations are unable to agree on the suspension issues, either party shall have the right to terminate

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this Agreement by giving the other party sixty (60) days' written notice of termination.

(3) LANDOWNER or CITY shall have the right to institute litigation relating to the New Law, and raise any issues relating to its validity If such litigation is filed, this Agreement shall remain in full force and effect until final judgment is issued Provided, however, that if any action that CITY would take in furtherance of this Agreement would be rendered invalid, facially or otherwise, by the New Law, CITY shall not be required to undertake such action until the litigation is resolved, or the New Law is otherwise determined invalid, inapplicable, or is repealed. In the event that such judgment invalidates the New Law, or determines that it does not affect the validity of this Agreement, this Agreement shall remain in full force and effect, and its term shall be extended by the amount of time between the effective date of the New Law, and the effective date of the judgment. In the event that such judgment determines that the validity of this Agreement is, directly or indirectly affected by the New Law, the provisions of subsections 11A(1) and 11A(2) above shall apply.

B. **Laws Passed by CITY** Subject to the provisions of section 5 of this Agreement, neither the CITY nor any CITY Agency shall enact any initiative, ordinance, policy, resolution, general plan amendment or other measure that relates to the density or intensity of development on the Property, or the rate, timing or sequencing of the development or the construction on the Property on all or any part thereof, or that is otherwise in conflict, either directly or indirectly, with this Agreement.

12. **Enforced Delay; Extension of Times of Performance**. In addition to other specific provisions of this Agreement, performance by either party hereunder shall not be deemed in default where delay or inability to perform is due to war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, enactment of conflicting state or federal laws or regulations, new or supplementary environmental laws or regulations, litigation instituted by third parties challenging the validity of this Agreement or any of the vested entitlements described in section 5 of this Agreement. Upon request of either party to the other, a written extension of time for such cause shall be granted for the period of the enforced delay, or longer as may be mutually agreed upon

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13. **Legal Actions; Applicable Law; Attorney's Fees**

A. **Legal Actions**. In addition to any other rights or remedies, either party may institute legal action to cure, correct, or remedy any default by any other party to this Agreement, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation hereunder. Notwithstanding any other provision of law, or of this Agreement, in no event shall LANDOWNER or CITY, its officers, agents or employees be liable in damages for any breach, default or violation of this Agreement, it being specifically understood and agreed that the parties' sole legal remedy for a breach, default or violation of this Agreement shall be a legal action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Agreement.

B. **Applicable Law**. This Agreement shall be construed and enforced in accordance with the laws of the State of California. LANDOWNER agrees and acknowledges that CITY has approved and entered into this Agreement in the sole exercise of its legislative discretion and that the standard of review of the validity and meaning of this Agreement shall be that accorded legislative acts of CITY.

C. **Attorney Fees**. In any arbitration, quasi-judicial, administrative or judicial proceeding (including appeals), brought by either party hereto to enforce or interpret any covenant or any of such party's rights or remedies under this Agreement, including any action for declaratory or equitable relief, the prevailing party shall be entitled to reasonable attorneys' fees and all costs, expenses and disbursements in connection with such action, including the costs of reasonable investigation, preparation and professional or expert consultation, which sums may be included in any judgment or decree entered in such action in favor of the prevailing party. For purposes of this section, and any other portion of this Agreement relating to attorney fees, reasonable attorneys fees of the City Attorney's Office shall be based on comparable fees of private attorneys practicing in Sacramento County.

14. **Amendment of Agreement**. This Agreement may be amended from time to time only by the mutual written consent of the parties, in accordance with the provisions of Government Code sections 65867 and 65868. In addition, all of the provisions of the Procedural Ordinance relating to the need for amendment, and the manner thereof, shall apply. Upon request of a party, this Agreement shall be amended to include the terms and conditions of any discretionary entitlement granted with respect to the Property after the Effective Date.

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15. **CITY's Good Faith In Processing**. Subject to the provisions of section 5B hereof, and LANDOWNER's compliance with each and every term and condition of this Agreement and all of its exhibits, CITY agrees that it will accept in good faith for processing, review, and action, all complete applications for master parcel maps, zoning, planned unit development designation, planned unit development guidelines, schematic plans, special permits, building permits, parcel maps, subdivision maps, or other entitlements for use of the Property in accordance with the General Plan, the NNCP and this Agreement.

    CITY shall inform the LANDOWNER, upon request, of the necessary submission requirements for each application for a permit or other entitlement for use in advance, and shall review said application and shall schedule the application for expeditious review by the appropriate authority.

16. **Default, Remedies, Termination**

    A. **General Provisions**. Subject to any extensions of time by mutual consent of the parties, and subject to the cure provisions set forth herein, any failure or unreasonable delay by either party to perform any material term or provision of this Agreement shall constitute a default.

    (1) **LANDOWNER Default**. In addition to any other remedy specified herein, in the event that notice of default has been given in accordance with this section, wherein a default by LANDOWNER is alleged, CITY shall not be obligated to issue any building permit, or grant any entitlement as to which an application has been filed.

    (2) **CITY Default**. In addition to any other remedy specified herein, in the event that notice of default has been given in accordance with this section, wherein a default by CITY is alleged, any resulting delays in LANDOWNER's performance caused by CITY's default shall not constitute a LANDOWNER default, or be grounds for termination or cancellation of this Agreement.

    (3) **Successors in Interest**. Where the Property, following the Effective Date, has been lawfully conveyed in whole or in part to one or more successors in interest, in such a manner as to invoke the provisions of section 4 of this Agreement, and one or more of such successors in interest is in default with respect to the portion of the Property owned by it, neither LANDOWNER nor any other non-defaulting successor in interest shall be liable for the default, if the provisions of section 4 have been complied with, and in accordance with the terms and conditions of that section.

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B. **Cure of Default** In the event of an alleged default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party notice in writing specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured and a reasonable period of time in which to cure, that shall in no event be less than thirty (30) days During any such period, the party charged shall not be considered in default for purposes of termination or institution of legal proceedings.

C. **Remedies After Expiration of Cure Period**. After notice and expiration of the thirty (30) day period, if the alleged default has not been cured in the manner set forth in the notice, the other party may at its option:

(1) institute legal proceedings to obtain appropriate judicial relief, including but not limited to mandamus, specific performance, injunctive relief, or termination of this Agreement; or

(2) give the other party notice of intent to terminate this Agreement pursuant to Government Code section 65868 and the Procedural Ordinance. In the event that such notice is given, CITY shall schedule the matter for public hearing before the City Council to review the matter and make specific written findings regarding the alleged default. Where LANDOWNER is the party alleged to be in default, LANDOWNER shall be afforded a reasonable opportunity to respond to all allegations of default at such public hearing. CITY shall provide LANDOWNER at least thirty (30) days prior written notice of such public hearing, as well as provide LANDOWNER copies of all CITY staff reports prepared in connection therewith at least five (5) days prior to the hearing

17. **Annual Review**.

A. **General Provisions**. In accordance with Government Code section 65865.1, and the Procedural Ordinance, CITY shall, at least every twelve (12) months during the Term of this Agreement, review the extent of good faith compliance by LANDOWNER with the terms of this Agreement. Failure of CITY to conduct an annual review shall not constitute a waiver by CITY or LANDOWNER of the right to conduct future annual review or to otherwise enforce the provisions of this Agreement, nor shall a party have or assert any defense to such enforcement by reason of any such failure. The failure of CITY to undertake such review, shall not, in itself, invalidate the terms of this Agreement or excuse any party hereto from performing its obligations under this Agreement

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B. **Scope of Review**. The annual review shall be limited in scope to compliance with the terms and conditions of this Agreement.

C. **Proceedings**. The procedures specified in the Procedural Ordinance for conduct of the annual review by the City Manager, and by the City Council, shall apply to each annual review of this Agreement. At least ten (10) days prior to the commencement of any annual review, CITY shall deliver to LANDOWNER a copy of any public staff reports and other documents to be used or relied upon in conducting the review. LANDOWNER shall be permitted an opportunity to respond to CITY's evaluation of LANDOWNER's performance by written and oral testimony at the public hearing to be held before the City Council, if LANDOWNER so elects.

At the conclusion of the annual review, CITY shall make written findings and determinations on the basis of substantial evidence, as to whether or not LANDOWNER or its successors have complied in good faith with the terms and conditions of this Agreement.

D. **Failure of Compliance**. Any determination of failure of compliance shall be subject to the notice requirements and cure periods set forth in section 16 of this Agreement. If termination is proposed, it shall apply solely with respect to that portion of the Property (if less than all) affected by the failure to show good faith compliance. If modification of the Development Agreement is proposed, the modification shall pertain solely to the provisions hereof as applicable to that portion of the Property (if less than all) affected by the condition that has prompted the proposed modification.

18. **Termination Upon Completion of Development**.

A. **General Provisions**. This Agreement shall terminate as to each parcel of property contained within the Property when that parcel of property has been fully developed and all of LANDOWNER'S obligations in connection therewith are satisfied, as reasonably determined by CITY. CITY shall, upon written request made by LANDOWNER to CITY's Department of Planning and Development, determine if the Agreement has terminated, with respect to any parcel, and shall not unreasonably withhold termination as to that parcel if LANDOWNER'S obligations therewith are satisfied. CITY shall be entitled to receive payment of a fee commensurate with the cost of processing the request and making such a determination, including but not limited to CITY's administrative and legal expenses. Upon termination of this Agreement, CITY shall upon LANDOWNER's

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request record a notice of such termination in a form satisfactory to the City Attorney that the Agreement has been terminated. The aforesaid notice may specify, and LANDOWNER agrees, that termination shall not affect in any manner any continuing obligation to pay any item specified by this Agreement, by the Panhandle Financing Plan or any of the measures implementing said plan, and shall have the effect as set forth in section 18C.

B. **Multi-family and Single Family Residential Projects**. This Agreement shall automatically terminate and be of no further force and effect as to any single family residence or multi-family building, and the lot or parcel upon which said residence or building is located, when it has been approved by CITY for occupancy.

C. **Effect Of Termination On Landowner Obligations**. Termination of this Agreement as to the Property or any portion thereof shall not affect any of the LANDOWNER's obligations to comply with CITY's General Plan, the NNCP, and all entitlements issued for the Property, nor shall it affect any other covenants of this Agreement specified in this Agreement to continue after the termination of this Agreement, including but not limited to those specified in sections 6 and 10 and subsection 13C.

19. **No Joint Venture, Partnership, or Other Relationship** Nothing contained in this Agreement or in any other document executed in connection with this Agreement shall be construed as creating a joint venture or partnership between CITY and LANDOWNER. No relationship exists as between LANDOWNER and CITY other than that of a governmental entity regulating the development of private property, and the owners of such private property.

20. **Notices.** All notices required or provided for under this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the principal offices of the CITY and LANDOWNER or LANDOWNER's assigns and successors, and to Lender, if applicable. Notice shall be effective on the date delivered in person, or the date when received if such notice was mailed to the address of the other party as indicated below:

Notice to the CITY: City of Sacramento
915 I Street
Sacramento, California, 95814
ATTN: City Manager

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Notice to the Lenders:

Marcia Gerg
Comerica Bank
1331 N. California Boulevard, Suite 400
Walnut Creek, CA 94596

Carl Brothers
Brothers Electric
2340 Gold River Road, Suite D
Rancho Cordova, CA 95670

Notice to the LANDOWNER:

Dunmore Land Company, LLC
8781 Sierra College Boulevard, Suite 100
Granite Bay, CA 95746
Attn: Sid Dunmore

BD Properties
8570 Elm Avenue
Orangevale, CA 95662
Attn: Orin Bennett

J Rise Richter
30872 South Coast Highway
Laguna Beach, CA 92651

Tasso Peter Cononelos
2505 Del Monte Street
West Sacramento, CA 95691

with copies to:
Law Offices of George E. Phillips
2306 Garfield Avenue
Carmichael, CA 95608

Any party may change the address to which notices are to be mailed by giving written notice of such changed address to each other party in the manner provided herein.

21. **Severability**. If any provision of this Agreement is held invalid, void or unenforceable but the remainder of the Agreement can be enforced without failure of material consideration to any party, then this Agreement shall not be affected and it shall remain in full force and effect, unless amended or modified by mutual consent of the parties, utilizing the procedures specified herein and the Procedural Ordinance. Provided,

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however, that if such holding affects a material provision of this Agreement, LANDOWNER shall have the right in its sole discretion to terminate this Agreement upon providing written notice of such termination to CITY; provided further, however, that in the event LANDOWNER so elects to terminate, such election shall not affect in any manner the terms and conditions of any entitlement theretofore granted by CITY with respect to the Property, or any portion thereof

22. **Recording**. The City Clerk shall cause a copy of this Agreement to be recorded with the Sacramento County Recorder no later than ten (10) days following execution of this Agreement by CITY, which execution will take place no sooner than the effective date of the ordinance approving this Agreement

23. **Reimbursement to CITY**. LANDOWNER agrees to reimburse the CITY for reasonable and actual expenses incurred by CITY that relate directly to CITY'S review, consideration and execution of this Agreement. Such expenses include but are not limited to recording fees, publishing fees and any special meeting costs, staff time (including review by the City Attorney), and notice costs. Such expenses shall be paid by LANDOWNER within thirty (30) days of receipt of a detailed written statement of such expenses.

24. **Provisions Relating to Lenders**.

A. **Lender Rights and Obligations**.

(1) **Prior to Lender Possession**. No Lender shall have any obligation or duty under this Agreement to construct or complete the construction of improvements, or to guarantee such construction or completion, and shall not be obligated to pay any fees or charges which are liabilities of LANDOWNER or LANDOWNER's successors in interest, but shall otherwise be bound by all of the terms and conditions of this Agreement, which pertains to the Property or such portion thereof in which it holds an interest. Nothing in this section shall be construed to grant to a Lender rights beyond those of LANDOWNER hereunder, or to limit any remedy CITY has hereunder in the event of default by LANDOWNER, including but not limited to termination and/or refusal to grant entitlements with respect to the Property.

(2) **Lender in Possession**. A Lender who comes into possession of the Property, or any portion thereof, pursuant to foreclosure of a mortgage or deed of trust, or a deed in lieu of foreclosure, shall not be obligated to pay any fees or charges which are obligations of LANDOWNER, and which

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remain unpaid as of the date such Lender takes possession of the Property or portion thereof. Provided, however, that a Lender shall not be eligible to apply for or receive entitlements with respect to the Property, or otherwise be entitled to develop the Property or devote the Property to any uses or to construct any improvements thereon other than the development contemplated or authorized by this Agreement and subject to all of the terms and conditions hereof, including payment of all fees (delinquent, current and accruing in the future) and charges, and assumption of all obligations of LANDOWNER hereunder; provided, further, that no Lender, or successor thereof, shall be entitled to the rights and benefits of the LANDOWNER hereunder or entitled to enforce the provisions of this Agreement against CITY unless and until such Lender or successor thereof qualifies as a recognized assignee under the provisions of section 4 of this Agreement.

B. **Notice of LANDOWNER's Default Hereunder** If CITY receives notice from a Lender requesting a copy of any notice of default given LANDOWNER hereunder and specifying the address for service thereof, then CITY shall deliver to such Lender, concurrently with service thereon to LANDOWNER, any notice given to LANDOWNER with respect to any claim by CITY that LANDOWNER has committed a default, and if CITY makes a determination of non-compliance, CITY shall likewise serve notice of such non-compliance on such Lender concurrently with service thereof on LANDOWNER

C. **Lender's Right to Cure**. Each Lender shall have the right (but not the obligation) during the same period of time available to LANDOWNER to cure or remedy, on behalf of LANDOWNER, the default claimed or the areas of non-compliance set forth in CITY's notice. Such action shall not entitle a Lender to develop the property or otherwise partake of any benefits of this Agreement unless such Lender shall assume and perform all obligations of LANDOWNER hereunder

D. **Other Notices Given By City**. A copy of all notices given by CITY pursuant to the terms of this Agreement shall be sent to Lender at the address provided in section 20 hereof

25. **Estoppel Certificate** Either party may, at any time, and from time to time, deliver written notice to the other party requesting such other party to certify in writing that, to the knowledge of the certifying party, (i) this Development Agreement is in full force and effect and a binding obligation of the parties, (ii) this Development Agreement has not been amended or modified either orally or in writing, or if so amended, identifying the amendments, and (iii) the requesting party is not in default in the performance of its obligations under this Development Agreement, or if in default, describing therein the

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nature and amount of any such defaults A party receiving a request hereunder shall execute and return such estoppel certificate, or give a written detailed response explaining why it will not do so, within thirty (30) days following the receipt of each such request. Each party acknowledges that such an estoppel certificate may be relied upon by third parties acting in good faith A certificate provided by CITY establishing the status of this Agreement with respect to the Property or any portion thereof shall be in recordable form and may be recorded at the expense of the recording party

26. **Construction**. All parties have had the opportunity to be represented by legal counsel of their own choice in the preparation of this Development Agreement and no presumption or rule that "an ambiguity shall be construed against a drafting party" shall apply to the interpretation or enforcement of any provision hereof. Captions on sections and subsections are provided for convenience only and shall not be deemed to limit, amend or affect the meaning of the provision to which they pertain

27. **Counterparts**. This Agreement may be executed in any number of counterparts and shall be deemed duly executed when each of the parties has executed such a counterpart

28. **Time**. Time is of the essence of each and every provision hereof

29. **Limitation of Actions**. No court action shall be filed by a party to this Agreement on the ground of default or breach of its terms unless such action is filed within one hundred eighty (180) days from the date of discovery by the aggrieved party of the facts underlying the claim of breach or default

30. **No Third Parties Benefitted**. No Person who is not a qualified successor or assign of a party hereto pursuant to section 4 of this Agreement, or who has not become a party by duly adopted amendment hereof may claim the benefit of any provision of this Agreement

31. **Effect of Agreement Upon Title to Property**. In accordance with the provisions of Government Code section 65868 5, from and after the time of recordation of this Agreement, the Agreement shall impart such notice thereof to all persons as is afforded by the recording laws of the State of California. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement

32. **Covenant of Good Faith.** CITY and LANDOWNER agree that each of them shall at all times act in good faith in order to carry out the terms of this Agreement

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33. **Exhibits**: The following are the exhibits to this Agreement:

A Legal Description of the Property
B Landowner's Development Plan
C Special Conditions
D Assignment and Assumption Agreement
E Panhandle Land Acquisition Program
F Protest Waiver Form
G Irrevocable Offer of Dedication Form
H Map and Categorical Listing of Land and Infrastructure

34. **Entire Agreement** This Agreement, together with its Exhibits A to I, inclusive, constitutes the entire agreement between the parties with respect to the subject matter of this Agreement. This Agreement is specifically intended by the parties hereto to supersede all prior development agreements, if any, for the Property which may exist between CITY and LANDOWNER. The provisions of subsection 10B of this Agreement, relating to indemnification and defense of CITY, its officers, employees and agents, shall be applicable to any claim whatsoever against CITY, its officers, employees and agents, arising out of or in any way relating to any prior development agreement relating to the Property.

[Remainder of this page intentionally left blank]

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35. **City Attorney Costs** Landowner shall pay to the City of Sacramento the sum of $5,000.00 as and for reimbursement of the costs of the City Attorney in preparation and processing of this Agreement.

IN WITNESS WHEREOF, the CITY and LANDOWNER have executed this Development Agreement as of the date first set forth above.

CITY OF SACRAMENTO

By:_____
Mayor

ATTEST:

_____
City Clerk

APPROVED FOR LEGAL FORM:

_____
Lawrence J. Duran
Senior Deputy City Attorney

Dunmore Land Company, LLC,
a Delaware Limited Liability Company

By: _____
Name: Sidney B. Dunmore
Title: Manager

BD Properties, LLC,
a California Limited Liability Company

By: _____
Name: Orin Bennett
Title: Managing Member

Tasso Peter Cononelos

By: _____
Name: Tasso Peter Cononelos

J. Rise Richter Trust
Dated March 9, 1994

By: _____
Name: J. Rise Richter
Title: Trustee

The Richter-Kazer 1993 Irrevocable Trust

By: _____
Name: Jill A. Richter
Title: Trustee

By: _____
Name: Robert C. Kazer
Title: Trustee

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(ATTACH APPROPRIATE ACKNOWLEDGMENT)

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DATE ADOPTED: _____

EXECUTION PAGE FOR LENDER

[Name + nature of entity] (herein "LENDER") owns an equitable interest in the Property described in Exhibit "A" of this Agreement as the beneficiary of that certain deed of trust and assignment of rents dated [date] and recorded on [date], as Instrument [#], in Book [#], Page [#], Official Records, Sacramento County, California

LENDER hereby executes this Agreement and agrees to be bound by the terms and condition hereof, subject to the limitations set forth in section 24 hereof

LENDER requests that it be provided with copies of all notices mailed to LANDOWNER pursuant to the terms of this Agreement and that said copies be addressed as follows:

_____
_____
_____
Attn:_____

Dated:_____

LENDER: _____

By:_____

Its:_____

(ATTACH APPROPRIATE ACKNOWLEDGMENT)

FOR CITY CLERK USE ONLY

ORDINANCE NO _____

CITY AGREEMENT NO _____ DATE ADOPTED:_____

EXHIBIT A

DESCRIPTION OF LANDOWNER'S PROPERTY

SEE ATTACHED

NOTE: UPON RECORDATION OF FINAL MASTER PARCEL MAP, THIS EXHIBIT A WILL BE REPLACED BY THE SAID MAP, WITHOUT NEED FOR AMENDMENT OF THIS AGREEMENT.

EXHIBIT B

LANDOWNER'S DEVELOPMENT PLAN

SEE ATTACHED

EXHIBIT C

SPECIAL CONDITIONS

I. PURPOSE AND INTENT

The definitions applicable to the body of the Agreement shall apply to this Exhibit C.

In order to achieve its objectives, and in order to obtain from each LANDOWNER and developer, all required contributions, fees, land transfers, agreements, and other mechanisms required to implement its terms, the NNCP provides that all rezoning and development shall occur through the planned unit development process. Development agreements should be entered into with LANDOWNERS whenever feasible under the circumstances.

Under no circumstances can development of the Property proceed without satisfaction of the conditions specified in this exhibit. These Special Conditions shall constitute binding and legally enforceable obligations of LANDOWNER and its successors and assigns, and binding and legally enforceable requirements and conditions for the development of the Property, in addition to other obligations, requirements and conditions imposed during the rezoning, special permit, subdivision map and other land use entitlement processes.

II. LANDOWNERS' OBLIGATIONS

A. Mitigation Monitoring; Habitat Conservation Plan.

1. **Mitigation Monitoring.** When required in order to obtain entitlements, LANDOWNER shall execute a mitigation monitoring agreement, and such other agreements as may be necessary in CITY's judgment in order to implement any mitigation measure relating to the NNCP and any mitigation monitoring plans applicable to the Property, and shall fully cooperate with CITY in implementing any mitigation monitoring plan adopted as part of the approval process for development of the Property.

2. **Habitat Conservation Plan.**

   a. In the event that a Habitat Conservation Plan has been adopted by CITY, LANDOWNER shall be obligated to undertake and exercise one of the following options:

      (i) participate in that Plan by payment of the fees applicable to LANDOWNER and/or the Property or provide required proportionate land dedications, at the time specified in the Plan

for payment of fees or dedication of required proportionate lands; or

(ii) obtain and present to CITY a duly issued, executed and effective incidental take permit issued by federal and state agencies charged with implementation of the provisions of federal and state Endangered Species Acts, which would allow development of the Property; or

(iii) obtain and present to CITY a duly issued, executed, and effective form of document from said federal and state agencies that development of the Property may proceed without the need for an incidental take permit; or

(iv) participate in such other plan or program which has been approved by said federal and state agencies; or

(v) take any other action required by CITY in its sole discretion, relating to satisfaction of all applicable laws, including but not limited to CEQA and the federal and state Endangered Species Acts, where none of the provisions of subsections (i), (ii), (iii) or (iv) are applicable.

b. The Natomas Basin Habitat Conservation Plan Fee is payable by Landowner at the time of and as a condition of issuance of a grading or building permit. The dollar amount of such fee shall be the per-acre fee in effect at the time the grading or building permit is issued for the Property. In addition to the payment of that sum, Landowner shall be subject to the provisions of any "catch-up fee" ordinance, resolution, rule or regulation in effect at the time of issuance of the grading or building permit. The requirement specified in this subsection 2b shall be included in each entitlement issued with respect to the Property. Landowner understands and agrees that the provisions of Government Code sections 66000 through 66025, as those sections are amended, renumbered or reconstituted, shall not apply to the fees covered by this subsection 2b.

B. **Agreements With Other Agencies**. As required by CITY, LANDOWNER shall enter into agreements with other affected agencies, including but not limited to:

1. Appropriate sanitation districts, including but not limited to Sacramento County Regional Sanitation District, for provision of facilities, payment of fees and charges, and payment (if applicable) of any proportionate share of penalties imposed by the Environmental Protection Agency; and

2 Reclamation District 1000, if in CITY's sole and exclusive discretion and judgment such an agreement is in fact required, or any other agreement which is required in CITY's sole and exclusive discretion and judgment for the implementation of Interim Drainage or the Drainage Plan

C. **Drainage Sub-basin Agreement**. LANDOWNER shall enter into an agreement with each of the other landowners within the Drainage Sub-basin within which the Property lies, which provides the manner in which the Infrastructure required for development of all of the lands within said Drainage Sub-basin shall be constructed and financed. As an alternative form of compliance with this provision, LANDOWNER may enter into an agreement with CITY, satisfactory to the City Attorney, which provides that LANDOWNER shall finance all costs associated with the Infrastructure required for development of all of the undeveloped lands within said Drainage Sub-basin. Any such agreement shall additionally provide for reimbursement in accordance with the terms of this Agreement, and the Panhandle Finance Plan, for LANDOWNER's payment of Infrastructure costs in excess of or beyond those required for development of the Property, as that term is defined in Section 8 of this Agreement. As a further alternative, CITY may impose a Drainage Sub-basin assessment district for purposes of financing the required Infrastructure. The provisions of subsection 6D of this Agreement shall apply in such a case.

D **Inclusionary Housing Requirements.** CITY has enacted a mixed income housing policy ("Policy"), as set forth in title 17, chapter 17 190 of the Sacramento City Code. If and to the extent that the Property is subject to the Policy, certain project entitlements for the Property will contain conditions which implement the Policy, including but not limited to conditions requiring an inclusionary housing plan ("IHP") and an inclusionary housing agreement ("IHA"). The IHP for the property, where the Policy is applicable, is attached to this Exhibit C as **Exhibit C-1**, and incorporated herein by this reference. The requirements specified in the IHP shall be implemented by LANDOWNER, and LANDOWNER shall execute the required IHP.

E **Public Agency radio and Microwave Communications System.** Notwithstanding LANDOWNER's Vested Rights and anything contained herein to the contrary, CITY may deny or condition an application for a Building Permit or impose a height restriction as a condition of approval of a tentative map or design review, even though that development application would otherwise be permitted under the Land Use and Development Regulations, in order to avoid interference with the radio and microwave communications systems operated by the Sacramento Regional Radio Communications Systems (SRRCS), the Automated Local Evaluation in Real Time (ALERT) system and the State of California Public Safety Microwave Network. In addition, Building Permits may be conditioned on

compliance with the provisions contianed in Exhibit "I", Public Safety Radio Communication Requirements for Buildings

These systems are emergency and weather communication facilities that serve federal, state, county, CITY and other Public Agencies and are used to protect the public health, safety and welfare. These systems are in existence as of the Effective Date, the systems' radio and microwaves cross the Property, and the operations of one or more of these systems could experience interference if the Project is developed as permitted under the Land Use and Development Regulations. In addition, any other radio or microwave communications systems that may be installed by one or more of the foregoing agencies after the Effective Date may be similarly protected by the CITY from interference from Development of the Project by denying or conditioning any Subsequent Approvals.

III. CONDITIONS OF DEVELOPMENT; SPECIAL FINDINGS REQUIRED

A. In addition to other findings and conditions as may be deemed applicable, no special permit, subdivision map or other land use entitlement for the Property shall be approved unless the approving body either: (1) makes the following findings; or (2) expressly waives such findings, in whole or in part, as not applicable to the Property and stating the reasons therefor with such waiver and the reasons therefor appear in the record or document of approval These findings are:

1. The approval of the proposed project is consistent with the policies, goals, standards and objectives of the NNCP and other relevant factors and circumstances, including but not limited to:

   a. The adequacy of the required interim and permanent Infrastructure needed to support the project planned for the Property;

   b. The extent of participation required of LANDOWNER under the Panhandle Finance Plan has been secured;

   c. The extent to which LANDOWNER has complied with the provisions of the PLAP

   d. The extent to which LANDOWNER has complied with the provisions of the Policy

2. The Panhandle Finance Plan has been adopted by the City Council.

3. All transfers of land, owned by or under the control of LANDOWNER, which are specified in the PLAP as being necessary for public purposes, have been transferred to CITY or to the appropriate public agency. For this purpose, a transfer will be deemed to occur upon delivery to CITY of an

Irrevocable Offer of Dedication in form and manner approved by the City Department of Public Works and the City Attorney. These dedications include, but are not limited to streets, utilities, drainage facilities and public transit.

4. LANDOWNER has, where applicable, demonstrated that the proposed project as designed meets or exceeds the jobs to housing ratio of the NNCP, either actually or through the medium of the Housing Trust Fund, or through assisting housing starts in North Sacramento, or a combination thereof.

5. LANDOWNER has entered into all agreements required pursuant to sections IIA, IIB, and II C above

6. Appropriate environmental review of the proposed project has been completed, and any suggested mitigation measures resulting therefrom have been included in the approval of the project to the extent feasible

B. In the event that any of the special findings required herein cannot be made and are not waived, approval may nevertheless be given to the proposed project if all of the following conditions can be satisfied with respect to each such special finding not made:

1. Practicable and feasible requirements or mitigation measures can be imposed upon the project, the implementation of which would allow such special finding to be made;

2. The applicant has agreed to be bound (through written agreement satisfactory to the City Attorney) by and to implement such requirements or mitigation measures, and has posted such security for compliance therewith as may be required by the City Manager; and

3. It is in the public interest and consistent with the policies, goals, standards and objectives of the Community Plan for the project to be approved with such requirements and mitigation measures.

EXHIBIT D

ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (herein "this Agreement") is entered into this ____ day of _____, 200__, by and between _____ (herein "LANDOWNER") and _____ (herein "ASSIGNEE")

RECITALS

A LANDOWNER has entered into a Development Agreement (herein "the Development Agreement") dated _____, with the City of Sacramento, pursuant to which LANDOWNER agreed to develop certain property more particularly described in the Development Agreement (herein "the Property") in the North Natomas Community Plan Area subject to certain conditions and obligations set forth in the Development Agreement.

B. LANDOWNER has assigned its interests under the Development Agreement to ASSIGNEE under a written agreement dated _____, as to that portion of the Property identified and incorporated herein by this reference (herein the "Assigned Parcel(s)").

C ASSIGNEE desires to assume all of LANDOWNER's rights and obligations and other terms and conditions under the Development Agreement with respect to the Assigned Parcel(s).

AGREEMENTS

NOW, THEREFORE, LANDOWNER AND ASSIGNEE HEREBY AGREE AS FOLLOWS:

1. ASSIGNEE hereby assumes all of the burdens and obligations of LANDOWNER under the Development Agreement, and agrees to observe and fully perform all of the duties and obligations of LANDOWNER under the Development Agreement, and to be subject to all of the terms and conditions thereof, with respect to the Assigned Parcel(s), it being the express intention of both LANDOWNER and ASSIGNEE that, upon the execution of this Agreement, ASSIGNEE shall become substituted for LANDOWNER as the "LANDOWNER" under the Development Agreement with respect to the Assigned Parcel(s)

2. ASSIGNEE understands and agrees that this Agreement is subject to section 4 of the Development Agreement. Section 4 reads as follows:

> **Assignment**. LANDOWNER shall have the right to sell, assign, or transfer its interests under this Agreement as part of a contemporaneous

and related sale, assignment or transfer of its interests in the Property, or any portion thereof, without the consent of CITY; provided, however, that LANDOWNER shall notify CITY of such sale, assignment or transfer by providing written notice thereof to CITY in the manner provided in this Agreement LANDOWNER shall remain obligated to perform all terms and conditions of this Agreement, unless such purchaser, assignee or transferee, to the satisfaction of and in a form acceptable to the City Attorney, executes and delivers to CITY an express agreement to assume all of the obligations and other terms and conditions of this Agreement with respect to the Property or such portion thereof sold, assigned or transferred. The execution of such an assumption agreement shall relieve LANDOWNER of the obligations expressly assumed only if (a) LANDOWNER is not in default under this Agreement at the time of the assignment or transfer; and (b) LANDOWNER has provided CITY with notice of said assignment or transfer in the manner provided hereunder. Any such assumption agreement with respect to LANDOWNER's obligations under this Agreement shall be deemed to be to the satisfaction of the City Attorney if executed in the form of the Assignment and Assumption Agreement attached hereto as Exhibit "D" and incorporated herein by this reference, or such other form as shall be proposed by LANDOWNER and approved by the City Attorney prior to the effective date of the assignment

Any purchaser, assignee, or transferee shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, only with respect to the Property, or such portion thereof, sold, assigned, or transferred to it Any such purchaser. assignee, or transferee shall observe and fully perform all of the duties and obligations of LANDOWNER under this Agreement, as such duties and obligations pertain to the portion of the Property sold, assigned, or transferred.

4 At the request of the City, ASSIGNEE agrees to enter into a separate development agreement with respect to the Assigned Parcel(s).

5. All of the covenants, terms and conditions set forth herein shall be binding upon and shall inure to the benefit of the parties hereto and to their respective heirs, successors and assigns.

6. ASSIGNEE agrees that it has read, and has sought and received all required legal and other expert consultation with regard to the Development Agreement, and fully understands all of its terms and conditions ASSIGNEE further agrees that: (i) LANDOWNER has furnished ASSIGNEE with a copy of the North Natomas Community Plan, the Comprehensive Drainage Plan, the Panhandle Finance Plan, the RD-1000 Agreement (where applicable), the Habitat Conservation Plan, and all other documents

and materials containing or relating to terms and conditions of development in the NNCP area; (ii) ASSIGNEE has read and understands all of the terms and conditions of said documents and materials; and (iii) with such knowledge and understanding, which includes the nature and extent of the fees, taxes, assessments and other financial mechanisms and obligations inherent in such documents and materials, nevertheless has voluntarily, freely and knowingly assumed and agreed to perform all of obligations and requirements, and be bound by all of the provisions of such documents and materials.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

By:_____
"ASSIGNEE"

EXHIBIT E

PANHANDLE LAND ACQUISITION PROGRAM (PLAP)

SEE ATTACHED

EXHIBIT F

Protest Waiver Provisions Agreed to by LANDOWNER

LANDOWNER understands and agrees that financing of the Infrastructure, public improvements and facilities (including the land covered by the PLAP) and other programs required under the NNCP will be accomplished through a variety of financing mechanisms, including but not limited to a combination of special assessment districts, tax districts (such as Mello-Roos Community Facilities Districts) and developer fees, all of which mechanisms are designed to spread the cost of those items in accordance with benefit and other methodologies LANDOWNER further understands and agrees that an important component of this Agreement is LANDOWNER's advance consent to the formation of, annexation into, or implementation of any such district or imposition of any such fee, and LANDOWNER's agreement not to protest or contest such formation, implementation or fee imposition

Accordingly, LANDOWNER agrees for itself, its constituents, successors and assigns that it fully, finally and forever waives and relinquishes any right it may have to protest or contest the formation or implementation of, or participation in, any special assessment or tax district or any similar form of financing mechanism, or any combination thereof, together with any rights it may have to contest the imposition of any developer fee established or imposed pursuant to the Panhandle Finance Plan. Nothing in this Agreement, however, shall prevent LANDOWNER from presenting CITY any information or opinions regarding any financing mechanism CITY may from time to time consider establishing or imposing, which information or opinions relate to the dollar amount of any fees, assessments, taxes or other charges imposed by CITY pursuant to the Panhandle Finance Plan, or which information or opinions relate to the question of consistency of the financing mechanism with the Panhandle Finance Plan If a financing mechanism is proposed for adoption by CITY, which mechanism directly and significantly conflicts with the language and the intent of the Panhandle Finance Plan, as it may be amended from time to time, LANDOWNER shall have the right to protest only the actual amount of the directly and significantly conflicting proposed fee, charge, special tax, or assessment proposed to be levied, charged, assessed or taxed against the Property by virtue of the proposed financing mechanism Provided, however, that LANDOWNER's said right to protest, together with any right to object, shall be waived unless LANDOWNER's protest of objection is made at or before the time of the public hearing wherein the proposed financing mechanism, together with the fee, charge, special tax or assessment is established by the City Council. LANDOWNER's right to judicial challenge of any such mechanism, and the fees, charges, assessments or special taxes imposed or to be imposed in connection therewith, shall be limited to review of the decision of the City Council establishing the said mechanism and the said fees, charges, assessments or special taxes; LANDOWNER shall not have the right, in connection with any land use entitlement proceeding with respect to the Property, to judicially challenge the financing mechanism or the fees, charges, assessments or special taxes as applied to the Property, and waives any statutory or common law right to pay such fees, charges, assessment or special taxes under protest. For purposes of this Agreement, "fees, charges, assessments or special taxes" shall include any monetary exaction or payment required to be paid by LANDOWNER by virtue of or relating to development of the Property.

Without limiting the generality of the foregoing, LANDOWNER for itself, its constituents, successors and assignees specifically, as to the Property, agrees to the following which are adopted by the City Council pursuant to the Panhandle Finance Plan:

(1) Waives, and hereby grants advance consent to the formation of, or annexation into, and implementation of any and all special assessment districts, tax districts (such as Mello-Roos Community Facilities Districts), fee districts or other financing mechanisms of a similar nature recommended or established by CITY for the purpose of financing Infrastructure, public improvements and facilities (including land transfers as set forth in the PLAP). Such financing mechanisms include but are not limited to the following existing Community Facilities Districts: CFD No 99-01 TMA (Transit), CFD No 97-01 (Drainage), CFD No. 3 (Parks Maintenance), CFD No 99-02 (Landscape Maintenance), CFD No. 2002-02 (Parks Maintenance), and the Citywide Lighting and Landscape District; and a new Panhandle Parks Maintenance CFD that will be formed to cover maintenance costs for Quimby dedications in excess of those covered by CFD No 2002-02. Without limiting the generality of the foregoing, LANDOWNER specifically waives:

(i) the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (division 4 of the Streets and Highways Code, beginning at section 2800), together with associated provisions of the California Constitution;

(ii) the provisions of any other statute designed to provide a protest or contest procedure in connection with formation and implementation of a district or similar financing mechanism; and

(iii) the provisions of any procedure embodied in the Sacramento City Code designed to provide a protest or contest procedure in connection with formation and implementation of a district or similar financing mechanism

(2) Waives, and hereby grants advance consent to the formation and implementation of any and all special fees, exactions, development fees, assessments, taxes or other charges established by CITY for the purpose of financing Infrastructure, public improvements and facilities (including land transfers as set forth in the PLAP). Without limiting the generality of the foregoing, LANDOWNER specifically waives:

(i) to the extent applicable, those statutory and constitutional provisions specified in paragraph (1) above; and

(ii) the provisions of Government Code section 66000 et seq. or any other provision of law providing a procedure for contest or protest of establishment or imposition of special fees, exactions, development fees, assessments, taxes or other charges of a similar nature.

(3) Agrees to:

(i) affirmatively petition CITY, where applicable, for the formation of all special districts and other financing mechanisms that have been or will be in the future selected or recommended by CITY in order to implement the Panhandle Finance Plan;

(ii) execute an irrevocable proxy or proxies when necessary (such as in the formation of, or imposition of taxes relative to, a Mello-Roos Community Facilities District) authorizing a representative designated by CITY, who will vote in favor of establishing the specific financing mechanism in question; and

(iii) execute immediately upon presentation any document which is required or convenient for the formation of the district or facilitation of the particular financing mechanism

LANDOWNER agrees and specifically represents to CITY that it is fully aware of all of its legal rights relative to the waivers, advance consents and other agreements set forth herein, having been fully advised by its own independent attorneys Having such knowledge and understanding of its rights, LANDOWNER has nevertheless voluntarily entered into this Agreement, of which this Exhibit is a material part LANDOWNER is aware that CITY is relying on the representations contained in this Exhibit in entering into this Agreement

EXHIBIT G

IRREVOCABLE OFFER OF DEDICATION FORM

SEE ATTACHED

EXHIBIT H

MAP AND CATEGORICAL LISTING OF LAND AND INFRASTRUCTURE

SEE ATTACHED

EXHIBIT I

PUBLIC AGENCY RADIO AND MICROWAVE COMMUNICATION SYSTEM

The following requirements may be imposed at the time of application for a Building Permit.

A. **General** Except as otherwise provided, no person shall erect, construct, change the use of or provide an addition of more than 20% to, any building or structure or any part thereof, or cause the same to be done, that fails to support adequate radio coverage for the Sacramento Regional Radio Communications System (SRRCS), including but not limited to firefighters and police officers. For purposes of this section, adequate radio coverage shall include all of the following: (1) a minimum signal strength of -95 dBm available in 90% of the area of each floor of the building when transmitted from the closest Sacramento Regional Radio Communications System site; (2) a minimum signal strength of -95 dBm received at the closest Sacramento Regional Radio Communications System site when transmitted from 90% of the area of each floor of the building; (3) the frequency range that much be supported shall be the current band of frequencies used by either the City or County sub-systems; and (4) a 100% reliability factor. When measuring the performance of a bi-directional amplifier, signal strength measurements are based on one input signal adequate to obtain a maximum continuous operating output level.

B. **Amplifications Systems Allowed** Buildings and structures that cannot support the required level of radio coverage shall be equipped with either a radiating cable system or an internal multiple antenna system with FCC type accepted bi-directional amplifiers as needed. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of an external power input. If used, bi-directional amplifiers shall include filters to reduce adjacent frequency interference. These filters shall be tuned so that they will be 35 db below the SRRCS frequencies.

C. **Testing Procedures**.

1. Acceptance Test Procedure. When an in-building radio system is required, and upon completion of installation, it will be the building owner's responsibility to have the radio system tested to ensure that two-way coverage on each floor of the building is a minimum of 90%. Each floor of the building shall be divided into a grid of approximately 20 equal areas. A maximum of two non-adjacent

areas will be allowed to fail the test. In the event that three of the areas fail the test, in order to be more statistically accurate, the floor may be divided into 40 equal areas. In that event, a maximum of four non-adjacent areas will be allowed to fail the test. After the 40 area test, if the system continues to fail, the building owner shall have the system altered to meet a 90% coverage requirement. The test shall be conducted using a Motorola MTS2000, XTS2500, XTS5000 or equivalent portable radio, talking through the Sacramento Regional Radio Communications System as specified by the authority having jurisdiction. A spot located approximately in the center of a grid area will be selected for the test, then the radio will be keyed to verify two-way communications to and from the outside of the building through the SRRCS. Once the spot has been selected, prospecting for a better spot within the grid area will not be permitted. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to re-establish the gain values.

As part of the installation, a spectrum analyzer or other suitable test equipment shall be utilized to insure that spurious oscillations are not being generated by the subject bi-directional amplifier (BDA) due to coupling (lack of sufficient isolation) between the input and output systems. This test will be conducted at time of installation and subsequent annual inspections.

2. Annual Tests. When an in-building radio system is required, the building owner shall test all active components of the system, including but not limited to amplifiers, power supplies and backup batteries, a minimum of once every 12 months. Amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance. Backup batteries and power supplies shall be tested under load for a period of one hour to verify that they will properly operate during an actual power outage. If within the one hour test period, in the opinion of the testing technician, the battery exhibits symptoms of failure; the test shall be extended for additional one hour periods until the testing technician confirms the integrity of the battery. All other active components shall be checked to determine that they are operating within the manufacturer's specifications for the intended purpose.

3. Five-Year Tests. In addition to the annual test, the building owner shall perform a radio coverage test a minimum of once every five years to ensure that the radio system continues to meet the requirements of the original acceptance test. The procedure set forth above shall apply to these tests.

4. Qualifications of Testing Personnel. All tests shall be conducted, documented and signed by a person in possession of a current FCC license, or a current technician certification (minimum Associate level) issued by the Electronics

Technicians Association. All original test records shall be retained on the inspected premises by the building owner and copies of the records shall be submitted to the Sacramento Fire Department via the the "Self-Help Inspection Process".

5. Field Testing: Police and Fire personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field-testing to be certain that the required level of radio coverage is present

D **Permits:** A permit fee of $100.00 shall be submitted to the Sacramento Fire Department along with copies of all test records.

E. **Implementation:** Although not a condition of occupancy, the building shall be in compliance of this ordinance within 90 days of occupancy.

F **Penalties:** Pursuant to section 8 04 080 of the Sacramento City Code, a violation of this ordinance is a misdemeanor criminal offense and a civil penalty up to $25,000.00 per day (for each and every day that the violation exists) can be imposed.

G. **Exemptions:** The requirements of this Exhibit I shall not apply to buildings less than 5,000 square feet or buildings zoned for Residential 1& 2 Family Units.

H **Required Path Availability of SRRCS Microwave System & Mitigation Issues:**

The SRRCS Microwave System is designed for a minimum of 99.999% availability which takes into consideration existing structures along the microwave system transmission path, obstruction from natural terrain, and environmental factors.

If the City determines that mitigation efforts are required, prior to the issuance of final permits or occupancy of the building, the building owner shall mitigate the new building or structure's blockage or obstruction of the SRRCS Microwave System paths so as to restore a minimum of 99.999% system availability by either (1) providing a new microwave relay site/equipment at another site; (2) relocating existing microwave relay/site equipment or (3) pay an impact fee to be determined by the City to cover any work required to restore the SRRCS Microwave System's availability. Prior to commencing any mitigation work, the building owner shall submit a detailed mitigation plan to the City for approval.

ATTACHMENT 12 – DRAFT DEVELOPMENT AGREEMENT ORDINANCE (VAQUERO)

ORDINANCE NO. 2007-XXXX

Adopted by the Sacramento City Council
Date

APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SACRAMENTO AND THE MARIE KRUMENACHER TRUST, THE ALICE KRUMENACHER TRUST, AND VAQUERO LAND HOLDINGS, LLC FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ELKHORN BOULEVARD AND EAST LEVEE ROAD.

(P05-077) (APN: 201-0320-016 and -018 through -021; 225-0050-003, -016, -020 through -022)

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

SECTION 1

This Ordinance incorporates, and by this reference makes part hereof, that certain Development Agreement, by and between the City of Sacramento and the Marie Krumenacher Trust, the Alice Krumenacher Trust, and Vaquero Land Holdings, LLC. (collectively, "the landowner"), a copy of which is attached hereto.

SECTION 2

The City Council finds:

1. The agreement is consistent with the city general plan and the goals, policies, standards and objectives of any applicable specific or community plan;

2. The project should be encouraged in order to meet important economic, social, environmental or planning goals of any applicable specific or community plan;

3. The project would be unlikely to proceed in the manner proposed in the absence of a development agreement;

4. The landowner will incur substantial costs in order to provide public improvements, facilities or services from which the general public will benefit;

5. The landowner will participate in all programs established and/or required under the general plan or any applicable specific or community plan and all of its approving resolutions (including any mitigation monitoring plan), and has agreed to financial

participation required under any applicable financing plan and its implementation measures, all of which will accrue to the benefit of the public;

6. The landowner has made commitments to a high standard of quality and has agreed to all applicable land use and development regulations.

SECTION 3

The Development Agreement attached hereto is hereby approved, and the Mayor is authorized to execute after the effective date of this Ordinance said Development Agreement on behalf of the City of Sacramento. This approval and authorization is based upon the Environmental Impact Report and Mitigation Monitoring Plan which is the subject of a separate resolution adopted by City Council prior to or concurrent with the adoption of this Ordinance.

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No Fee Required: Recording benefits the City of Sacramento, a government entity

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City Clerk
City of Sacramento
915 I Street (Historic City Hall)
Sacramento, CA 95814

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

[DRAFT 5/24/07]

PANHANDLE PUD

DEVELOPMENT AGREEMENT

•••

Krumenacher Ranch
Project # P05-077

The Marie Krumenacher Trust
The Alice Krumenacher Trust
Vaquero Land Holdings, LLC

Panhandle Development Agreement - Vaquero Land Holdings et al
05/24/07 - 43420.wpd

FOR CITY CLERK USE ONLY

ORDINANCE NO _____

CITY AGREEMENT NO _____

DATE ADOPTED: _____

PANHANDLE PUD
DEVELOPMENT AGREEMENT

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FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

CITY AGREEMENT NO. _____ DATE ADOPTED: _____

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H Allocation Procedures
6. Fees, Charges, Assessments and Special Taxes
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B. Levies Imposed by Other Jurisdictions
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D. Landowner's Waivers
7. Reconfiguration of Parcels
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C. Drainage Infrastructure
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(2) Issuance of Bonds
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(3) Reimbursement of Planning, Engineering and Staff Costs

9. Landowner Obligations
   A. Transfer of Land to City
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   A. Challenge to Agreement or Entitlements
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   A. General Provisions
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34. Entire Agreement
35. City Attorney Costs
Execution Page for City and Landowner

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Execution Page for Lender

LIST OF EXHIBITS

Exhibit "A"	Legal Description of Property
Exhibit "B"	Landowner's Development Plan
Exhibit "C"	Special Conditions
Exhibit "D"	Assignment and Assumption Agreement
Exhibit "E"	Panhandle Land Acquisition Program
Exhibit "F"	Protest Waiver Provisions Agreed to by Landowner
Exhibit "G"	Irrevocable Offer of Dedication Form
Exhibit "H"	Map and Categorical Listing of Land and Infrastructure
Exhibit "I"	Public Safety Radio Communication Requirements For Buildings

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DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF SACRAMENTO
AND
THE MARIE KRUMENACHER TRUST;
THE ALICE KRUMENACHER TRUST; AND
VAQUERO LAND HOLDINGS, LLC

This Development Agreement (hereinafter "Agreement") is made and entered into this ____ day of _____, 2007, by and between the CITY OF SACRAMENTO, a municipal corporation (hereinafter the "CITY"), and the Marie Krumenacher Trust; the Alice Krumenacher Trust. and Vaquero Land Holdings. LLC, a California Limited Liability Company (hereinafter collectively, the "LANDOWNER").

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risks of development, the Legislature of the State of California adopted section 65864 et seq of the Government Code which authorizes any city, county, or city and county to enter into a development agreement with an applicant for a development project, in order to establish certain rights and obligations of the parties relative to the Property.

B. LANDOWNER owns a legal or equitable interest in those certain parcels of real property (hereinafter the "Property"), described in Exhibit "A" attached hereto and incorporated herein by this reference, which are located within the CITY The Property consists of lands designated as **Assessor Parcels Nos. 201-0320-021 and 201-0320-016**. LANDOWNER seeks to develop the Property consistent with CITY's General Plan, the 1994 North Natomas Community Plan and the Zoning Ordinance as they exist on the Effective Date.

C. The City Council has held duly noticed public hearings on the CITY's General Plan, the 1994 North Natomas Community Plan and the Environmental Impact Reports prepared therefor. At the conclusion of these hearings, the City Council, on January 19, 1988, certified the Environmental Impact Report on the City General Plan Update as adequate and complete, and on May 3, 1994, certified the Environmental Impact Report on the 1994 North Natomas Community Plan Update as being adequate and complete

The City Council on January 19, 1988, after making specific findings and adopting a Statement of Overriding Considerations, approved a revised General Plan by Resolution No. 88-058 (hereinafter the "General Plan") The City Council on May 3, 1994, after making specific findings and adopting a Statement of Overriding Considerations, approved

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the 1994 North Natomas Community Plan by Resolution No. 94-259 (hereinafter the "NNCP"). The uses allowed under the General Plan, NNCP, and the applicable zoning ordinances provide for a balanced mix of residential housing and employment opportunities as well as provide for the protection of major open space and recreational resources. The City Council on June 26, 2007, after a duly noticed public hearing, approved the Panhandle PUD Public Facilities Finance Plan (hereinafter the"Panhandle Finance Plan") to provide a plan for the financing of the Infrastructure and public improvements needed to successfully implement the Panhandle PUD portion of the NNCP over time.

D. CITY and LANDOWNER desire to enter into a development agreement pursuant to the provisions of Government Code section 65865 et seq. in order to provide for the orderly development of the Property, in accordance with the goals set forth in Government Code section 65865, the General Plan and the NNCP.

E. The coordinated and orderly development of the Property, and LANDOWNER's commitment to the implementation of the Panhandle Finance Plan in order to assure the timely and properly-phased construction of all required Infrastructure and facilities, are essential to the proper implementation of the General Plan and the NNCP.

F. LANDOWNER desires to facilitate implementation of the General Plan, the NNCP and the Panhandle Finance Plan, and LANDOWNER therefore agrees to develop the Property in a manner consistent with the policies of the General Plan, the NNCP, the Panhandle Finance Plan and the Special Conditions, provided that LANDOWNER is assured that no subsequent changes in the General Plan, the NNCP, the Panhandle Finance Plan, the Zoning Ordinance or the Special Conditions shall apply to the Property during the term of this Agreement.

G. The City Council, on March 7, 1995, adopted the Procedural Ordinance, by which CITY will, inter alia, consider, adopt, amend and subsequently review the development agreements by and between CITY and a given landowner.

H. Development of the Property, in accordance with the conditions of this Development Agreement, will provide orderly growth and development of the Property in accordance with the requirements, policies, goals, standards, and objectives of the General Plan and the NNCP. At the same time, it will assure that LANDOWNER is committed to funding its appropriate share of the cost of Infrastructure and other facilities which are the subject of the Panhandle Finance Plan, and that the funding for acquisition and construction of those facilities will be available to CITY as and when required under the Infrastructure phasing program.

I. An integral part of the Panhandle Finance Plan is the Panhandle Land Acquisition Program ("PLAP"), with the associated Land Acquisition Fee ("LAF"). The PLAP is designed to

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provide a means for transfer to or acquisition by CITY, or such other public agency as is appropriate, of certain lands within the NNCP area (as those lands are specified in the PLAP) which are designated to be held publicly. Such lands are identified under the Panhandle Finance Plan. The purpose of the PLAP is to provide a method whereby all of such lands will be transferred or acquired with funds from the private development community without cost to the CITY general fund, or any of its other funds, and at the time when needed. The purpose of the LAF is to provide a means, through the fee program, of equalizing the cost of the PLAP among the various landowners within the NNCP area, inasmuch as certain landowners will be required to relinquish land to public ownership in amounts in excess of their fair share as defined by the Panhandle Financing Plan. The LAF also provides a means for reimbursing landowners who have advanced funds to CITY for the purpose of acquiring land required for Infrastructure, where eminent domain or other procedures are needed, or where it is otherwise required to enable a particular landowner to develop its property. One of the purposes of this Agreement is to provide LANDOWNER's commitment to the provisions of the PLAP and the LAF.

J. This Agreement is voluntarily entered into by LANDOWNER in order to assure the implementation of the General Plan, the NNCP and the Panhandle Finance Plan, and is made in consideration of the rights conferred and the procedures specified herein for the development of the Property. This Agreement is voluntarily entered into by CITY in the exercise of its legislative discretion in order to assure the implementation of the General Plan, the NNCP, and the Panhandle Finance Plan and in consideration of the agreements and undertakings of LANDOWNER hereunder. But for LANDOWNER's contribution to and participation in programs to mitigate the impacts of the development of the Property and the cumulative impacts of development in the NNCP area, and to the implementation of the Panhandle Financing Plan, the CITY would not approve development of the Property.

K. The authority for this Agreement is contained in the City Charter of CITY, the Procedural Ordinance, other applicable CITY ordinances, resolutions and procedures and Government Code section 65864 et seq.

L. CITY and LANDOWNER have taken all actions mandated by and have fulfilled all requirements set forth in the Procedural Ordinance for the adoption of this Agreement by the City Council.

M. The City Council has reviewed and approved this Agreement. It finds that this Agreement is consistent with the General Plan, the NNCP, the Panhandle Finance Plan, and all other applicable CITY ordinances, rules and regulations. The implementation of this Agreement is in the best interest of CITY and the health, safety and welfare of its residents. The environmental impacts of the development contemplated herein were adequately considered in the environmental documentation prepared by CITY and adoption of the

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ordinance and approval of this Agreement complies in all respects with the California Environmental Quality Act

AGREEMENT

NOW, THEREFORE, in further consideration of the above recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and covenants of the parties contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

I

DEFINITIONS

The terms set forth below, unless the context otherwise requires, shall have the meanings prescribed, for purposes of this Agreement

- **Adopting Ordinance:** the ordinance pursuant to which the City Council approves this Agreement.
- **Allocation Procedures:** those procedures set forth in section 5.H. of this Agreement, whereunder the various uses and densities are distributed to and among the various parcels, or portions thereof, comprising the Property.
- **Annual Review:** the process, and procedures therefor, whereby CITY reviews, pursuant to Government Code section 65865 1, the nature and extent of compliance by LANDOWNER with all of the terms and conditions of this Agreement, which process and procedures are as specified in the Procedural Ordinance, and in section 17 of this Agreement
- **Assessment:** a special assessment levied on real property within the North Natomas Community Plan area, for the purpose of financing Infrastructure and/or public facilities, or maintenance thereof, in accordance with the California Streets and Highways Code, the California Government Code, and/or the Sacramento City Code.
- **Assessment District Policy Manual:** the document entitled "City of Sacramento Policy and Procedures for Use of Special Assessment and Mello-Roos Community Facilities District Financing for Infrastructure and Public Facilities," as adopted by the City Council on June 29, 1993 (Resolution 93-381), as said document may be amended from time to time.
- **Assignee:** a third Person executing an Assumption Agreement prepared in accordance with the format prescribed in Exhibit D.

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- **Assignment**: the sale or other transfer by LANDOWNER of all or part of its right, title and interest in the Property and in this Agreement to another Person, in accordance with the terms and conditions of this Agreement.

- **Assumption Agreement**: the agreement prescribed in Exhibit D, whereby an Assignee undertakes to perform all obligations, and other terms and conditions of this Agreement, as a condition of release of the Assignee's predecessor in interest from the responsibility for performance of such obligations and other terms and conditions, with respect to the portion of the Property assigned to the Assignee.

- **CEQA**: the California Environmental Quality Act, set forth at California Public Resources Code section 21000 et seq., as amended from time to time

- **CITY**: the City of Sacramento.

- **City Agency**: the Redevelopment Agency of the City of Sacramento, and the Housing Agency of the City of Sacramento.

- **City Council**: the Council of the City of Sacramento.

- **Comprehensive Drainage Plan**: the Drainage System for North Natomas, prepared by the City of Sacramento, Borcalli & Associates, Ensign & Buckley, or other consulting firm, and adopted by the City Council, as it may be amended from time to time.

- **Comprehensive Flood Management Plan**: that plan required to be prepared, and to be adopted by the City Council, pursuant to the CITY's floodplain policy adopted by Resolution No. 93-696

- **Dedication**: the transfer of real property, or a defined interest therein, to CITY or another public agency, free of all encumbrances and other matters affecting the title except as may otherwise be agreed to by CITY or such other public agency, and at no cost to CITY or such other public agency, as specifically set forth in the PLAP, within the Panhandle Finance Plan, as it may exist from time to time.

- **Deed of Trust**: a real property security device whereby the debtor (trustor) conveys title to real property to a trustee as security for a debt owed to the creditor (beneficiary).

- **Default**: a failure of performance, or unreasonable delay in performance, by either party to this Agreement, of any of its terms, conditions, obligations or covenants. Default shall include, but not be limited to failure to comply with all provisions of the Panhandle Finance Plan and/or failure to pay any fee, tax or assessment enacted pursuant to that Plan.

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- **Development:** the use(s) to which the Property will be put, the buildings and improvements to be constructed on it, and the construction activities incident thereto, together with the process of obtaining all required land use entitlements.

- **Development Agreement:** this Agreement.

- **Development Plan:** LANDOWNER's plan for development of the Property, as set forth in Exhibit B. Where LANDOWNER, at the time of execution of this Agreement, does not propose a specific development project, the Development Plan shall be deemed to be development consistent with the Land Use and Development Regulations.

- **Drainage Phasing Plan:** that portion of the Comprehensive Drainage Plan which identifies the sequence of construction of the Drainage System.

- **Drainage System:** that drainage system set forth in the Comprehensive Drainage Plan, as that plan may exist from time to time.

- **Drainage Sub-basin:** the individual drainage sub-areas identified in the Comprehensive Drainage Plan.

- **Effective Date:** The date on which the Property is annexed to the City of Sacramento, provided that such annexation occurs within two (2) years of the date on which the ordinance approving this Development Agreement takes effect. Failure to annex within this time period shall result in this Agreement being null and void, pursuant to Section 65865 of the Government Code.

- **General Plan:** the General Plan of the City of Sacramento, as adopted by the City Council on January 19, 1988, as said plan may be amended from time to time.

- **Habitat Conservation Plan:** that plan, which must be adopted and implemented by the City Council, pursuant to which measures are taken to implement the provisions of the federal and state Endangered Species Acts, and pursuant to which incidental take permits will be issued to the City of Sacramento, to Landowner, or to others under said Acts.

- **Infrastructure:** all public facilities and improvements needed to serve urban development, as identified in the NNCP and the Panhandle Finance Plan, or in subdivision maps, parcel maps, or as may otherwise be constructed and conveyed to CITY or another public agency, including but not limited to street and freeway improvements, drainage improvements, sanitary sewer improvements and water storage and transmission facilities.

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- **Interim Drainage**: temporary surface water drainage to be provided to the North Natomas area by RD-1000, and/or any phase of the Drainage System, and/or any drainage project resulting in the removal of land within the Panhandle Finance Plan Area from a 100-year floodplain, pursuant to a plan approved by that agency and the City Council for the initial phase of development within North Natomas, until such time as the Drainage System is constructed and operational, all pursuant to the RD-1000 Agreement
- **Irrevocable Offer of Dedication**: an unconditional and irrevocable offer by LANDOWNER to transfer real property to CITY in accordance with the provisions of the PLAP and/or any condition of any land use entitlement applicable to the Property, in the form specified in Exhibit G

- **Land Acquisition Program** (PLAP): the plan, also called the Panhandle Land Acquisition Program, which as an integral part of the Panhandle Finance Plan, is designed to provide a means for transfer to or acquisition by CITY, or such other public agency as is appropriate, of all lands within the North Natomas Community Plan area which are designated to be held publicly, at no cost to CITY. A copy of the plan is attached hereto as Exhibit E and incorporated herein by this reference

- **Land Acquisition Fee** (LAF): the fee/reimbursement program, which is an integral part of the Panhandle Finance Plan, and which is designed to equalize the cost of the PLAP among the various landowners within the Panhandle Finance Plan area

- **Land Use and Development Regulations**: the General Plan, the North Natomas Community Plan, the CITY's Subdivision Map Act Ordinance, and Zoning Ordinances, together with any other CITY ordinance, or resolutions, rules, regulations and official policies as they exist on the Effective Date, which govern or regulate land use and/or development in the North Natomas Community Plan area.

- **Lender**: a Person (or a successor in interest to such person) who has advanced funds to, or who is otherwise owed money by a debtor, where the obligation is embodied in a promissory note or other evidence of indebtedness, and where such note or other evidence of indebtedness is secured by a Mortgage or Deed of Trust.

- **Mortgage**: a contract by which the mortgagor (debtor) as owner hypothecates or pledges real property, or otherwise grants a security interest therein to a Lender (mortgagee), to secure performance under a promissory note or other evidence of indebtedness, and where the holder of the mortgage is granted a power of sale.

- **North Natomas Community Plan** (NNCP): the Community Plan for development of the North Natomas area, as adopted by the City Council on May 3, 1994, as said plan exists on the Effective Date. The NNCP includes, without limitation, a Land Use Diagram and Policy Statements

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- **Panhandle Finance Plan**: the plan, as it may be amended from time to time, which establishes methods for financing required Infrastructure and public facilities through a combination of land transfers, dedications, contributions, fees, assessment districts, community facilities districts, and other measures

- **Panhandle Finance Plan Area**: the lands within the area covered by the Panhandle Finance Plan, and which are obligated thereby, as that area may exist from time to time

- **Parties**: the City of Sacramento and LANDOWNER.

- **Person**: any person, firm, association, organization, partnership, business trust, corporation or company.

- **Procedural Ordinance**: Ordinance No. 95-012, adopted by the City Council on March 7, 1995, and which sets forth procedures for execution, approval, implementation, amendment, and related matters, with respect to development agreements for lands within the NNCP area.

- **Project**: part or all of the elements set forth in LANDOWNER's Development Plan.

- **Project Review**: CITY's actions in reviewing any project proposed by LANDOWNER with respect to the Property, including but not limited to review of all required land use entitlement applications

- **Property**: the real property owned by LANDOWNER, as set forth in Exhibit A.

- **Protest Waiver**: the agreement set forth in Exhibit F, executed by LANDOWNER pursuant to this Agreement, or in connection with the conditions of any required entitlement

- **Purchaser**: an assignee.

- **Reconfiguration**: the reconfiguration, adjustment or alteration of property lines through parcel or subdivision mapping, or lot line adjustment

- **RD-1000 Agreement**: any agreement which governs the terms and conditions under which Interim Drainage, if applicable, will be provided to the Property.

- **Reimbursement**: the reimbursement of monies to a Person who has advanced funds for Infrastructure required for development of the Property, or who has advanced funding for Infrastructure or other improvements which are required by the NNCP, the Panhandle Finance Plan, or other document, and which have benefit to land beyond the Property, in accordance with a reimbursement agreement approved by CITY. Any such agreement will be limited to

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the portion of the funding advanced which is in excess of the allocable share of the cost of the Infrastructure or improvement attributable to the Property

- **Reimbursable Infrastructure Costs**: those costs paid by LANDOWNER, and which are identified as reimbursable pursuant to CITY's Assessment District Policy Manual (as defined in section 8 D.(1) of this Agreement)

- **Special Conditions**: those conditions, terms and requirements specified in Exhibit C

- **Special Permit**: any discretionary permit required pursuant to the Land Use and Development Regulations, and issued by CITY for development of the Property, upon proper application therefor by LANDOWNER.

- **Term**: the length of this Agreement in terms of time, as specified in section 3, or as that time may be extended pursuant to any applicable provision of this Agreement

- **Transfer**: an assignment

- **Transferee**: an assignee

- **Zoning**: the division of the City of Sacramento into districts, and the application of zoning regulations thereto, which include (without limitation) regulation of the height or bulk of buildings (structural and architectural design) and the use to which the land and buildings within prescribed districts may be put, all as specified in the Zoning Ordinance

- **Zoning Ordinance**: the Comprehensive Zoning Ordinance of the City of Sacramento, as that ordinance exists on the Effective Date.

II

TERMS AND CONDITIONS OF AGREEMENT

1. **Property Description and Binding Covenants**. The Property is that certain real property owned by LANDOWNER and described in Exhibit "A" The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to the benefit of, the parties and, subject to section 4 below, to their successors-in-interest

2. **Interests of Landowner** LANDOWNER represents that LANDOWNER owns a legal or equitable interest in the Property and that all other Persons holding legal or equitable interests in the Property, have executed and are bound by this Agreement

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3. **Term**

A. **Initial Term.** The term of this Agreement shall commence on the Effective Date and shall extend for a period of ten (10) years thereafter, unless it is sooner terminated or modified by the mutual consent of the parties.

B. **Failure to Annex in a Timely Manner.** If the property is not annexed to the City within two years of the date on which the ordinance approving this Development Agreement takes effect, this Agreement shall be null and void, pursuant to Government Code Section 65865.

C. **Renewal Options.** Subject to the provisions of this subsection, LANDOWNER shall have the right to renew this Agreement on its same terms and conditions, taking into account any amendments hereto mutually agreed upon after the Effective Date. The term of this Agreement shall mean and include the initial term, plus any renewal periods. The specific conditions for exercise of the renewal options are as follows:

(1) On the Exercise Date, LANDOWNER shall not be in default in any material respect under this Agreement, including any amendments hereto. For purposes of this subsection, "Exercise Date" shall mean the date that LANDOWNER or LANDOWNER's successor in interest gives written notice of intention to exercise the option to renew this Agreement, in accordance with the provisions of section 20 hereof.

(2) The option to renew shall be exercisable by giving CITY written notice of LANDOWNER's intention to exercise the option on or before the Exercise Date, which notice shall be given not later than one hundred eighty (180) days prior to expiration of the initial term or any renewal term.

(3) LANDOWNER shall be limited to three (3) renewal periods of five (5) years each; the parties specifically intend that under no circumstances shall the term of this Agreement extend beyond twenty-five (25) years, unless this Agreement is amended in accordance with the procedures set forth herein for Agreement amendments.

4. **Assignment** LANDOWNER shall have the right to sell, assign, or transfer its interests under this Agreement as part of a contemporaneous and related sale, assignment or transfer of its interests in the Property, or any portion thereof, without the consent of CITY; provided, however, that LANDOWNER shall notify CITY of such sale, assignment or transfer by providing written notice thereof to CITY in the manner provided in this Agreement. LANDOWNER shall remain obligated to perform all terms and conditions of this Agreement, unless such purchaser, assignee or transferee, to the satisfaction of and

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in a form acceptable to the City Attorney, executes and delivers to CITY an express agreement to assume all of the obligations and other terms and conditions of this Agreement with respect to the Property or such portion thereof sold, assigned or transferred. The execution of such an assumption agreement shall relieve LANDOWNER of the obligations expressly assumed only if (a) LANDOWNER is not in default under this Agreement at the time of the assignment or transfer; and (b) LANDOWNER has provided CITY with notice of said assignment or transfer in the manner provided hereunder. Any such assumption agreement with respect to LANDOWNER's obligations under this Agreement shall be deemed to be to the satisfaction of the City Attorney if executed in the form of the Assignment and Assumption Agreement attached hereto as Exhibit "D" and incorporated herein by this reference, or such other form as shall be proposed by LANDOWNER and approved by the City Attorney prior to the effective date of the assignment.

Any purchaser, assignee, or transferee shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, only with respect to the Property, or such portion thereof, sold, assigned, or transferred to it. Any such purchaser, assignee, or transferee shall observe and fully perform all of the duties and obligations of LANDOWNER under this Agreement, as such duties and obligations pertain to the portion of the Property sold, assigned, or transferred.

5. **Development of the Property.**

A. **Permitted Uses and Development Standards** Subject to the Special Conditions set forth in Exhibit C, attached hereto and incorporated herein by this reference (herein the "Special Conditions"), any reserved discretionary approvals specified in this Agreement, and all other terms and conditions of this Agreement, LANDOWNER may develop the Property in accordance with and subject to the terms and conditions specified in the Land Use and Development Regulations in effect on the Effective Date, or, where applicable, the Development Plan, as set forth in Exhibit B, attached hereto and incorporated herein by this reference. Specifically, the permitted uses, density or intensity of use, height or size of buildings and provisions for reservation and dedication of land for public purposes shall be as set forth in the Development Plan.

B. **Discretionary Approvals.**

(1) **Project Review.** Development of the Property is subject to all required discretionary approvals. In reviewing and approving applications for special permits and other discretionary approvals, CITY may exercise Project Review and may attach such conditions and requirements as are consistent with the policies, goals, standards and objectives of the General Plan, the NNCP and

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the Panhandle Finance Plan, and as may be necessary to comply with all applicable legal requirements and policies of CITY pertaining to such reserved discretionary approvals.

(2) **Rezoning of the Property**. Upon proper and complete application by LANDOWNER, CITY agrees to rezone the Property in accordance with the provisions of the NNCP in effect on the Effective Date.

C. **Development Timing**. This Agreement contains no requirement that LANDOWNER must initiate or complete development of any phase of the development of the Property or any portion thereof within any period of time set by CITY. It is the intention of this provision that LANDOWNER be able to develop the Property in accordance with LANDOWNER's own schedule; provided, however, that to the extent that phasing is required by the NNCP, or by the Special Conditions, such provisions shall govern. No future modification of the Sacramento City Code or any ordinance or regulation which limits the rate of development over time shall be applicable to the Property. However, nothing herein shall be construed to relieve LANDOWNER from any time conditions in any permit or subdivision map approval or to excuse the timely completion of any act which is required to be completed within a time period set by any applicable code or permit provisions.

D. **Special Conditions**. Development of the Property shall be subject to the Special Conditions, as specified in Exhibit C.

E. **Land Use and Development Regulations**

(1) Subject to the Special Conditions specified in Exhibit C, development of the Property shall be subject to the Land Use and Development Regulations applicable to such development on the Effective Date.

(2) Except as otherwise provided in this Agreement, to the extent any future changes in Land Use and Development Regulations adopted by CITY purport to be applicable to the Property but are inconsistent with the terms and conditions of this Agreement, including subsection 5E(1) above, the terms and conditions of this Agreement shall prevail, unless the parties or their successors in interest mutually agree to amend or modify this Agreement in accordance with the provisions for modification hereinafter set forth.

(3) To the extent that any future changes in the Land Use and Development Regulations adopted by CITY are applicable to the Property and are not inconsistent with the terms and conditions of this Agreement or are otherwise

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made applicable by other provisions of this Agreement, such future changes shall be applicable to the Property.

(4) Nothing in this Agreement shall preclude the application to development of the Property of changes in the Land Use and Development Regulations, the terms of which are specifically mandated by changes in state or federal laws or regulations In the event state or federal laws or regulations enacted after the effective date of this Agreement or action by any governmental jurisdiction other than CITY prevent or preclude compliance with one or more provisions of this Agreement or require changes in permits, maps or plans approved hereunder by CITY, this Agreement shall be modified, extended or suspended as may be necessary to comply with such state or federal laws or regulations or the regulations of such other governmental jurisdiction.

(5) To the extent that any actions of federal or state agencies (or actions of regional and local agencies, including CITY, required by federal or state agencies or actions of CITY taken in good faith in order to prevent adverse impacts upon CITY by state or federal actions) have the effect of preventing, delaying or modifying development of the NNCP area or any area therein, CITY shall not in any manner be liable for such prevention, delay or modification of said development. Such actions may include, but are not limited to, flood plain or wetlands designations and actions of CITY or regional agencies as a result thereof and the imposition of air quality measures or sanctions and actions of CITY or regional and local agencies as a result thereof. In such a situation, CITY's actions shall not be arbitrary or capricious, and the parties shall meet and endeavor to achieve solutions which preserve the integrity of the NNCP, while to the extent feasible allow development of the Property in the manner contemplated by this Agreement

(6) Nothing herein shall be construed to limit the authority of CITY to enact amendments to the Land Use and Development Regulations, or enact other ordinances or resolutions, which have the legal effect of protecting persons or property from conditions which create a health, safety or physical risk.

(7) Building codes, ordinances and regulations relating to construction standards or permits shall apply as of the time of grant of each applicable construction permit.

(8) No modification of CITY's ordinances, resolutions, policies, rules or regulations adopted after the Effective Date, which purport to limit the rate of development over time or to govern the sequence of development of land within the NNCP area, shall apply to the Property The provisions of this subsection apply to

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modifications adopted or imposed by the City Council, or through the initiative or referendum process; provided, however, nothing in this subsection shall limit the ability of CITY to act in accordance with the provisions of subsections 5E(4), 5E(5) and 5E(6) of this Agreement.

F. **CITY Review of Applications** Consistent with the standards set forth in section 15 of this Agreement, nothing contained in this Agreement shall preclude CITY from its right and responsibility to review applications for entitlements submitted by LANDOWNER in accordance with its normal and usual procedures and practices, as they may exist at the time the application is accepted as complete, or is otherwise deemed complete by operation of law.

G. **Extension of Entitlements** Pursuant to Government Code section 66452 6 all vesting tentative subdivision maps, master parcel tentative maps, parcel maps, subdivision tentative maps, planned unit development permits, special permits, or any other maps, rezonings or land use entitlements of potentially limited duration previously, contemporaneously or subsequently approved for the Property subject to this Development Agreement, shall be valid for a minimum term equal to the full term of this Agreement (including the initial term, and any renewal period resulting from exercise by LANDOWNER of the options provided for in section 3 hereof), or for a period of thirty-six (36) months, whichever is longer, but in no event for a shorter period than the maximum period of time permitted by the Subdivision Map Act or Government Code for such land use entitlements. The provisions of section 25 of this Agreement relating to estoppel certificates shall apply to any request made by LANDOWNER to CITY with respect to the life of any entitlement covered by this subsection. Nothing in this section shall be construed to, or operate to extend the term of this Agreement

H. **Allocation Procedures for Building Square Footage**. Procedures for allocating the uses or densities approved for the Property among the various parcels and/or portions thereof, and for resolution of any disputes regarding such allocations, shall be as follows:

(1) **Allocation** Unless otherwise identified in the Development Plan, which is attached as Exhibit B to this Agreement, the allocation of building square footage shall be as identified in subsequent entitlements for the Property, including but not limited to parcel maps, subdivision maps, PUD schematic plans and development guidelines. The appropriate entitlement to address the allocation of building square footage shall be determined by City. Allocations for residential development shall be determined in the subdivision mapping process, unless CITY determines that some other method is appropriate under the circumstances.

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(2) **Dispute Resolution**. Where a dispute exists between LANDOWNER, and/or any successor or successors in interest, with respect to any matter involving allocation of building square footage for or on the Property, such dispute shall be resolved by arbitration, utilizing the commercial arbitration procedures of the American Arbitration Association, or some other alternative dispute resolution procedure mutually agreed upon by the parties involved in the dispute. In no case shall CITY be a party to such dispute, or to the dispute resolution procedures. All of the provisions of this Agreement relating to indemnification and defense of CITY, and payment of CITY costs, shall apply to all disputes relating directly or indirectly to allocation.

6. **Fees, Charges, Assessments and Taxes**.

A. **City Fees**. All applications for CITY approvals, permits and entitlements shall be subject to the application fees, processing fees, mitigation fees and other development fees within the control of the CITY that are in force and effect as of the date that the application or other request for approval is filed.

B. **Levies Imposed by Other Jurisdictions** LANDOWNER shall be responsible for:

(1) all fees, charges, assessments, special taxes or levies of any sort imposed by any other state or local agency, including but not limited to the Sacramento Area Flood Control Agency, in the future as a charge for mitigation measures imposed for the purpose of mitigation of environmental impacts associated with the provision of flood control improvements and measures for the NNCP area;

(2) all fees, charges, assessments, special taxes or levies of any sort associated with the financing of the construction and implementation of said flood control improvements and measures;

(3) all special benefit assessments, special taxes or levies of any sort associated with construction of or maintenance of public improvements, where the Property is located within a district formed for that purpose by any agency other than CITY;

(4) any fees or other charges required by RD-1000 to be paid to it in implementation of the RD-1000 Agreement; and

(5) ad valorem real estate taxes, and utility fees.

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In the event that any of the fees, charges, assessments, special taxes or levies covered by this subsection B are imposed by or with the assistance of CITY, LANDOWNER shall nevertheless be responsible therefor. Nothing in this Agreement shall be construed to limit LANDOWNER's right to protest, in accordance with applicable provisions of law: the formation of any district included within the provisions of this subsection or to protest the amount of any assessment levied by or on behalf of such district on the Property or any portion thereof; or to protest the nature and amount of any tax, fee, assessment or charge imposed pursuant to this subsection.

C. **Implementation of the Panhandle Finance Plan**. The Panhandle Finance Plan establishes a method for financing of required Infrastructure and public facilities through a combination of land transfers, dedications and contributions, fees, assessment districts, community facilities districts and other sources, so that the land within the Panhandle Finance Plan Area pays for its share of the cost of such Infrastructure and facilities. The plan also recognizes that there is a regional cost associated with certain portions of Infrastructure and facilities, and that that share will ultimately have to be paid from other sources, even though developers within the area, including LANDOWNER, acknowledge that they may have to participate in funding regional costs on a fair share basis. LANDOWNER shall participate in the Panhandle Finance Plan, as made applicable to the development of the Property, and shall faithfully and timely comply with each and every provision thereof, including but not limited to the PLAP, the Land Acquisition Fee, assessments, special taxes, and other development fees and exactions set forth therein. Without limiting the foregoing, applications for special permits, subdivision maps or other land use entitlements and building permits may be made subject to LANDOWNER's participation in and compliance with the plan. Failure to so participate shall be an event of default to which the default provisions of this Agreement and the Procedural Ordinance shall apply. For purposes of this Agreement "participate" and "participation" shall mean payment of all monies required by virtue of the Panhandle Finance Plan, and performance of all obligations imposed thereby.

D. **LANDOWNER's Waivers**.

(1) LANDOWNER hereby agrees to the provisions of Exhibit F, which (without limitation) contains a comprehensive waiver of protest rights with respect to CITY's establishment and implementation of development and impact fees; CITY's actions in forming assessment districts and community facilities districts, and in levying assessments and taxes pursuant thereto; and CITY's actions in implementing any provision of the Panhandle Finance Plan. As set forth in Exhibit F, LANDOWNER reserves the right to protest the actual amount of the

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fee, assessment or tax levy, or other CITY charge imposed on or allocated to the Property pursuant to the Finance Plan.

(2) LANDOWNER has reviewed the Panhandle Finance Plan and acknowledges that a nexus study was not done for certain features of the Finance Plan LANDOWNER further acknowledges that certain facilities costs allocated as specified in the Finance Plan are not nexus-based costs, but rather are extrapolations from the established nexus-based costs under the North Natomas Finance Plan for the adjacent North Natomas Finance Plan area With such knowledge, LANDOWNER waives any and all administrative or judicial challenges it can legally make to the Panhandle Finance Plan or this Agreement based on insufficient nexus for any facilities costs specified in the Finance Plan

7. **Reconfiguration of Parcels**. LANDOWNER shall have the right to file applications with CITY for subdivision, lot line adjustment, or for master parcelization of all or part of the Property, for the purpose of reconfiguration of the Property. Such applications shall be processed and determined in accordance with the provisions of section 5, and all other applicable provisions of this Agreement. Where reconfiguration requires a Special Permit, or a P.U.D. designation, or other entitlement applicable to the Property or portion thereof which is subject to the application, CITY reserves the right to require such entitlements as a condition of granting the application.

8. **Infrastructure**.

A. **Construction by CITY**. To the extent that funds are available to CITY pursuant to the Panhandle Finance Plan, and to the extent that any required real property has been transferred to CITY pursuant to the PLAP, or has been obtained by CITY through its power of eminent domain, which CITY agrees to utilize, where required, and subject to LANDOWNER's compliance with the terms of this Agreement and all of the terms and conditions of any entitlement applicable to the Property, CITY agrees to use its best efforts to bring about the construction of the Infrastructure required to implement the Development Plan (Exhibit B) Provided, however, that CITY's obligations hereunder shall be limited to those items of Infrastructure which, under the Panhandle Finance Plan, are to be constructed by CITY or under CITY's direction and control; where Infrastructure is to be constructed by LANDOWNER, either pursuant to conditions of approval or otherwise, the provisions of this subsection shall not apply

B. **Construction by LANDOWNER** When required by conditions of approval, and in accordance with CITY specifications and standards in effect as of the date of construction, LANDOWNER shall diligently construct Infrastructure required for

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implementation of the Development Plan (Exhibit B) LANDOWNER shall further comply with all required funding requirements specified in the Panhandle Finance Plan, and the real property transfer provisions of the PLAP

C. **Drainage Infrastructure** As of the Effective Date, it is contemplated that permanent drainage for the Property, and the entire Panhandle Finance Plan Area, will be provided by the Drainage System It is further contemplated that Interim Drainage for the Property and the NNCP area will be provided pursuant to the RD-1000 Agreement or some other arrangement which has been implemented by CITY Construction of the Drainage System will require land transfers to CITY pursuant to the PLAP, or acquisition of required land by CITY through the use of eminent domain procedures, and funding for the required improvements, all on a timely basis and in accordance with the North Natomas Finance Plan, and subject to the provisions of the RD-1000 Agreement (or such other arrangement which has been implemented by CITY), together with the Drainage Sub-basin agreement, or substitute therefore, as specified in the Special Conditions In recognition of the need for retention of flexibility and CITY discretion with respect to decisions relating to the ultimate solution to drainage for the NNCP area, and the need for unconditional provision of financing by LANDOWNER and other owners of land in the Panhandle Finance Plan Area through the mechanisms specified in the Panhandle Finance Plan, the parties agree as follows:

(1) **Establishment of Financing Mechanisms** CITY shall, as soon as feasible following the adoption of the Panhandle Finance Plan by the City Council and the annexation of the Panhandle Finance Plan Area to the City, establish public financing mechanisms as identified in the Panhandle Finance Plan, applicable to lands within the NNCP area which will benefit from the Drainage System

(2) **Issuance of Bonds** Decisions as to whether to issue bonds pursuant to such financing mechanisms, and the timing and manner of issuance thereof, shall be within the sole and exclusive discretion of CITY; provided, however, that CITY shall exercise its discretion in a good faith manner, so as to provide for timely construction of Infrastructure in order not to stop or slow development

(3) **Linkage of Development to Completion of Drainage System** CITY has established a performance standard that requires (inter alia) that the Drainage System be completed and in operation no later than the point in time when building permits have been issued for fifty percent (50%) build-out of the Panhandle Finance Plan Area, as measured by developable acreage as defined in the Panhandle Finance Plan In the event that a different phasing plan is adopted and implemented by CITY, LANDOWNER shall comply with all provisions of such a plan, and shall execute any agreement or other document,

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or participate in any mechanism as is required by CITY to implement such a plan.

D. **Infrastructure Financing Proceedings**

(1) **LANDOWNER-Initiated Proceedings**. In the event that LANDOWNER desires to initiate proceedings for the formation of an assessment district, community facilities district, or other similar form of improvement financing mechanism to fund the construction of Infrastructure required by conditions of approval or otherwise, LANDOWNER shall file an application with CITY for that purpose in accordance with CITY's Assessment District Policy Manual, as same may be amended from time to time, or such other policy document as may after the Effective Date be adopted by the City Council as a substitute therefor CITY agrees to diligently process any such application, provided that such application:

(a) is complete and is accompanied by payment of CITY fees applicable on the date of filing of the application;

(b) otherwise complies with the Land Use and Development Regulations and applicable law, as it exists on the date of the application, including but not limited to the Assessment District Policy Manual;

(c) is consistent with CITY's policies and procedures; (iv) provides for a value to lien ratio and other financial terms that are reasonably acceptable to CITY;

(d) provides for all funding requirements established by CITY for the purpose of payment of the costs of outside consultants needed, in CITY's sole discretion; and

(e) provides that the specific consultants (e.g., bond counsel, financial advisors, underwriters, or other consultants as may be necessary under the circumstances) shall be selected by CITY in its sole discretion.

Notwithstanding any other provision of this Agreement, CITY agrees that upon request made by LANDOWNER, CITY will consider making exceptions to the Assessment District Policy Manual, to allow for alternative methods of financing in-tract improvements, including but not limited to formation of assessment districts or similar financing mechanisms, where such alternatives are contemplated by the Panhandle Finance Plan, including any amendments thereto Provided, however, that CITY reserves its discretion to condition use

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of any such alternatives on satisfaction of performance preconditions (including but not limited to drainage capacity), and to consider underwriting considerations and criteria, together with the manner in which such alternatives further the overall implementation of the Panhandle Finance Plan. Further, CITY may in its reasonable discretion deny any such request upon grounds, including but not limited to consistency of application of its policies and the potential for establishing negative precedent.

(2) **Proceedings Initiated by CITY**. In the event that pursuant to the Panhandle Finance Plan, CITY in its discretion determines that a particular financing mechanism, including but not limited to an assessment district, a community facilities district, a fee district, a development fees procedure, or any similar mechanism, is required in order to implement the Panhandle Finance Plan, LANDOWNER's participation obligations set forth hereunder (including but not limited to Exhibit C), in the Panhandle Finance Plan, or in any condition of approval, shall apply.

(3) **Maintenance Districts** LANDOWNER may, following the procedures specified in subsection 8D(1) above, request that CITY establish one or more maintenance districts for the purpose of financing the maintenance of landscaping or other public improvements, whereunder lands benefitting from the improvements and their maintenance are assessed for a proportionate share of the maintenance cost.

E. **Reimbursement to LANDOWNER**.

(1) **From Financing Proceeds**. Subject to the Panhandle Finance Plan, where LANDOWNER has provided advance funding for public Infrastructure required by the Panhandle Finance Plan or has constructed such Infrastructure under the direction and control of CITY, LANDOWNER shall be reimbursed for Reimbursable Infrastructure Costs at such time as CITY has established a permanent financing mechanism in the form of an assessment district, community facilities district, or other similar mechanism through which permanent public financing for such improvements is established. Those items qualifying as Reimbursable Infrastructure Costs shall be determined pursuant to CITY policies in existence at the time of establishment of the permanent financing mechanism. CITY agrees to entertain reasonable requests from LANDOWNER for exceptions to such policies; provided, however, that CITY may, in its reasonable discretion, deny any such request upon grounds, including but not limited to consistency of application of its policies and the potential for establishing negative precedent. Nothing in this Agreement shall authorize reimbursement of any cost which, in the opinion of CITY's bond

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counsel, is not permissible for purposes of establishing or retaining tax free status of any bonds issued, or contemplated to be issued by CITY

(2) **Reimbursement From Others Benefitted** In any case where CITY requires or permits LANDOWNER to plan, design, construct, or fund the planning, design or construction of improvements required for development by the Panhandle Finance Plan, in excess of or beyond those required for development of the Property, or, where required by the Panhandle Finance Plan, to make dedications, provide mitigation or incur costs in connection with public improvements or the planning of the North Natomas area in excess of or beyond those required for development of the Property, and the provisions of the preceding subsection do not apply, CITY shall utilize its best efforts to require that all other Persons benefitted by the improvements shall reimburse (through fee districts, agreements, conditions of approval, or otherwise) LANDOWNER for such Person's proportionate share of such costs as determined in accordance with the Panhandle Finance Plan, or by CITY For purposes of this Agreement, the term "in excess of or beyond those required for development of the Property" shall mean requirements which exceed LANDOWNER's fair proportionate share, as determined in accordance with the provisions of the Panhandle Finance Plan and any associated documents or studies

Such reimbursement shall be subject to the limitations specified in the preceding paragraph (including those provisions relating to consideration by CITY of exceptions to its policies), relating to CITY policy and Reimbursable Infrastructure Costs Reimbursement shall be limited to that amount which exceeds LANDOWNER's appropriate share of the cost, determined in accordance with principles established in the Panhandle Finance Plan, and any associated documents or studies

(3) **Reimbursement of Planning, Engineering and Staff Costs** In accordance with the provisions of the Panhandle Finance Plan, and as soon as feasible following City Council adoption of the said Plan, CITY shall enact a fee ordinance which imposes a fee upon the Panhandle Finance Plan area of the NNCP area landowners, including LANDOWNER, to pay the planning, engineering, staff and related costs (including but not limited to CITY staff and related costs), as specified in the Panhandle Finance Plan, and which relate to development of the NNCP, the Finance Plan, the general form of the Development Agreement, the Comprehensive Drainage Plan, and all related documents The fee shall be spread across lands within the NNCP area in the same fashion as the public facilities fees Credits shall be given to those landowners who have paid some or all of their share of the said costs, for the

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amounts so paid. The fee shall be payable prior to issuance of the first discretionary entitlement for the land as to which an application has been filed with CITY

9. **LANDOWNER Obligations**.

A. **Transfer of Land to CITY** As set forth elsewhere in this Agreement, LANDOWNER has agreed to transfer lands needed for Infrastructure or public facilities to CITY, or to such other public agency as is appropriate, pursuant to the provisions of the PLAP. Set forth in Exhibit H, attached hereto and incorporated herein by this reference, is a map depicting the currently contemplated approximate location and amount of land which LANDOWNER will be required to transfer to CITY, together with a categorical listing of the types of Infrastructure and public facilities which are covered by the terms of this subsection. LANDOWNER shall transfer the said required lands to CITY, utilizing the Irrevocable Offer of Dedication form set forth in Exhibit G, attached hereto and incorporated herein by this reference, at such time as is:

(1) required pursuant to a condition or term of any entitlement for use or development of the Property; or

(2) requested by CITY, where LANDOWNER has not applied for an entitlement for use or development of the Property, but the land is needed, in CITY's sole discretion, for purposes of construction of Infrastructure or public facilities.

In the event that, at the time of the required transfer to CITY, the location of, or the quantity of land required for the Infrastructure or public facilities has changed from that depicted on Exhibit H, to such a significant degree or extent that the location or quantity is inconsistent with both the NNCP as it exists on the effective date of this Agreement, and the Panhandle Finance Plan, the parties shall meet and negotiate, and in good faith endeavor to reach agreement on any amendments to this Agreement needed to allow development of the Property in a reasonable manner, taking into account the changes in Infrastructure and public facilities. If agreement is reached between the parties, the procedures specified herein and in the Procedural Ordinance shall apply to amendments to this Agreement. If agreement is not reached, either party shall have the right to terminate this Agreement by providing the other party sixty (60) days notice.

B. **Development Timing**. LANDOWNER shall have no obligation to initiate or commence development of any particular phase of the Property within any period of time

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10. Litigation/Indemnification.

A. Challenge to Agreement or Entitlements.

(1) In the event of any action instituted by a third party challenging the validity of any portion of this Agreement, including but not limited to, the proceedings taken for its approval (including the requirements of the California Environmental Quality Act – "CEQA") or any other act undertaken by the parties hereto in furtherance of this Agreement or its terms, or any action instituted by a third party challenging the validity of any of the entitlements specified herein (including CEQA challenges), the parties agree to cooperate in the defense of the action In all such litigation brought to contest the validity of this Agreement or such entitlements, the following shall apply:

(a) City may, in its sole discretion, either defend such litigation or tender its defense to LANDOWNER.

(b) In the event that CITY determines to defend the action itself, LANDOWNER shall be entitled, subject to court approval, to join in or intervene in the action on its own behalf, or to advocate in favor of validity of this Agreement or any challenged entitlement In such a case, each party shall bear its own attorney fees and costs

(c) In the event that CITY determines to tender the defense of the action to LANDOWNER, LANDOWNER shall defend the action on its behalf and on behalf of CITY, and shall bear all attorney fees and costs associated with such defense from and after the date of the tender. Provided, however, that CITY may at any time after the tender elect to assume representation of itself; in that event, from and after the date CITY gives notice of its election to do so, CITY shall be responsible for its own attorney fees and costs incurred thereafter.

(2) If, in such litigation, a final judgment or other final order is issued by the court which has the effect of invalidating or rendering ineffective, in whole or in part, any provision of this Agreement or the Agreement itself, or any entitlement issued during the term of this Agreement and pursuant to its terms, the following shall apply:

(a) if the judgment or order includes a provision for attorney fees and/or costs of the successful party or parties, LANDOWNER shall pay the entire cost thereof, without right of offset, contribution or indemnity from CITY, irrespective of anything to the contrary in the judgment or order Provided,

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however, that if the litigation relates entirely, solely and exclusively to a challenge to the NNCP in general, or to the Panhandle Finance Plan in general, separate and apart from this Agreement or any entitlement relating to the Property, and if LANDOWNER is named or becomes a party in such litigation, LANDOWNER and CITY shall bear the cost of the successful party's attorney fees and/or costs in the manner specified in the court's judgment.

(b) CITY and LANDOWNER shall meet and endeavor, in good faith, to attempt to reach agreement on any amendments needed to allow development of the Property to proceed in a reasonable manner, taking into account the terms and conditions of the court's judgment or order. If agreement is reached, the procedures for amending this Agreement as specified herein, and in the Procedural Ordinance, shall apply. If agreement is not reached, either party shall have the right to terminate this Agreement by giving the other party sixty days' notice of termination.

(c) In the event that amendment is not required, and the court's judgment or order requires CITY to engage in other or further proceedings, CITY agrees to comply with the terms of the judgment or order expeditiously.

B. **Indemnification**. LANDOWNER agrees to defend and indemnify CITY, its elective and appointive boards, commissions, officers, agents and employees against any liability for damage or claims for damage for personal injury, including death, or property damage, arising out of or relating in any way to actions or activities to develop the Property, undertaken by LANDOWNER or LANDOWNER's contractors, subcontractors, agents or employees.

11. Effect of Subsequent Laws

A. Laws of Other Agencies.

(1) If any public agency, other than CITY, adopts any new law, regulation, ordinance or imposes any new condition (herein referred to collectively as "the New Law") after the date of this Agreement, which prevents or precludes either the CITY or LANDOWNER, or both, from complying with one or more provisions of this Agreement, then immediately following the enactment of the New Law the parties shall meet and confer in good faith to determine whether the New Law applies to the Property, and whether suitable amendments to this Agreement can be made, in order to maintain LANDOWNER's right to develop the Property in a reasonable manner pursuant to Exhibit B.

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(2) In the event that the parties, after having engaged in good faith negotiations, are unable to agree on such amendments, the parties shall consider whether suspension of the term of this Agreement is appropriate, and if so, what the terms and conditions of any such suspension should be In the event that the parties, after having engaged in good faith negotiations are unable to agree on the suspension issues, either party shall have the right to terminate this Agreement by giving the other party sixty (60) days' written notice of termination.

(3) LANDOWNER or CITY shall have the right to institute litigation relating to the New Law, and raise any issues relating to its validity If such litigation is filed, this Agreement shall remain in full force and effect until final judgment is issued. Provided, however, that if any action that CITY would take in furtherance of this Agreement would be rendered invalid, facially or otherwise, by the New Law, CITY shall not be required to undertake such action until the litigation is resolved, or the New Law is otherwise determined invalid, inapplicable, or is repealed. In the event that such judgment invalidates the New Law, or determines that it does not affect the validity of this Agreement, this Agreement shall remain in full force and effect, and its term shall be extended by the amount of time between the effective date of the New Law, and the effective date of the judgment In the event that such judgment determines that the validity of this Agreement is, directly or indirectly affected by the New Law, the provisions of subsections 11A(1) and 11A(2) above shall apply.

B. **Laws Passed by CITY**. Subject to the provisions of section 5 of this Agreement, neither the CITY nor any CITY Agency shall enact any initiative, ordinance, policy, resolution, general plan amendment or other measure that relates to the density or intensity of development on the Property, or the rate, timing or sequencing of the development or the construction on the Property on all or any part thereof, or that is otherwise in conflict, either directly or indirectly, with this Agreement.

12. **Enforced Delay; Extension of Times of Performance**. In addition to other specific provisions of this Agreement, performance by either party hereunder shall not be deemed in default where delay or inability to perform is due to war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, enactment of conflicting state or federal laws or regulations, new or supplementary environmental laws or regulations, litigation instituted by third parties challenging the validity of this Agreement or any of the vested entitlements described in section 5 of this Agreement. Upon request of either party to the other, a written extension of time for such cause shall be granted for the period of the enforced delay, or longer as may be mutually agreed upon.

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13. **Legal Actions; Applicable Law; Attorney's Fees**

A. **Legal Actions** In addition to any other rights or remedies, either party may institute legal action to cure, correct, or remedy any default by any other party to this Agreement, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation hereunder. Notwithstanding any other provision of law, or of this Agreement, in no event shall LANDOWNER or CITY, its officers, agents or employees be liable in damages for any breach, default or violation of this Agreement, it being specifically understood and agreed that the parties' sole legal remedy for a breach, default or violation of this Agreement shall be a legal action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Agreement.

B. **Applicable Law** This Agreement shall be construed and enforced in accordance with the laws of the State of California. LANDOWNER agrees and acknowledges that CITY has approved and entered into this Agreement in the sole exercise of its legislative discretion and that the standard of review of the validity and meaning of this Agreement shall be that accorded legislative acts of CITY.

C. **Attorney Fees** In any arbitration, quasi-judicial, administrative or judicial proceeding (including appeals), brought by either party hereto to enforce or interpret any covenant or any of such party's rights or remedies under this Agreement, including any action for declaratory or equitable relief, the prevailing party shall be entitled to reasonable attorneys' fees and all costs, expenses and disbursements in connection with such action, including the costs of reasonable investigation, preparation and professional or expert consultation, which sums may be included in any judgment or decree entered in such action in favor of the prevailing party. For purposes of this section, and any other portion of this Agreement relating to attorney fees, reasonable attorneys fees of the City Attorney's Office shall be based on comparable fees of private attorneys practicing in Sacramento County

14. **Amendment of Agreement.** This Agreement may be amended from time to time only by the mutual written consent of the parties, in accordance with the provisions of Government Code sections 65867 and 65868. In addition, all of the provisions of the Procedural Ordinance relating to the need for amendment, and the manner thereof, shall apply. Upon request of a party, this Agreement shall be amended to include the terms and conditions of any discretionary entitlement granted with respect to the Property after the Effective Date

15. **CITY's Good Faith in Processing** Subject to the provisions of section 5B hereof, and LANDOWNER's compliance with each and every term and condition of this Agreement and all of its exhibits, CITY agrees that it will accept in good faith for processing, review,

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and action, all complete applications for master parcel maps, zoning, planned unit development designation, planned unit development guidelines, schematic plans, special permits, building permits, parcel maps, subdivision maps, or other entitlements for use of the Property in accordance with the General Plan, the NNCP and this Agreement.

CITY shall inform the LANDOWNER, upon request, of the necessary submission requirements for each application for a permit or other entitlement for use in advance, and shall review said application and shall schedule the application for expeditious review by the appropriate authority.

16. Default, Remedies, Termination.

A. **General Provisions.** Subject to any extensions of time by mutual consent of the parties, and subject to the cure provisions set forth herein, any failure or unreasonable delay by either party to perform any material term or provision of this Agreement shall constitute a default.

(1) **LANDOWNER Default.** In addition to any other remedy specified herein, in the event that notice of default has been given in accordance with this section, wherein a default by LANDOWNER is alleged, CITY shall not be obligated to issue any building permit, or grant any entitlement as to which an application has been filed.

(2) **CITY Default.** In addition to any other remedy specified herein, in the event that notice of default has been given in accordance with this section, wherein a default by CITY is alleged, any resulting delays in LANDOWNER's performance caused by CITY's default shall not constitute a LANDOWNER default, or be grounds for termination or cancellation of this Agreement.

(3) **Successors in Interest.** Where the Property, following the Effective Date, has been lawfully conveyed in whole or in part to one or more successors in interest, in such a manner as to invoke the provisions of section 4 of this Agreement, and one or more of such successors in interest is in default with respect to the portion of the Property owned by it, neither LANDOWNER nor any other non-defaulting successor in interest shall be liable for the default, if the provisions of section 4 have been complied with, and in accordance with the terms and conditions of that section.

B. **Cure of Default.** In the event of an alleged default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party notice in writing specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured and a reasonable period of

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time in which to cure, that shall in no event be less than thirty (30) days. During any such period, the party charged shall not be considered in default for purposes of termination or institution of legal proceedings.

C. **Remedies After Expiration of Cure Period**. After notice and expiration of the thirty (30) day period, if the alleged default has not been cured in the manner set forth in the notice, the other party may at its option:

(1) institute legal proceedings to obtain appropriate judicial relief, including but not limited to mandamus, specific performance, injunctive relief, or termination of this Agreement; or

(2) give the other party notice of intent to terminate this Agreement pursuant to Government Code section 65868 and the Procedural Ordinance. In the event that such notice is given, CITY shall schedule the matter for public hearing before the City Council to review the matter and make specific written findings regarding the alleged default. Where LANDOWNER is the party alleged to be in default, LANDOWNER shall be afforded a reasonable opportunity to respond to all allegations of default at such public hearing. CITY shall provide LANDOWNER at least thirty (30) days prior written notice of such public hearing, as well as provide LANDOWNER copies of all CITY staff reports prepared in connection therewith at least five (5) days prior to the hearing.

17. **Annual Review**.

A. **General Provisions**. In accordance with Government Code section 65865.1, and the Procedural Ordinance, CITY shall, at least every twelve (12) months during the Term of this Agreement, review the extent of good faith compliance by LANDOWNER with the terms of this Agreement. Failure of CITY to conduct an annual review shall not constitute a waiver by CITY or LANDOWNER of the right to conduct future annual review or to otherwise enforce the provisions of this Agreement, nor shall a party have or assert any defense to such enforcement by reason of any such failure. The failure of CITY to undertake such review, shall not, in itself, invalidate the terms of this Agreement or excuse any party hereto from performing its obligations under this Agreement.

B. **Scope of Review**. The annual review shall be limited in scope to compliance with the terms and conditions of this Agreement.

C. **Proceedings**. The procedures specified in the Procedural Ordinance for conduct of the annual review by the City Manager, and by the City Council, shall apply to each annual review of this Agreement. At least ten (10) days prior to the commencement

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of any annual review, CITY shall deliver to LANDOWNER a copy of any public staff reports and other documents to be used or relied upon in conducting the review. LANDOWNER shall be permitted an opportunity to respond to CITY's evaluation of LANDOWNER's performance by written and oral testimony at the public hearing to be held before the City Council, if LANDOWNER so elects.

At the conclusion of the annual review, CITY shall make written findings and determinations on the basis of substantial evidence, as to whether or not LANDOWNER or its successors have complied in good faith with the terms and conditions of this Agreement.

D. **Failure of Compliance**. Any determination of failure of compliance shall be subject to the notice requirements and cure periods set forth in section 16 of this Agreement. If termination is proposed, it shall apply solely with respect to that portion of the Property (if less than all) affected by the failure to show good faith compliance. If modification of the Development Agreement is proposed, the modification shall pertain solely to the provisions hereof as applicable to that portion of the Property (if less than all) affected by the condition that has prompted the proposed modification.

18. **Termination Upon Completion of Development**

A. **General Provisions.** This Agreement shall terminate as to each parcel of property contained within the Property when that parcel of property has been fully developed and all of LANDOWNER'S obligations in connection therewith are satisfied, as reasonably determined by CITY. CITY shall, upon written request made by LANDOWNER to CITY's Department of Planning and Development, determine if the Agreement has terminated, with respect to any parcel, and shall not unreasonably withhold termination as to that parcel if LANDOWNER'S obligations therewith are satisfied. CITY shall be entitled to receive payment of a fee commensurate with the cost of processing the request and making such a determination, including but not limited to CITY's administrative and legal expenses. Upon termination of this Agreement, CITY shall upon LANDOWNER's request record a notice of such termination in a form satisfactory to the City Attorney that the Agreement has been terminated. The aforesaid notice may specify, and LANDOWNER agrees, that termination shall not affect in any manner any continuing obligation to pay any item specified by this Agreement, by the Panhandle Financing Plan or any of the measures implementing said plan, and shall have the effect as set forth in section 18C.

B. **Multi-family and Single Family Residential Projects**. This Agreement shall automatically terminate and be of no further force and effect as to any single family

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residence or multi-family building, and the lot or parcel upon which said residence or building is located, when it has been approved by CITY for occupancy.

C. **Effect Of Termination On Landowner Obligations**. Termination of this Agreement as to the Property or any portion thereof shall not affect any of the LANDOWNER's obligations to comply with CITY's General Plan, the NNCP, and all entitlements issued for the Property, nor shall it affect any other covenants of this Agreement specified in this Agreement to continue after the termination of this Agreement, including but not limited to those specified in sections 6 and 10 and subsection 13C.

19. **No Joint Venture, Partnership, or Other Relationship**. Nothing contained in this Agreement or in any other document executed in connection with this Agreement shall be construed as creating a joint venture or partnership between CITY and LANDOWNER. No relationship exists as between LANDOWNER and CITY other than that of a governmental entity regulating the development of private property, and the owners of such private property.

20. **Notices.** All notices required or provided for under this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the principal offices of the CITY and LANDOWNER or LANDOWNER's assigns and successors, and to Lender, if applicable. Notice shall be effective on the date delivered in person, or the date when received if such notice was mailed to the address of the other party as indicated below:

Notice to the CITY:
City of Sacramento
915 I Street
Sacramento, California, 95814
ATTN: City Manager

Notice to the LANDOWNER:
Marie Krumenacher Trust
6301 E. Levee Road
Rio Linda, CA 95673
Attn: Marie Krumenacher

Alice Krumenacher Trust
6301 E. Levee Road
Rio Linda, CA 95673
Attn: Alice Krumenacher

Vaquero Land Holdings, LLC
4855 Ketchum Court
Granite Bay, CA 95746

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DATE ADOPTED: _____

with copies to:
Law Offices of George E Phillips
2306 Garfield Avenue
Carmichael, CA 95608

Any party may change the address to which notices are to be mailed by giving written notice of such changed address to each other party in the manner provided herein.

21. **Severability**. If any provision of this Agreement is held invalid, void or unenforceable but the remainder of the Agreement can be enforced without failure of material consideration to any party, then this Agreement shall not be affected and it shall remain in full force and effect, unless amended or modified by mutual consent of the parties, utilizing the procedures specified herein and the Procedural Ordinance. Provided, however, that if such holding affects a material provision of this Agreement, LANDOWNER shall have the right in its sole discretion to terminate this Agreement upon providing written notice of such termination to CITY; provided further, however, that in the event LANDOWNER so elects to terminate, such election shall not affect in any manner the terms and conditions of any entitlement theretofore granted by CITY with respect to the Property, or any portion thereof.

22. **Recording**. The City Clerk shall cause a copy of this Agreement to be recorded with the Sacramento County Recorder no later than ten (10) days following execution of this Agreement by CITY, which execution will take place no sooner than the effective date of the ordinance approving this Agreement.

23. **Reimbursement to CITY**. LANDOWNER agrees to reimburse the CITY for reasonable and actual expenses incurred by CITY that relate directly to CITY'S review, consideration and execution of this Agreement. Such expenses include but are not limited to recording fees, publishing fees and any special meeting costs, staff time (including review by the City Attorney), and notice costs. Such expenses shall be paid by LANDOWNER within thirty (30) days of receipt of a detailed written statement of such expenses.

24. **Provisions Relating to Lenders**.

A. **Lender Rights and Obligations**

(1) **Prior to Lender Possession**. No Lender shall have any obligation or duty under this Agreement to construct or complete the construction of improvements, or to guarantee such construction or completion, and shall not be obligated to pay any fees or charges which are liabilities of LANDOWNER or LANDOWNER's successors in interest, but shall otherwise be bound by all

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of the terms and conditions of this Agreement, which pertains to the Property or such portion thereof in which it holds an interest. Nothing in this section shall be construed to grant to a Lender rights beyond those of LANDOWNER hereunder, or to limit any remedy CITY has hereunder in the event of default by LANDOWNER, including but not limited to termination and/or refusal to grant entitlements with respect to the Property

(2) **Lender in Possession** A Lender who comes into possession of the Property, or any portion thereof, pursuant to foreclosure of a mortgage or deed of trust, or a deed in lieu of foreclosure, shall not be obligated to pay any fees or charges which are obligations of LANDOWNER, and which remain unpaid as of the date such Lender takes possession of the Property or portion thereof. Provided, however, that a Lender shall not be eligible to apply for or receive entitlements with respect to the Property, or otherwise be entitled to develop the Property or devote the Property to any uses or to construct any improvements thereon other than the development contemplated or authorized by this Agreement and subject to all of the terms and conditions hereof, including payment of all fees (delinquent, current and accruing in the future) and charges, and assumption of all obligations of LANDOWNER hereunder; provided, further, that no Lender, or successor thereof, shall be entitled to the rights and benefits of the LANDOWNER hereunder or entitled to enforce the provisions of this Agreement against CITY unless and until such Lender or successor thereof qualifies as a recognized assignee under the provisions of section 4 of this Agreement.

B. **Notice of LANDOWNER's Default Hereunder**. If CITY receives notice from a Lender requesting a copy of any notice of default given LANDOWNER hereunder and specifying the address for service thereof, then CITY shall deliver to such Lender, concurrently with service thereon to LANDOWNER, any notice given to LANDOWNER with respect to any claim by CITY that LANDOWNER has committed a default, and if CITY makes a determination of non-compliance, CITY shall likewise serve notice of such non-compliance on such Lender concurrently with service thereof on LANDOWNER

C. **Lender's Right to Cure** Each Lender shall have the right (but not the obligation) during the same period of time available to LANDOWNER to cure or remedy, on behalf of LANDOWNER, the default claimed or the areas of non-compliance set forth in CITY's notice. Such action shall not entitle a Lender to develop the property or otherwise partake of any benefits of this Agreement unless such Lender shall assume and perform all obligations of LANDOWNER hereunder.

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D. **Other Notices Given By City**. A copy of all notices given by CITY pursuant to the terms of this Agreement shall be sent to Lender at the address provided in section 20 hereof.

25. **Estoppel Certificate** Either party may, at any time, and from time to time, deliver written notice to the other party requesting such other party to certify in writing that, to the knowledge of the certifying party, (i) this Development Agreement is in full force and effect and a binding obligation of the parties, (ii) this Development Agreement has not been amended or modified either orally or in writing, or if so amended, identifying the amendments, and (iii) the requesting party is not in default in the performance of its obligations under this Development Agreement, or if in default, describing therein the nature and amount of any such defaults. A party receiving a request hereunder shall execute and return such estoppel certificate, or give a written detailed response explaining why it will not do so, within thirty (30) days following the receipt of each such request. Each party acknowledges that such an estoppel certificate may be relied upon by third parties acting in good faith A certificate provided by CITY establishing the status of this Agreement with respect to the Property or any portion thereof shall be in recordable form and may be recorded at the expense of the recording party

26. **Construction**. All parties have had the opportunity to be represented by legal counsel of their own choice in the preparation of this Development Agreement and no presumption or rule that "an ambiguity shall be construed against a drafting party" shall apply to the interpretation or enforcement of any provision hereof. Captions on sections and subsections are provided for convenience only and shall not be deemed to limit, amend or affect the meaning of the provision to which they pertain.

27. **Counterparts**. This Agreement may be executed in any number of counterparts and shall be deemed duly executed when each of the parties has executed such a counterpart.

28. **Time**. Time is of the essence of each and every provision hereof

29. **Limitation of Actions**. No court action shall be filed by a party to this Agreement on the ground of default or breach of its terms unless such action is filed within one hundred eighty (180) days from the date of discovery by the aggrieved party of the facts underlying the claim of breach or default.

30. **No Third Parties Benefitted** No Person who is not a qualified successor or assign of a party hereto pursuant to section 4 of this Agreement, or who has not become a party by duly adopted amendment hereof may claim the benefit of any provision of this Agreement.

31. **Effect of Agreement Upon Title to Property**. In accordance with the provisions of Government Code section 65868 5, from and after the time of recordation of this

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Agreement, the Agreement shall impart such notice thereof to all persons as is afforded by the recording laws of the State of California The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement.

32. **Covenant of Good Faith** CITY and LANDOWNER agree that each of them shall at all times act in good faith in order to carry out the terms of this Agreement.

33. **Exhibits**: The following are the exhibits to this Agreement:

A Legal Description of the Property
B Landowner's Development Plan
C Special Conditions
D Assignment and Assumption Agreement
E Panhandle Land Acquisition Program
F Protest Waiver Form
G Irrevocable Offer of Dedication Form
H Map and Categorical Listing of Land and Infrastructure

34. **Entire Agreement**. This Agreement, together with its Exhibits A to I, inclusive, constitutes the entire agreement between the parties with respect to the subject matter of this Agreement. This Agreement is specifically intended by the parties hereto to supersede all prior development agreements, if any, for the Property which may exist between CITY and LANDOWNER The provisions of subsection 10B of this Agreement, relating to indemnification and defense of CITY, its officers, employees and agents, shall be applicable to any claim whatsoever against CITY, its officers, employees and agents, arising out of or in any way relating to any prior development agreement relating to the Property

[Remainder of this page intentionally left blank]

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ORDINANCE NO _____

CITY AGREEMENT NO _____ DATE ADOPTED: _____

35. **City Attorney Costs** Landowner shall pay to the City of Sacramento the sum of $5,000 00 as and for reimbursement of the costs of the City Attorney in preparation and processing of this Agreement.

IN WITNESS WHEREOF, the CITY and LANDOWNER have executed this Development Agreement as of the date first set forth above.

CITY OF SACRAMENTO

By:_____
Mayor

ATTEST:

_____
City Clerk

APPROVED FOR LEGAL FORM:

_____
Lawrence J Duran
Senior Deputy City Attorney

Marie Krumenacher Trust

By: _____
Name: Marie Krumenacher
Title: Trustee of the Marie Krumenacher Trust
Dated August 27, 2004

Alice Krumenacher Trust

By: _____
Name: Alice Krumenacher
Title: Trustee of the Alice Krumenacher Trust
Dated February 18, 2005

Vaquero Land Holdings, LLC

By: _____
Name: Jeff Jones
Title: Member

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CITY AGREEMENT NO _____

DATE ADOPTED:_____

(ATTACH APPROPRIATE ACKNOWLEDGMENT)

FOR CITY CLERK USE ONLY

ORDINANCE NO _____

CITY AGREEMENT NO _____

DATE ADOPTED: _____

EXECUTION PAGE FOR LENDER

[Name + nature of entity] (herein "LENDER") owns an equitable interest in the Property described in Exhibit "A" of this Agreement as the beneficiary of that certain deed of trust and assignment of rents dated [date] and recorded on [date], as Instrument [#], in Book [#], Page [#], Official Records, Sacramento County, California

LENDER hereby executes this Agreement and agrees to be bound by the terms and condition hereof, subject to the limitations set forth in section 24 hereof.

LENDER requests that it be provided with copies of all notices mailed to LANDOWNER pursuant to the terms of this Agreement and that said copies be addressed as follows:

_____
_____
_____
Attn:_____

Dated:_____

LENDER: _____

By:_____

Its:_____

(ATTACH APPROPRIATE ACKNOWLEDGMENT)

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CITY AGREEMENT NO _____

DATE ADOPTED:_____

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IN WITNESS WHEREOF, the CITY and LANDOWNER have executed this Development Agreement as of the date first set forth above.

CITY OF SACRAMENTO

By:_____
Mayor

ATTEST:

_____
City Clerk

APPROVED FOR LEGAL FORM:

_____
Lawrence J. Duran
Senior Deputy City Attorney

Dunmore Land Company, LLC,
a Delaware Limited Liability Company

By: _____
Name: Sidney B Dunmore
Title: Manager

BD Properties, LLC,
a California Limited Liability Company

By: _____
Name: Orin Bennett
Title: Managing Member

Tasso Peter Cononelos

By: _____
Name: Tasso Peter Cononelos

J. Rise Richter Trust
Dated March 9, 1994

By: _____
Name: J. Rise Richter
Title: Trustee

The Richter-Kazer 1993 Irrevocable Trust

By: _____
Name: Jill A. Richter
Title: Trustee

By: _____
Name: Robert C Kazer
Title: Trustee

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ORDINANCE NO _____

CITY AGREEMENT NO _____

DATE ADOPTED:_____

(ATTACH APPROPRIATE ACKNOWLEDGMENT)

FOR CITY CLERK USE ONLY

ORDINANCE NO _____

CITY AGREEMENT NO _____ DATE ADOPTED: _____

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LENDER hereby executes this Agreement and agrees to be bound by the terms and condition hereof, subject to the limitations set forth in section 24 hereof.

LENDER requests that it be provided with copies of all notices mailed to LANDOWNER pursuant to the terms of this Agreement and that said copies be addressed as follows:

_____
_____
_____
Attn:_____

Dated:_____

LENDER: _____

By:_____

Its:_____

(ATTACH APPROPRIATE ACKNOWLEDGMENT)

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CITY AGREEMENT NO _____ DATE ADOPTED:_____

EXHIBIT A

DESCRIPTION OF LANDOWNER'S PROPERTY

SEE ATTACHED

NOTE: UPON RECORDATION OF FINAL MASTER PARCEL MAP, THIS EXHIBIT A WILL BE REPLACED BY THE SAID MAP, WITHOUT NEED FOR AMENDMENT OF THIS AGREEMENT.

EXHIBIT B

LANDOWNER'S DEVELOPMENT PLAN

SEE ATTACHED

EXHIBIT C

SPECIAL CONDITIONS

I. PURPOSE AND INTENT

The definitions applicable to the body of the Agreement shall apply to this Exhibit C.

In order to achieve its objectives, and in order to obtain from each LANDOWNER and developer, all required contributions, fees, land transfers, agreements, and other mechanisms required to implement its terms, the NNCP provides that all rezoning and development shall occur through the planned unit development process Development agreements should be entered into with LANDOWNERS whenever feasible under the circumstances

Under no circumstances can development of the Property proceed without satisfaction of the conditions specified in this exhibit. These Special Conditions shall constitute binding and legally enforceable obligations of LANDOWNER and its successors and assigns, and binding and legally enforceable requirements and conditions for the development of the Property, in addition to other obligations, requirements and conditions imposed during the rezoning, special permit, subdivision map and other land use entitlement processes.

II. LANDOWNERS' OBLIGATIONS

A Mitigation Monitoring; Habitat Conservation Plan

1. **Mitigation Monitoring**. When required in order to obtain entitlements, LANDOWNER shall execute a mitigation monitoring agreement, and such other agreements as may be necessary in CITY's judgment in order to implement any mitigation measure relating to the NNCP and any mitigation monitoring plans applicable to the Property, and shall fully cooperate with CITY in implementing any mitigation monitoring plan adopted as part of the approval process for development of the Property.

2. **Habitat Conservation Plan**

   a In the event that a Habitat Conservation Plan has been adopted by CITY, LANDOWNER shall be obligated to undertake and exercise one of the following options:

      (i) participate in that Plan by payment of the fees applicable to LANDOWNER and/or the Property or provide required proportionate land dedications, at the time specified in the Plan for payment of fees or dedication of required proportionate lands; or

(ii) obtain and present to CITY a duly issued, executed and effective incidental take permit issued by federal and state agencies charged with implementation of the provisions of federal and state Endangered Species Acts, which would allow development of the Property; or

(iii) obtain and present to CITY a duly issued, executed, and effective form of document from said federal and state agencies that development of the Property may proceed without the need for an incidental take permit; or

(iv) participate in such other plan or program which has been approved by said federal and state agencies; or

(v) take any other action required by CITY in its sole discretion, relating to satisfaction of all applicable laws, including but not limited to CEQA and the federal and state Endangered Species Acts, where none of the provisions of subsections (i), (ii), (iii) or (iv) are applicable

b The Natomas Basin Habitat Conservation Plan Fee is payable by Landowner at the time of and as a condition of issuance of a grading or building permit. The dollar amount of such fee shall be the per-acre fee in effect at the time the grading or building permit is issued for the Property In addition to the payment of that sum, Landowner shall be subject to the provisions of any "catch-up fee" ordinance, resolution, rule or regulation in effect at the time of issuance of the grading or building permit. The requirement specified in this subsection 2b shall be included in each entitlement issued with respect to the Property. Landowner understands and agrees that the provisions of Government Code sections 66000 through 66025, as those sections are amended, renumbered or reconstituted, shall not apply to the fees covered by this subsection 2b

B. **Agreements With Other Agencies** As required by CITY, LANDOWNER shall enter into agreements with other affected agencies, including but not limited to:

1 Appropriate sanitation districts, including but not limited to Sacramento County Regional Sanitation District, for provision of facilities, payment of fees and charges, and payment (if applicable) of any proportionate share of penalties imposed by the Environmental Protection Agency; and

2 Reclamation District 1000, if in CITY's sole and exclusive discretion and judgment such an agreement is in fact required, or any other agreement which is required in CITY's sole and exclusive discretion and judgment for the implementation of Interim Drainage or the Drainage Plan

C **Drainage Sub-basin Agreement**. LANDOWNER shall enter into an agreement with each of the other landowners within the Drainage Sub-basin within which the Property lies, which provides the manner in which the Infrastructure required for development of all of the lands within said Drainage Sub-basin shall be constructed and financed. As an alternative form of compliance with this provision, LANDOWNER may enter into an agreement with CITY, satisfactory to the City Attorney, which provides that LANDOWNER shall finance all costs associated with the Infrastructure required for development of all of the undeveloped lands within said Drainage Sub-basin. Any such agreement shall additionally provide for reimbursement in accordance with the terms of this Agreement, and the Panhandle Finance Plan, for LANDOWNER's payment of Infrastructure costs in excess of or beyond those required for development of the Property, as that term is defined in Section 8 of this Agreement. As a further alternative, CITY may impose a Drainage Sub-basin assessment district for purposes of financing the required Infrastructure. The provisions of subsection 6D of this Agreement shall apply in such a case.

D **Inclusionary Housing Requirements**. CITY has enacted a mixed income housing policy ("Policy"), as set forth in title 17, chapter 17.190 of the Sacramento City Code. If and to the extent that the Property is subject to the Policy, certain project entitlements for the Property will contain conditions which implement the Policy, including but not limited to conditions requiring an inclusionary housing plan ("IHP") and an inclusionary housing agreement ("IHA"). The IHP for the property, where the Policy is applicable, is attached to this Exhibit C as **Exhibit C-1**, and incorporated herein by this reference. The requirements specified in the IHP shall be implemented by LANDOWNER, and LANDOWNER shall execute the required IHP.

E **Public Agency radio and Microwave Communications System**. Notwithstanding LANDOWNER's Vested Rights and anything contained herein to the contrary, CITY may deny or condition an application for a Building Permit or imposition of a height restriction as a condition of approval of a tentative map or design review, even though that development application would otherwise be permitted under the Land Use and Development Regulations, in order to avoid interference with the radio and microwave communications systems operated by the Sacramento Regional Radio Communications Systems (SRRCS), the Automated Local Evaluation in Real Time (ALERT) system and the State of California Public Safety Microwave Network. In addition, Building Permits may be conditioned on compliance with the provisions contianed in Exhibit "I", Public Safety Radio Communication Requirements for Buildings.

These systems are emergency and weather communication facilities that serve federal, state, county, CITY and other Public Agencies and are used to protect the public health, safety and welfare. These systems are in existence as of the Effective Date, the systems' radio and microwaves cross the Property, and the operations of one or more of these systems could experience interference if the Project is developed as permitted under the Land Use and Development Regulations. In addition, any other radio or microwave communications systems that may be

installed by one or more of the foregoing agencies after the Effective Date may be similarly protected by the CITY from interference from Development of the Project by denying or conditioning any Subsequent Approvals.

III. CONDITIONS OF DEVELOPMENT; SPECIAL FINDINGS REQUIRED

A. In addition to other findings and conditions as may be deemed applicable, no special permit, subdivision map or other land use entitlement for the Property shall be approved unless the approving body either: (1) makes the following findings; or (2) expressly waives such findings, in whole or in part, as not applicable to the Property and stating the reasons therefor with such waiver and the reasons therefor appear in the record or document of approval. These findings are:

1. The approval of the proposed project is consistent with the policies, goals, standards and objectives of the NNCP and other relevant factors and circumstances, including but not limited to:

   a. The adequacy of the required interim and permanent Infrastructure needed to support the project planned for the Property;

   b. The extent of participation required of LANDOWNER under the Panhandle Finance Plan has been secured;

   c. The extent to which LANDOWNER has complied with the provisions of the PLAP.

   d. The extent to which LANDOWNER has complied with the provisions of the Policy

2. The Panhandle Finance Plan has been adopted by the City Council.

3. All transfers of land, owned by or under the control of LANDOWNER, which are specified in the PLAP as being necessary for public purposes, have been transferred to CITY or to the appropriate public agency. For this purpose, a transfer will be deemed to occur upon delivery to CITY of an Irrevocable Offer of Dedication in form and manner approved by the City Department of Public Works and the City Attorney. These dedications include, but are not limited to streets, utilities, drainage facilities and public transit.

4. LANDOWNER has, where applicable, demonstrated that the proposed project as designed meets or exceeds the jobs to housing ratio of the NNCP, either actually or through the medium of the Housing Trust Fund, or through assisting housing starts in North Sacramento, or a combination thereof.

5. LANDOWNER has entered into all agreements required pursuant to sections IIA, IIB, and II C above

6. Appropriate environmental review of the proposed project has been completed, and any suggested mitigation measures resulting therefrom have been included in the approval of the project to the extent feasible

B In the event that any of the special findings required herein cannot be made and are not waived, approval may nevertheless be given to the proposed project if all of the following conditions can be satisfied with respect to each such special finding not made:

1. Practicable and feasible requirements or mitigation measures can be imposed upon the project, the implementation of which would allow such special finding to be made;

2. The applicant has agreed to be bound (through written agreement satisfactory to the City Attorney) by and to implement such requirements or mitigation measures, and has posted such security for compliance therewith as may be required by the City Manager; and

3. It is in the public interest and consistent with the policies, goals, standards and objectives of the Community Plan for the project to be approved with such requirements and mitigation measures.

EXHIBIT D

ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (herein "this Agreement") is entered into this ____ day of _____, 200__, by and between _____ (herein "LANDOWNER") and _____ (herein "ASSIGNEE").

RECITALS

A. LANDOWNER has entered into a Development Agreement (herein "the Development Agreement") dated _____, with the City of Sacramento, pursuant to which LANDOWNER agreed to develop certain property more particularly described in the Development Agreement (herein "the Property") in the North Natomas Community Plan Area subject to certain conditions and obligations set forth in the Development Agreement.

B. LANDOWNER has assigned its interests under the Development Agreement to ASSIGNEE under a written agreement dated _____, as to that portion of the Property identified and incorporated herein by this reference (herein the "Assigned Parcel(s)").

C. ASSIGNEE desires to assume all of LANDOWNER's rights and obligations and other terms and conditions under the Development Agreement with respect to the Assigned Parcel(s).

AGREEMENTS

NOW, THEREFORE, LANDOWNER AND ASSIGNEE HEREBY AGREE AS FOLLOWS:

1. ASSIGNEE hereby assumes all of the burdens and obligations of LANDOWNER under the Development Agreement, and agrees to observe and fully perform all of the duties and obligations of LANDOWNER under the Development Agreement, and to be subject to all of the terms and conditions thereof, with respect to the Assigned Parcel(s), it being the express intention of both LANDOWNER and ASSIGNEE that, upon the execution of this Agreement, ASSIGNEE shall become substituted for LANDOWNER as the "LANDOWNER" under the Development Agreement with respect to the Assigned Parcel(s).

2. ASSIGNEE understands and agrees that this Agreement is subject to section 4 of the Development Agreement. Section 4 reads as follows:

> **Assignment**. LANDOWNER shall have the right to sell, assign, or transfer its interests under this Agreement as part of a contemporaneous and related sale, assignment or transfer of its interests in the Property, or any portion thereof, without the consent of CITY; provided, however, that LANDOWNER

shall notify CITY of such sale, assignment or transfer by providing written notice thereof to CITY in the manner provided in this Agreement. LANDOWNER shall remain obligated to perform all terms and conditions of this Agreement, unless such purchaser, assignee or transferee, to the satisfaction of and in a form acceptable to the City Attorney, executes and delivers to CITY an express agreement to assume all of the obligations and other terms and conditions of this Agreement with respect to the Property or such portion thereof sold, assigned or transferred. The execution of such an assumption agreement shall relieve LANDOWNER of the obligations expressly assumed only if (a) LANDOWNER is not in default under this Agreement at the time of the assignment or transfer; and (b) LANDOWNER has provided CITY with notice of said assignment or transfer in the manner provided hereunder. Any such assumption agreement with respect to LANDOWNER's obligations under this Agreement shall be deemed to be to the satisfaction of the City Attorney if executed in the form of the Assignment and Assumption Agreement attached hereto as Exhibit "D" and incorporated herein by this reference, or such other form as shall be proposed by LANDOWNER and approved by the City Attorney prior to the effective date of the assignment.

Any purchaser, assignee, or transferee shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, only with respect to the Property, or such portion thereof, sold, assigned, or transferred to it. Any such purchaser, assignee, or transferee shall observe and fully perform all of the duties and obligations of LANDOWNER under this Agreement, as such duties and obligations pertain to the portion of the Property sold, assigned, or transferred.

4. At the request of the City, ASSIGNEE agrees to enter into a separate development agreement with respect to the Assigned Parcel(s).

5. All of the covenants, terms and conditions set forth herein shall be binding upon and shall inure to the benefit of the parties hereto and to their respective heirs, successors and assigns.

6. ASSIGNEE agrees that it has read, and has sought and received all required legal and other expert consultation with regard to the Development Agreement, and fully understands all of its terms and conditions. ASSIGNEE further agrees that: (i) LANDOWNER has furnished ASSIGNEE with a copy of the North Natomas Community Plan, the Comprehensive Drainage Plan, the Panhandle Finance Plan, the RD-1000 Agreement (where applicable), the Habitat Conservation Plan, and all other documents and materials containing or relating to terms and conditions of development in the NNCP area; (ii) ASSIGNEE has read and understands all of the terms and conditions of said documents and materials; and (iii) with such knowledge and understanding, which includes the nature and extent of the fees, taxes, assessments and other financial mechanisms and obligations inherent in such documents and materials, nevertheless has voluntarily, freely

EXHIBIT E

PANHANDLE LAND ACQUISITION PROGRAM (PLAP)

SEE ATTACHED

EXHIBIT F

Protest Waiver Provisions Agreed to by LANDOWNER

LANDOWNER understands and agrees that financing of the Infrastructure, public improvements and facilities (including the land covered by the PLAP) and other programs required under the NNCP will be accomplished through a variety of financing mechanisms, including but not limited to a combination of special assessment districts, tax districts (such as Mello-Roos Community Facilities Districts) and developer fees, all of which mechanisms are designed to spread the cost of those items in accordance with benefit and other methodologies. LANDOWNER further understands and agrees that an important component of this Agreement is LANDOWNER's advance consent to the formation of, annexation into, or implementation of any such district or imposition of any such fee, and LANDOWNER's agreement not to protest or contest such formation, implementation or fee imposition.

Accordingly, LANDOWNER agrees for itself, its constituents, successors and assigns that it fully, finally and forever waives and relinquishes any right it may have to protest or contest the formation or implementation of, or participation in, any special assessment or tax district or any similar form of financing mechanism, or any combination thereof, together with any rights it may have to contest the imposition of any developer fee established or imposed pursuant to the Panhandle Finance Plan. Nothing in this Agreement, however, shall prevent LANDOWNER from presenting CITY any information or opinions regarding any financing mechanism CITY may from time to time consider establishing or imposing, which information or opinions relate to the dollar amount of any fees, assessments, taxes or other charges imposed by CITY pursuant to the Panhandle Finance Plan, or which information or opinions relate to the question of consistency of the financing mechanism with the Panhandle Finance Plan. If a financing mechanism is proposed for adoption by CITY, which mechanism directly and significantly conflicts with the language and the intent of the Panhandle Finance Plan, as it may be amended from time to time, LANDOWNER shall have the right to protest only the actual amount of the directly and significantly conflicting proposed fee, charge, special tax, or assessment proposed to be levied, charged, assessed or taxed against the Property by virtue of the proposed financing mechanism. Provided, however, that LANDOWNER's said right to protest, together with any right to object, shall be waived unless LANDOWNER's protest of objection is made at or before the time of the public hearing wherein the proposed financing mechanism, together with the fee, charge, special tax or assessment is established by the City Council. LANDOWNER's right to judicial challenge of any such mechanism, and the fees, charges, assessments or special taxes imposed or to be imposed in connection therewith, shall be limited to review of the decision of the City Council establishing the said mechanism and the said fees, charges, assessments or special taxes; LANDOWNER shall not have the right, in connection with any land use entitlement proceeding with respect to the Property, to judicially challenge the financing mechanism or the fees, charges, assessments or special taxes as applied to the Property, and waives any statutory or common law right to pay such fees, charges, assessment or special taxes under protest. For purposes of this Agreement, "fees, charges, assessments or special taxes" shall include any monetary exaction or payment required to be paid by LANDOWNER by virtue of or relating to development of the Property.

Without limiting the generality of the foregoing, LANDOWNER for itself, its constituents, successors and assignees specifically, as to the Property, agrees to the following which are adopted by the City Council pursuant to the Panhandle Finance Plan:

(1) Waives, and hereby grants advance consent to the formation of, or annexation into, and implementation of any and all special assessment districts, tax districts (such as Mello-Roos Community Facilities Districts), fee districts or other financing mechanisms of a similar nature recommended or established by CITY for the purpose of financing Infrastructure, public improvements and facilities (including land transfers as set forth in the PLAP). Such financing mechanisms include but are not limited to the following existing Community Facilities Districts: CFD No 99-01 TMA (Transit), CFD No. 97-01 (Drainage), CFD No. 3 (Parks Maintenance), CFD No 99-02 (Landscape Maintenance), CFD No 2002-02 (Parks Maintenance), and the Citywide Lighting and Landscape District; and a new Panhandle Parks Maintenance CFD that will be formed to cover maintenance costs for Quimby dedications in excess of those covered by CFD No 2002-02. Without limiting the generality of the foregoing, LANDOWNER specifically waives:

(i) the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (division 4 of the Streets and Highways Code, beginning at section 2800), together with associated provisions of the California Constitution;

(ii) the provisions of any other statute designed to provide a protest or contest procedure in connection with formation and implementation of a district or similar financing mechanism; and

(iii) the provisions of any procedure embodied in the Sacramento City Code designed to provide a protest or contest procedure in connection with formation and implementation of a district or similar financing mechanism

(2) Waives, and hereby grants advance consent to the formation and implementation of any and all special fees, exactions, development fees, assessments, taxes or other charges established by CITY for the purpose of financing Infrastructure, public improvements and facilities (including land transfers as set forth in the PLAP). Without limiting the generality of the foregoing, LANDOWNER specifically waives:

(i) to the extent applicable, those statutory and constitutional provisions specified in paragraph (1) above; and

(ii) the provisions of Government Code section 66000 et seq. or any other provision of law providing a procedure for contest or protest of establishment or imposition of special fees, exactions, development fees, assessments, taxes or other charges of a similar nature.

(3) Agrees to:

(i) affirmatively petition CITY, where applicable, for the formation of all special districts and other financing mechanisms that have been or will be in the future selected or recommended by CITY in order to implement the Panhandle Finance Plan;

(ii) execute an irrevocable proxy or proxies when necessary (such as in the formation of, or imposition of taxes relative to, a Mello-Roos Community Facilities District) authorizing a representative designated by CITY, who will vote in favor of establishing the specific financing mechanism in question; and

(iii) execute immediately upon presentation any document which is required or convenient for the formation of the district or facilitation of the particular financing mechanism.

LANDOWNER agrees and specifically represents to CITY that it is fully aware of all of its legal rights relative to the waivers, advance consents and other agreements set forth herein, having been fully advised by its own independent attorneys Having such knowledge and understanding of its rights, LANDOWNER has nevertheless voluntarily entered into this Agreement, of which this Exhibit is a material part. LANDOWNER is aware that CITY is relying on the representations contained in this Exhibit in entering into this Agreement.

EXHIBIT G

IRREVOCABLE OFFER OF DEDICATION FORM

SEE ATTACHED

EXHIBIT H

MAP AND CATEGORICAL LISTING OF LAND AND INFRASTRUCTURE

SEE ATTACHED

EXHIBIT I

PUBLIC AGENCY RADIO AND MICROWAVE COMMUNICATION SYSTEM

The following requirements may be imposed at the time of application for a Building Permit.

A **General**. Except as otherwise provided, no person shall erect, construct, change the use of or provide an addition of more than 20% to, any building or structure or any part thereof, or cause the same to be done, that fails to support adequate radio coverage for the Sacramento Regional Radio Communications System (SRRCS), including but not limited to firefighters and police officers. For purposes of this section, adequate radio coverage shall include all of the following: (1) a minimum signal strength of -95 dBm available in 90% of the area of each floor of the building when transmitted from the closest Sacramento Regional Radio Communications System site; (2) a minimum signal strength of -95 dBm received at the closest Sacramento Regional Radio Communications System site when transmitted from 90% of the area of each floor of the building; (3) the frequency range that much be supported shall be the current band of frequencies used by either the City or County sub-systems; and (4) a 100% reliability factor. When measuring the performance of a bi-directional amplifier, signal strength measurements are based on one input signal adequate to obtain a maximum continuous operating output level

B. **Amplifications Systems Allowed** Buildings and structures that cannot support the required level of radio coverage shall be equipped with either a radiating cable system or an internal multiple antenna system with FCC type accepted bi-directional amplifiers as needed. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of an external power input. If used, bi-directional amplifiers shall include filters to reduce adjacent frequency interference. These filters shall be tuned so that they will be 35 db below the SRRCS frequencies.

C. **Testing Procedures**

1. Acceptance Test Procedure When an in-building radio system is required, and upon completion of installation, it will be the building owner's responsibility to have the radio system tested to ensure that two-way coverage on each floor of the building is a minimum of 90%. Each floor of the building shall be divided into a grid of approximately 20 equal areas. A maximum of two non-adjacent areas will be allowed to fail the test. In the event that three of the areas fail the test, in order to be more statistically accurate, the floor may be divided into 40 equal areas. In that event, a maximum of four non-adjacent areas will be allowed to fail the test. After the 40 area test, if the system continues to fail, the building owner shall have

the system altered to meet a 90% coverage requirement. The test shall be conducted using a Motorola MTS2000, XTS2500, XTS5000 or equivalent portable radio, talking through the Sacramento Regional Radio Communications System as specified by the authority having jurisdiction. A spot located approximately in the center of a grid area will be selected for the test, then the radio will be keyed to verify two-way communications to and from the outside of the building through the SRRCS. Once the spot has been selected, prospecting for a better spot within the grid area will not be permitted. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to re-establish the gain values.

As part of the installation, a spectrum analyzer or other suitable test equipment shall be utilized to insure that spurious oscillations are not being generated by the subject bi-directional amplifier (BDA) due to coupling (lack of sufficient isolation) between the input and output systems. This test will be conducted at time of installation and subsequent annual inspections.

2. Annual Tests. When an in-building radio system is required, the building owner shall test all active components of the system, including but not limited to amplifiers, power supplies and backup batteries, a minimum of once every 12 months. Amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance. Backup batteries and power supplies shall be tested under load for a period of one hour to verify that they will properly operate during an actual power outage. If within the one hour test period, in the opinion of the testing technician, the battery exhibits symptoms of failure; the test shall be extended for additional one hour periods until the testing technician confirms the integrity of the battery. All other active components shall be checked to determine that they are operating within the manufacturer's specifications for the intended purpose.

3. Five-Year Tests. In addition to the annual test, the building owner shall perform a radio coverage test a minimum of once every five years to ensure that the radio system continues to meet the requirements of the original acceptance test. The procedure set forth above shall apply to these tests.

4. Qualifications of Testing Personnel. All tests shall be conducted, documented and signed by a person in possession of a current FCC license, or a current technician certification (minimum Associate level) issued by the Electronics Technicians Association. All original test records shall be retained on the inspected premises by the building owner and copies of the records shall be submitted to the Sacramento Fire Department via the the "Self-Help Inspection Process".

5. Field Testing: Police and Fire personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to

conduct field-testing to be certain that the required level of radio coverage is present.

D. **Permits:** A permit fee of $100.00 shall be submitted to the Sacramento Fire Department along with copies of all test records

E **Implementation:** Although not a condition of occupancy, the building shall be in compliance of this ordinance within 90 days of occupancy.

F **Penalties:** Pursuant to section 8.04.080 of the Sacramento City Code, a violation of this ordinance is a misdemeanor criminal offense and a civil penalty up to $25,000.00 per day (for each and every day that the violation exists) can be imposed.

G. **Exemptions:** The requirements of this Exhibit I shall not apply to buildings less than 5,000 square feet or buildings zoned for Residential 1& 2 Family Units

H **Required Path Availability of SRRCS Microwave System & Mitigation Issues:**

The SRRCS Microwave System is designed for a minimum of 99.999% availability which takes into consideration existing structures along the microwave system transmission path, obstruction from natural terrain, and environmental factors

If the City determines that mitigation efforts are required, prior to the issuance of final permits or occupancy of the building, the building owner shall mitigate the new building or structure's blockage or obstruction of the SRRCS Microwave System paths so as to restore a minimum of 99.999% system availability by either (1) providing a new microwave relay site/equipment at another site; (2) relocating existing microwave relay/site equipment or (3) pay an impact fee to be determined by the City to cover any work required to restore the SRRCS Microwave System's availability. Prior to commencing any mitigation work, the building owner shall submit a detailed mitigation plan to the City for approval

ATTACHMENT 13 - FINANCE PLAN RESOLUTION

RESOLUTION NO.

Adopted by the Sacramento City Council

ADOPTING THE PANHANDLE FINANCING PLAN (M05-031 / P05-077)

BACKGROUND

A. On May 3, 1994, the City Council approved and adopted the North Natomas Community Plan by Resolution No. 94-259;

B. On August 9, 1994, the City Council approved and adopted the North Natomas Finance Plan ("NNFP") by Resolution No. 94.495. The Financing Plan set forth the methods by which infrastructure required by the North Natomas Community Plan will be funded.

C. On June 11. 2002, the City Council approved and adopted the North Natomas Nexus Study and Financing Plan 2002 Update by Resolution 2002-373.

D. A working group consisting of City staff, North Natomas landowners, and various consultants and interested parties, has reviewed drafts of the Panhandle Finance Plan and the proposed new fees.

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

Section 1. The City Council hereby finds as follows:

(a) The recitals set forth above are true and correct and are incorporated herein by reference as findings.

(b) The Panhandle Financing Plan sets forth a rational, fair and equitable method by which the cost of necessary public infrastructure in the Panhandle is to be allocated to the various land uses.

(c) The Panhandle Finance Plan properly and reasonably allocates the burden of financing Panhandle public infrastructure among development projects within the Panhandle area. The burden is allocated in a manner that achieves proper proportionality in light of those impacts that may reasonable be anticipated from those projects.

(d) The Panhandle Finance Plan: (i) properly and reasonably identifies the purpose of the revised fees and their intended use; (ii) establishes a reasonable relationship between the fee and the development on which the fee is imposed; (iii) establishes a reasonable and rational relationship between the need for the public infrastructure and the type of development activity on which the fee is imposed; and (iv) forms the basis for the further finding that the imposition of the revised fees described therein is necessary in order to protect the public health, safety and welfare within the Panhandle Finance Plan area and the City.

(e) The Panhandle Finance Plan may be revised over time under future circumstances in order to achieve the purposes and policies of the North Natomas Community Plan.

(f) The findings, conclusions, and methodologies set forth in the Panhandle Financing Plan are consistent with the North Natomas Community Plan and the North Natomas Finance Plan.

Section 2. The Panhandle Finance Plan, and other supporting data referred to in the Panhandle Finance Plan integral to the conclusions reached therein, are hereby approved and adopted. A copy of the Panhandle Finance Plan shall remain on file with the City Clerk.

Section 3. The Panhandle Finance Plan, the document which specifies the infrastructure needed and cost estimates on which development within the Panhandle area is based, is hereby approved and adopted.

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Exhibit A Panhandle Finance Plan

Economic &
Planning Systems

PANHANDLE PLANNED UNIT DEVELOPMENT
PUBLIC FACILITIES FINANCING PLAN

Prepared for:

City of Sacramento

Prepared by:

Economic & Planning Systems, Inc.

June 14, 2007

EPS #15521

SACRAMENTO BERKELEY DENVER

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I. INTRODUCTION AND SUMMARY

INTRODUCTION

The Panhandle Planned Unit Development (PUD) project (Project) consists of approximately 595 acres of primarily vacant land located north of Del Paso Road and south of Elkhorn Boulevard. This analysis is based on the assumption that the currently proposed buildout for the Project will result in development of 3,075 residential units and just over 200,000 square feet of neighborhood commercial retail space

The Project is in the North Natomas Community Plan Area (NNCP), which was adopted by the City of Sacramento (City) in 1994 As part of the adoption of the NNCP. a North Natomas Financing Plan (NNFP) was prepared to identify the costs and funding sources required for development of the NNCP Because of its delayed timing of development, the Project was excluded from the boundaries of the NNFP, although it was considered for eventual annexation

The Panhandle Public Facilities Financing Plan (Panhandle PFFP) identifies all backbone infrastructure improvements, public facilities, and associated administrative costs needed to serve the proposed land uses in the 594 7-acre proposed development between Del Paso Road and Elkhorn Boulevard that is designated as the Project Because of the delayed timing of the development of the Project, and since a significant portion of NNCP has already been constructed, the Panhandle PFFP proposes that the Project not be annexed to the NNFP Instead, the Panhandle PFFP proposes funding mechanisms that:

- Work in conjunction with the NNFP funding strategy;
- Maintain equity between the two areas; and
- Simplify the administration of the funding mechanisms for the two areas

Adoption of the Panhandle PFFP by the City ensures that facilities necessary to serve the project site are appropriately funded and would be in place in time to meet project demands. The Panhandle PFFP includes improvements to roadways, sewer, water, drainage, parks, landscaping, schools, fire, police, library and transit and describes the costs and financing mechanisms that will be used to create these improvements in a timely manner.

The Panhandle PFFP is designed to achieve the following goals:

- Identify ways to finance construction of public infrastructure and facilities through public and private financing;
- Use existing City, County Sanitation District 1 (CSD-1), Sacramento Regional County Sanitation District (SRCSD), and Special District fee programs to the extent possible;
- Establish project-specific fees to fund all or a portion of major backbone infrastructure and other public facilities not included in existing fee programs;
- Make maximum use of "pay as you go" mechanisms;
- Make appropriate use of municipal debt–financing mechanisms;
- Build in flexibility to allow response to market conditions; and
- Provide developer funding for appropriate facilities

SUMMARY

OVERVIEW OF FINANCING STRATEGY

Buildout of the Project will require the construction of roadway, sewer, water, drainage, and a variety of other public facilities Cost estimates for required backbone infrastructure and other public facilities have been derived from a combination of available engineering data provided by MacKay & Somps Engineers, as well as by using data from the City, EPS, and other sources (see **Appendices A** and **E** for detailed cost estimates).

Table 1 summarizes the total cost of backbone infrastructure and other public facilities required to serve the Project At buildout, backbone and other public facilities are estimated to cost approximately $150.3 million (2006 $) This figure does not include the costs of in-tract and other subdivision-specific improvements, which will be privately financed The detailed tables that describe each of these infrastructure items are included in the Project CIP prepared by MacKay & Somps in December 2006 (see **Appendix A** of this report) The detailed cost estimates of other public facilities which were estimated by EPS and the City are found in **Appendix B**

Table 2 shows the financing sources used to fund backbone infrastructure and other public facilities for the Project As shown, the major infrastructure required for development to proceed in the Project will be funded through a combination of public and private financing Fees (i e , City, Sacramento County [County], Special District, or Plan Area fees) will be used to fund required facilities when possible The City and

Table 1
Panhandle Public Facilities Financing Plan
Summary of Estimated Backbone Infrastructure and Public Facilities Costs - 2006 $

Facility	Reference	Total Estimated Panhandle Cost [1] (2006 $)
Roadway		
National Drive	Appendix A	$12,212,475
Del Paso Road	Appendix A	$951,640
Elkhorn Blvd.	Appendix A	$2,007,280
Club Center Drive	Appendix A	$542,580
Contingency	Appendix A	$4,557,053
Offsite Mitigation	Table 6	$1,024,371
Total Roadway		**$21,295,399**
Sewer		
National Drive	Appendix A	$316,000
Offsite Sewer	Appendix A	$484,350
Contingency	Appendix A	$232,102
Total Sewer		**$1,032,452**
Water		
National Drive	Appendix A	$3,195,050
Del Paso Road	Appendix A	$390,000
Club Center Drive	Appendix A	$258,725
Contingency	Appendix A	$1,114,695
Total Water		**$4,958,470**
Storm Drainage		
National Drive	Appendix A	$1,429,750
Del Paso Road	Appendix A	$0
Elkhorn Boulevard	Appendix A	$209,055
Club Center Drive	Appendix A	$194,850
Offsite Storm Drainage Facilities	Appendix A	$6,087,855
Contingency	Appendix A	$2,297,238
Total Storm Drainage		**$10,218,748**
Landscaping		
National Drive	Appendix A	$2,081,500
Del Paso Road	Appendix A	$24,450
Elkhorn Boulevard	Appendix A	$535,900
Club Center Drive	Appendix A	$128,700
Offsite Landscaping	Appendix A	$0
Contingency	Appendix A	$802,590
Total Landscaping		**$3,573,140**
Parks		
Neighborhood Parks	Table B-1	$10,692,707
Community Parks	Table B-1	$7,574,082
Open Space/Parkway	Table B-1	$5,189,088
Regional Parks Contribution	Table B-2	$3,527,598
Total Parks		**$26,983,474**
Schools	Table B-3	**$69,548,000**
Library [2]	Table B-4	**$1,794,000**
Transit [2]	Table B-5	**$1,379,000**
Fire Facilities [2]	Table B-6	**$1,502,000**
Police Facilities [2]	Table B-7	**$884,000**
Community Center [2]	Table B-8	**$784,000**
Bikeways & Shuttles [2]	Table B-9	**$412,000**
Public Land Acquisition	Table B-10	**$5,950,322**
Total		**$150,315,005**

"cost_sum"

Source: MacKay & Somps and EPS

[1] Cost includes a 20% contingency
[2] Calculated based on North Natomas PFFP fees.

Table 2
Panhandle Public Facilities Financing Plan
Estimated Infrastructure Costs and Sources of Funding - 2006

Item	Estimated Cost	Panhandle Developer Funding/ CFD/Fee	Existing City Fees	CSD-1 Fees	Major Street Construction Tax [4]	School Development Impact Fees	State School Funding/Other [5]
Roadway [1]	$21,295,000	$17,224,000			$4,071,000		
Sewer	$1,032,000			$1,032,000			
Water [2]	$4,958,000	$451,683	$4,506,317				
Storm Drainage	$10,219,000	$10,219,000					
Landscaping	$3,573,000	$3,573,000					
Parks	$26,983,000	$14,561,000	$12,422,000				
Schools	$69,548,000	$19,028,500				$14,297,000	$36,222,500
Library [3]	$1,794,000	$1,794,000					
Transit [3]	$1,379,000	$1,379,000					
Fire Facilities [3]	$1,502,000	$1,502,000					
Police Facilities [3]	$884,000	$884,000					
Community Center [3]	$784,000	$784,000					
Bikeways & Shuttles [3]	$412,000	$412,000					
Public Land Acquisition	$5,950,000	$5,950,000					
Total	**$150,313,000**	**$77,762,183**	**$16,928,317**	**$1,032,000**	**$4,071,000**	**$14,297,000**	**$36,222,500**

'sources_uses'

Source: MacKay and Somps and EPS

[1] Only includes the Panhandle's share of offsite traffic mitigation measures.
[2] Approximately 10% of water facilities will not be funded by the City fee because not all facilities are eligible to be funded by the source.
[3] Calculated based on North Natomas PFFP fees.
[4] Major Street Construction Tax will fund all over-width roadway costs, which are estimated in Appendix E of this report. Estimates are preliminary.
[5] Includes $16.8 million in state funding and $19.5 million in local bond/ site sale funding. SeeTable B-3.

Prepared by EPS

15521 Panhandle FP model 5.xls 6/14/2007

Special Districts serving the Project have established development impact fee programs to fund a portion of the road, sewer, water, drainage, police, and park, and schools facilities. For most of the backbone infrastructure, the developer will construct the facilities and will be reimbursed through Mello-Roos Community Facilities District (CFD) bond proceeds or receive appropriate fee credits

The Panhandle Public Facilities Fee (Panhandle PFF) may be used to fund the remaining backbone costs and other public facilities serving the Project not funded through existing financing mechanisms. If such a fee program is not used, the cost of any public facilities not funded through existing fees or through bond financing will be paid for by the project developer(s) through a private cost sharing agreement

Because the Project borders the area comprising the NNFP and will share common facilities, a cost-sharing methodology is described in the Panhandle PFFP to fund shared costs between the two areas. In addition, several public facilities, such as fire, police, library, parks, etc., whose costs have been included already in the NNFP, will benefit the residents and employees of the Project. Therefore, development in the Project will pay special Plan Area fees similar to those of the NNFP for these facilities. The Project's fair share of these costs is analyzed in detail in the Panhandle PFFP.

The Project also will pay its fair share of the cost of specified freeway improvements along both State Route 99 and Interstates 5 and 80. Preliminary costs for these items are identified in the Panhandle PFFP

Bond financing likely will be needed to help fund those items required during the early years of development in the Project, as well as at other strategic times when development impact fees or other proposed public funding is not able to fund in a timely fashion the necessary facilities required for new development. Debt financing, however, will be limited to prudent levels and shall be consistent with State and City guidelines

School facilities will be funded through school mitigation fees and possibly through other funding sources including the State School Building Program or local general obligation bonds (GO bonds).

It is expected that costs will change over time; therefore, each funding mechanism includes a method for adjusting the amount of funding to reflect current costs at the time of construction. At any stage, smaller subareas may develop, depending on the financing capacity of the area, development plans, and market conditions.

DEFINITIONS OF INFRASTRUCTURE IN THE FINANCING PLAN

Many people tend to use the term backbone infrastructure for all publicly owned facilities The Panhandle PFFP will use the following definitions to more precisely define the items listed here

- **Backbone Infrastructure**: This term includes most of the essential public service-based items that are underground or on the surface It includes roads, water. sewer, drainage, recycled water, levees, erosion control, and dry utilities Backbone infrastructure is sized to serve numerous individual development projects in the Project and in some cases serves the broader region's development areas
- **Public Facilities**: This term includes parks, schools, libraries, fire stations and equipment, police facilities and equipment, public buildings, and open space This group of items provides amenities to the Project (park facilities and libraries) or houses employees providing services to the area (police, fire, public administration)
- **Facilities**: This term is used in the Panhandle PFFP to generically include a combination of Backbone Infrastructure and Public Facilities, when a precise breakdown is not required
- **Subdivision Specific Infrastructure**: This group of improvements includes three subsets: frontage improvements, subdivision improvements, and off-site secondary road improvements
  - **Frontage improvements** include frontage roads, sound wall, and landscape corridors bordering a subdivision
  - **Subdivision improvements** include in-tract improvements (roads, sewer, water, drainage, recycled water, erosion control and dry utilities) that are in individual subdivision projects These improvements are funded privately and the costs of these improvements are not estimated in the Finance Plan The development community considers these costs in their private financing structure as "Lot Costs "
  - **Secondary Road Improvements** These improvements refer to subdivision-specific infrastructure essential to developing each landowner's property These two-lane collectors connect several subdivisions to arterial roads and are typically paid for by the development project adjacent to the collector road Secondary Road Improvements are included in the Development Agreement (D A) or conditions-of-approval requirements because a development project may be required to build a segment of road for another project if that other project is not being developed at that time (off-site from the subdivision

project). Because these improvements are privately funded, they are not included in the costs described in the Panhandle PFFP. Please note that Secondary Road Improvements include all other water, sewer, and drainage improvements underneath the road.

FINANCING STRATEGY AND IMPLEMENTATION

Financing Strategy

The strategy of the Panhandle PFFP is to do as follows:

- Fully fund or construct all backbone infrastructure and other public facilities needed to serve the entire Project;
- Create the Panhandle PFF for facilities not funded through other public financing mechanisms or privately funded;
- Phase backbone infrastructure and other public facility improvements to ensure they are constructed when necessary for new development and when funds are available to construct such public improvements;
- Permit the use of land secured bond debt financing programs to provide up-front financing for necessary backbone infrastructure and other public facilities when other funding sources are unavailable to provide sufficient funds concurrent with development demands;
- Use, when available, existing City and other agency fee programs to fund backbone infrastructure and other public facilities; and
- Ensure financing mechanisms are flexible to accommodate different combinations of infrastructure timing and funding requirements

Panhandle PFFP Implementation

Implementation of the Panhandle PFFP would take place following the City's approval of the Panhandle PFFP. The City will administer implementation of the Panhandle PFFP, which will include the following actions:

- Update the North Natomas Financing Plan to allow a complete equity analysis including participation in the North Natomas Land Acquisition Fee Program
- When appropriate, update relevant existing fee programs (such as the North Natomas PFF or applicable citywide fees) to include Project land uses, facilities, or revenue contributions;
- Implement the Panhandle PFF;
- Form Mello-Roos CFD for infrastructure;

- Form Mello-Roos CFD for Park maintenance and other services;
- Annex to the North Natomas TMA or other TMA; and
- Adopt cost-sharing agreements for funding of shared infrastructure with NNCP, Metro Air Park (MAP), Elverta Specific Plan (ESP), and the County

The Panhandle PFFP will need to be periodically updated to account for changes in land use, infrastructure project or cost information, or funding sources Changes in the Panhandle PFFP should be re-evaluated within the context of the overall financing strategy to ensure required funding is available when needed

ORGANIZATION OF THE REPORT

In addition to this introduction and summary chapter, the Panhandle PFFP contains the following information:

- **Chapter II** summarizes the proposed land uses;
- **Chapter III** identifies the backbone infrastructure and other public facility costs and phasing;
- **Chapter IV** identifies the infrastructure financing strategy and likely funding sources;
- **Chapter V** identifies the financial feasibility of the Panhandle PFFP;
- **Chapter VI** identifies the services and ongoing operation and maintenance cost funding sources; and
- **Chapter VII** outlines implementation of the Panhandle PFFP

II. LAND USE

LAND USE ASSUMPTIONS

The 594 7-acre Project is located at the eastern edge of the NNCP. bound by Elkhorn Boulevard to the north. and Del Paso Boulevard to the south

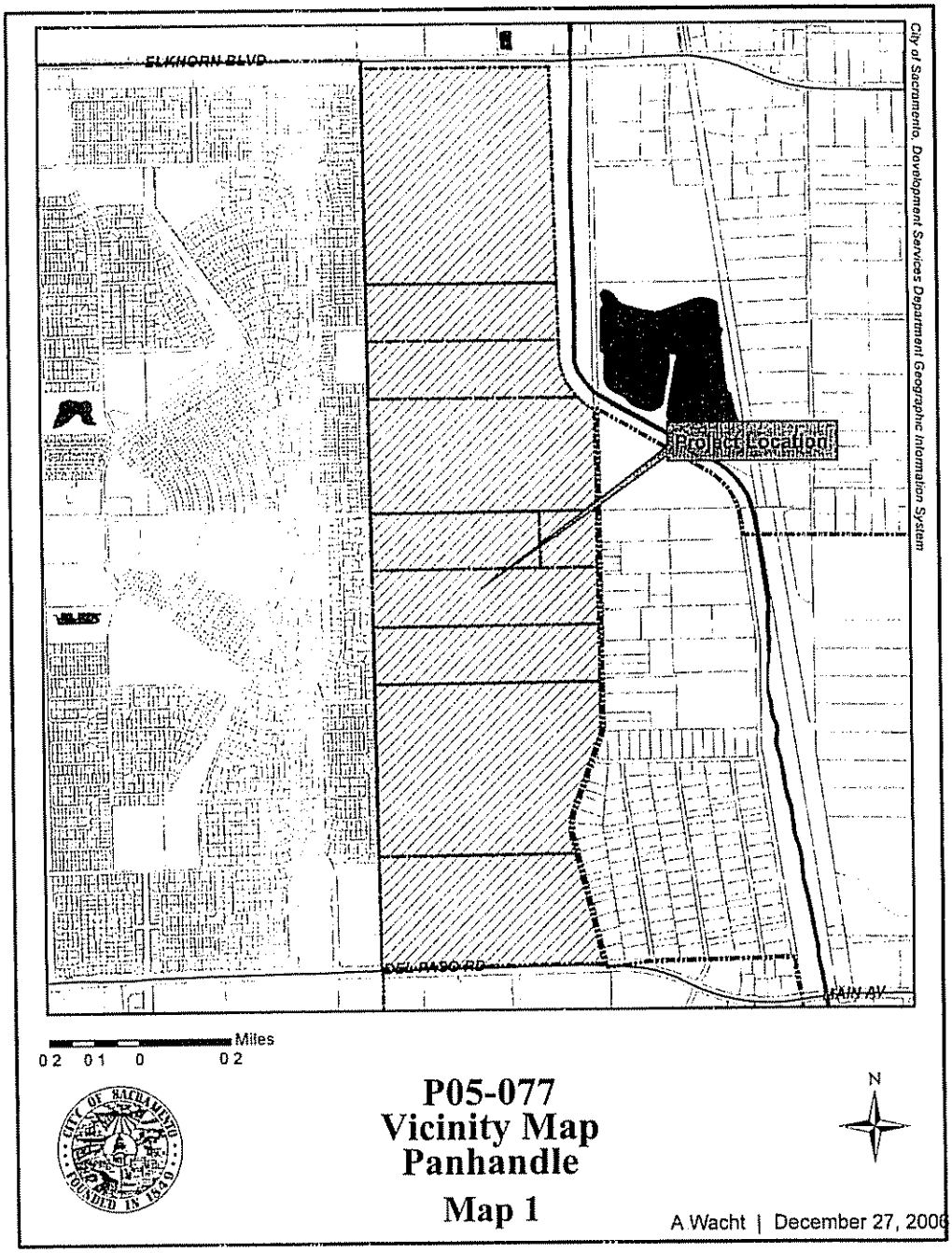
The Panhandle PFFP will only address the infrastructure items necessary to serve the "Northern Portion" of the Panhandle Annexation Project Area (1,430 acres) as described here and does not include the "Southern Portion" of the Panhandle Annexation Project Area south of Del Paso Boulevard.

Map 1 shows the regional location of the Project, and the delineation between the Northern and Southern Portions of the Panhandle Annexation Project Area. **Map 2** shows the land use diagram of the Project, which is summarized in **Table 3**. This land use information is based on the Project CIP dated December 2006. As shown, the dominant land use of the project is low- and medium-density residential units. These units are planned as several unit types and densities, as shown in **Table 4**.

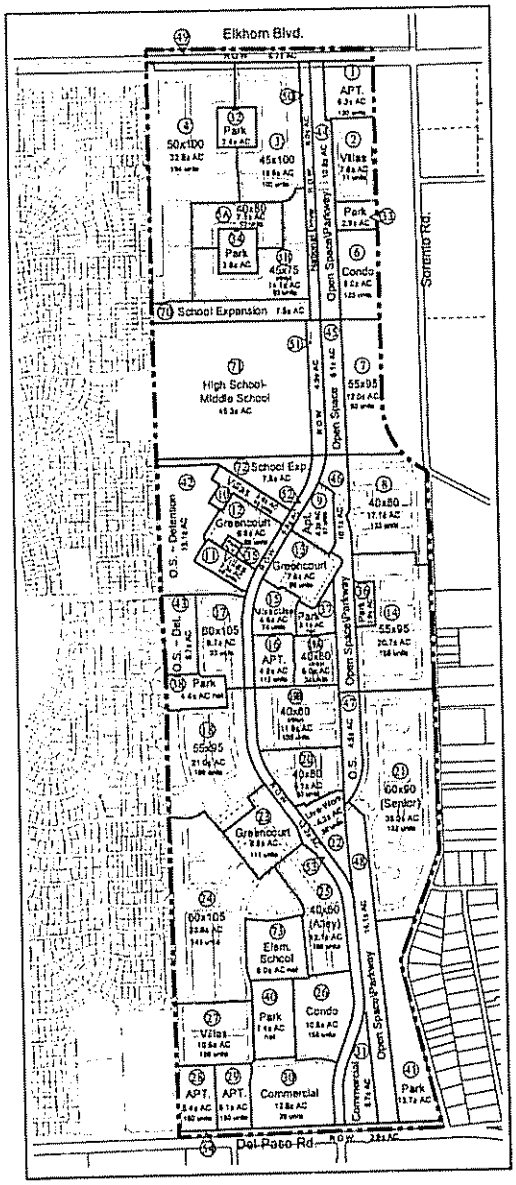
In total, the land-use program also allows for 1,463 low-density single-family residential units on 259 2 gross acres,[1] 857 medium-density units on 66 8 gross acres, 603 high-density apartment units on 25 8 gross acres, and 152 live/work units on 8 8 gross acres In addition to residential use, the site is envisioned as containing approximately 18 5 gross acres of commercial use

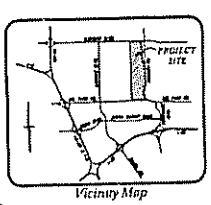
The remaining 215 6 acres are reserved for public facilities such as parks, an elementary school site, a high school/middle school site, open space, a detention basin, and roadways

[1] Gross developable acreage is the total area identified on the PUD diagram for each land use. The net acreage used in this analysis excludes minor roadway and other public right-of-ways inside of each subdivision. which will be dedicated as the subdivisions are created



P05-077
Vicinity Map
Panhandle
Map 1





Vicinity Map

Map 2

PUD Schematic Plan

Panhandle PUD

City of Sacramento, California

Scale: 1" = 400' March 16, 2007

0 200 400 feet

MACKAY & SOMPS
CIVIL ENGINEERS, INC.

7790-00

Table 3
Panhandle Public Facilities Financing Plan
Land Use Summary

Item	Acreage	Residential Units	Commercial Sq. Ft. [1]
Developable Land Uses			
Residential			
Low-Density Residential	259 2	1.463	
Medium-Density Residential	66 8	857	
High-Density Residential	25 8	603	
Live/Work Residential	8 8	152	48.562
Subtotal Residential	**360.6**	**3,075**	**48,562**
Commercial [1]			
Village Commercial	18 5	0	160.038
Subtotal Commercial	**18.5**	**0**	**160,038**
Subtotal Developable Land Uses	**379.1**	**3,075**	**208,600**
Public Facilities/Other			
Detention Basin	20 8	-	-
Open Space Parkway	45 5	-	-
Park	40 9	-	-
Right-of-Way - Del Paso	3 6	-	-
Right-of-Way - Elkhorn	7 0	-	-
Right-of-Way - National	28 5	-	-
Elementary School	8 0	-	-
High School/Middle School	61 3	-	-
Subtotal Public Facilities/Other	**215.6**	**0**	**0.0**
Total	**594.7**	**3,075**	**208,600**

"land_use_summary"

[1] Commercial square footage assumes a 0 25 floor-area-ratio

Table 4
Panhandle Public Facilities Financing Plan
Residential Land Use Detail

Residential Land Use	Acreage	Residential Units	Density	Commercial Sq. Ft.
			units per net acre	[1]
Low-Density Residential				
Detached - 40' x 60 Alley'	29 0	244	8 4	
Detached - 45' x 100'	18 5	100	5 4	
Detached - 50' x 100'	33 9	194	5 7	
Detached - 45' x 75 Alley'	21 6	140	6 5	
Detached - 55' x 95'	54 6	268	4 9	
Detached - 40' x 80'	25 2	193	7 7	
Detached - 60' x 105'	41.4	172	4 2	
Detached - 60' x 90' Senior	35	152	4 3	
Subtotal Low-Density Residential	**259 2**	**1,463**	**5.6**	**-**
Medium-Density Residential				
Cluster - Villas	25 5	277	10 9	
Condominium	18 5	282	15 2	
Cluster - Greencourt	22 8	298	13 1	
Subtotal Medium-Density Residential	**66 8**	**857**	**12 8**	**-**
High-Density Residential				
Apartments	25 8	603	23 4	
Subtotal High-Density Residential	**25.8**	**603**	**-**	**-**
Commercial/Residential Units				
Mixed Use Residential/ Commercial	4 6	74	16 1	34.562
Live/ Work Residential	4 2	28	6 7	14.000
Village Commercial	-	50	-	-
Subtotal Commercial/Residential Units	**8 8**	**152**	**-**	**48,562**
TOTAL RESIDENTIAL	**360 6**	**3,075**	**-**	**48,562**
COMMERCIAL [1]				
Village Commercial	18 5	-	-	160.038
SUBTOTAL COMMERCIAL	**18.5**	**0**	**0 0**	**160,038**
SUBTOTAL DEVELOPABLE	**379.1**	**3,075**	**0 0**	**208,600**

"land_use"

Source: MacKay and Somps. and EPS

III. INFRASTRUCTURE FACILITY COSTS AND PHASING

Buildout of the Project will require construction of roadway, sewer, water, drainage, and a variety of other public facilities This chapter discusses all of the required public facilities and provides the estimated costs (in 2006 $) associated with each In addition, this chapter also discusses the phasing of required backbone infrastructure and other public infrastructure facilities

Table 1 summarizes the costs (in 2006 $) of backbone infrastructure and other public facilities required for the Project At buildout, backbone infrastructure and other public facility costs will total approximately $150 3 million (in 2006 $) As discussed earlier in this report, a variety of financing sources will be used to fund required backbone infrastructure and other public facilities Detailed cost estimates for each infrastructure type are contained in **Appendix A** of this report

PHASING OF DEVELOPMENT

Most backbone infrastructure and public facilities will be installed at the outset of development of the Project, before any homes are constructed Any remaining infrastructure items are to be built before certain timing triggers, which will be determined by the City and identified in the D A.

INFRASTRUCTURE FACILITIES, FACILITY COSTS, AND PHASING

ROADWAYS

Project development will generate vehicular trips in and outside of the Project, which result in the need for additional roadway capacity to maintain adequate levels of service The proposed roadway system comprises, major arterials, collectors, and residential streets that work together to provide convenient and safe access to all areas in the Project and adequate off-site access to proposed development in the Project In addition, several offsite mitigation measures have been identified See **Appendix A** for the detailed description and cost estimates of mitigation projects

Cost Estimates

MacKay & Somps has provided roadway improvement cost estimates for major roadways required to serve development at the Project The total estimated onsite roadway costs are approximately $20 2 million, which include improvements to

National Drive, Del Paso Road, Elkhorn Boulevard, and Club Center Drive The following facilities are included in the roadway cost estimates.

On-Site Roadways

- Center lanes and medians;
- Curb lane improvements;
- Bridges and culverts;
- Signage and striping;
- Intersection improvements;
- Signalization; and
- Median and corridor landscaping

Del Paso Drive is a unique case because in addition to onsite construction costs and off-site mitigation measures, Del Paso will be required to add two left turn lanes as a condition of approval. This can be considered an "on-site" mitigation measure

Off-Site Roadways

The Project includes approximately $1.0 million in offsite roadway facilities, which includes these items:

- Additional left turn lane on westbound Elkhorn Blvd at National Drive;
- Second left turn lane on both eastbound and westbound Del Paso Road at Natomas Blvd and Truxel Road;
- Del Paso Road improvements;
- Median improvements on Del Paso Road from Blackrock Road to western project boundary; and
- Intersection and traffic signalization

Phasing

Roadway improvements will be constructed in phases to adequately serve the project and as approved by the City based on tentative map conditions and D A requirements

WASTEWATER

CSD-1 will serve the Project with wastewater collection and treatment The proposed wastewater system comprises both on-site and off-site sewer transmission lines, sewer mains, and manholes

Cost Estimates

Wastewater improvement cost estimates total approximately $1 0 million These wastewater improvement costs are included in the Panhandle PFFP:

- Sanitary sewer mains; and
- Sanitary sewer manholes

Phasing

Wastewater improvements will be constructed in phases to adequately serve the project and as approved by the City

WATER

The proposed water system comprises both onsite and off-site water transmission lines which will connect to City facilities for the delivery of water.

Cost Estimates

MacKay & Somps has provided water improvement cost estimates, which total approximately $5 0 million

On-Site Water

The Project includes approximately $5 0 million in on-site water facilities, which include water transmission mains, gate valves, butterfly valves and other facilities

Off-Site Water

The Project does not include offsite water facilities

DRAINAGE

The proposed storm drainage facilities have been designed as a stand-alone storm drainage system that will serve the Project Storm drainage facilities will modify peak flows such that they do not exceed Reclamation District 1000 post-development runoff criteria The post-development rate of runoff will actually by lower than pre-development levels

Cost Estimates

Drainage improvement costs total approximately $10 2 million, according to MacKay & Somps These drainage improvement costs are included in the Panhandle PFFP.

On-Site Drainage

- On-site detention basins and pump station;
- On-site storm drainage pipe, manholes, inlet/outlet structures; and
- Off-site storm drainage pipe, manholes, inlet/outlet structures on National Drive to Lot H

Phasing

Drainage improvements will be constructed in phases to serve the project and as approved by the City

LANDSCAPE CORRIDORS

The Project contains landscape corridors which are located along the medians and frontage of certain segments of major Project roadways These facilities will be dedicated to the City

Cost Estimates

As estimated by MacKay & Somps, the total cost of these landscape corridors are estimated at $3 6 million, as shown in **Appendix A**

Phasing

The landscape corridors and open space facilities will be constructed as the project develops

PARKS AND OPEN SPACE

The Project contains approximately 40 9 acres of park land and one 45 5 acre open space parkway known as Ninos Parkway Ninos Parkway is envisioned as an integrated system of open spaces, recreational facilities, community gardens, and parks connected by a pedestrian and bicycle corridor which traverses the length of the Project Park development will take the form of several smaller 1- to 8-acre neighborhood parks, and one 22 4-acre community park.

Cost Estimates

Preliminary cost estimates for the neighborhood and community parks are based on a cost estimate provided by Land Architecture Incorporated The costs shown are preliminary estimates only

In addition, the Project will contribute to the development of regional park facilities located in the NNFP Area The Project will contribute an equivalent payment to that of development projects in the NNFP for the acquisition of the North Natomas regional park. These payments will help fund the Natomas Basin Habitat Conservation Plan fees associated with the regional park and could potentially contribute to the development cost of the regional park.

The total cost for all parks facilities is estimated at $27 0 million, as shown on **Table B-1**. **Table B-2** shows the detailed backup calculation for the regional park contribution

Phasing

On-site neighborhood and community parks facilities will be constructed according to the phasing requirements set forth in the D A

LEVEES

The Project site is not located in a designated 100-year floodplain as currently delineated by FEMA. The Project site is certified for 100-year flood protection The Project is located within the boundaries of SAFCA Assessment District No. 1 for operations and maintenance and Assessment District No 2 for flood-related capital facilities

SAFCA recently completed a draft report that evaluates the flood protection level of the Natomas levee system and recommends some levee improvements to correct existing deficiencies In the event that levees currently providing adequate flood protection to the Project site are decertified and can no longer provide 100-year flood protection, the Project will participate in funding mechanisms established for the purpose of re-establishing no less than 100-year flood protection for the Project site, or for that portion of the Natomas Basin requiring re-establishment of 100-year flood protection, including the Project site, provided that such funding mechanism (1) is based on a nexus study, (2) is regional in nature, (3) is proportionate, fair, and equitable, and (4) complies with all applicable laws and ordinances

Because the Project Area is already included in SAFCA's existing funding mechanisms, its financial requirements will be adjusted with SAFCA's updates to its local share funding approach

SCHOOLS

The Project is located in the Grant Joint Union High School District, and students in the Project will attend the proposed middle school (grades 7-8) and high school (grades

9-12) that will be constructed in the Project The Northern Portion of the Project is located in the Rio Linda Union School District, and students in neighborhoods generally north of Club Center Drive will attend Regency Park Elementary School located west of the Project The area generally south of Club Center Drive is in Robla Elementary School District. An elementary school site is proposed in the Project in the Robla Elementary School District.

Table B-3 shows the estimated construction budget and funding sources for school facilities attributable to Project development As shown, total school facility costs include approximately $38 2 million in elementary school costs and $30 5 million in middle and high school costs In addition, **Table B-3** shows a cost estimate of approximately $841,000 million for interim housing and support facilities, which brings the total estimated schools facilities cost to $69 5 million

LIBRARY FACILITIES

The Project will contribute to the funding of library facilities based on the same methodology and costs as were used in the North Natomas PFFP

Cost Estimates

The Project's cost responsibility for library facilities is estimated based on the costs used in the North Natomas Nexus Study and Financing Plan. The fee amount associated with library facilities are estimated at approximately $1 8 million, as shown in **Table B-4**.

TRANSIT FACILITIES

The Project will contribute to the funding of transit facilities based on the same methodology and costs as were used in the North Natomas PFFP

Cost Estimates

The Project's cost responsibility for transit facilities is estimated based on the costs used in the North Natomas Nexus Study and Financing Plan. The fee amount associated with transit facilities are estimated at approximately $1 4 million, as shown in **Table B-5**

FIRE FACILITIES

The Project will contribute to the funding of fire facilities based on the same methodology and costs as were used in the North Natomas PFFP

Cost Estimates

The Project's cost responsibility for fire facilities is estimated based on the costs used in the North Natomas Nexus Study and Financing Plan. The fee amount associated with fire facilities are estimated at approximately $1.5 million, as shown in **Table B-6**

POLICE FACILITIES

The City Police Department requires that a new North Natomas Police Facility be constructed, and the Project likely will be required to share in the funding of these facilities

Cost Estimates

The cost is estimated based on the costs used in the North Natomas Nexus Study and Financing Plan. The fee amount associated with Police facilities are estimated at $884,000 as shown in **Table B-7**.

COMMUNITY CENTER FACILITIES

The Project will be required to share in the funding of community center facilities at the same rate as development in the NNFP.

Cost Estimates

The cost is estimated based on the costs used in the North Natomas Nexus Study and Financing Plan. The fee amount associated with Community Center facilities for the Project is estimated at $784,000 as shown in **Table B-8**.

BIKEWAYS AND SHUTTLES

The Project will be required to share in the funding of facilities related to bikeways and shuttles at the same rate as development in the NNFP.

Cost Estimates

The cost is estimated based on the costs used in the North Natomas Nexus Study and Financing Plan. The fee amount associated with Bikeways and Shuttle facilities for the Project are estimated at $412,000 as shown in **Table B-9**

PUBLIC FACILITIES LAND ACQUISITION PROGRAM

The Project may be required to contribute to the North Natomas Public Facilities Land Acquisition Fee (PFLAF) Program (PFLAP), which funds the acquisition of extraordinary lands to be used for a variety of public uses, including open space, oversized roadways, interchanges, transit facilities, parks, civic facilities, off-street bikeways, and buffers to other land uses The Project may contribute to this program at the same rate as development in the NNFP Land within the Project boundaries that will be used for eligible facilities can be dedicated to the City and Project developers will take credit against the PFLAF for any such facilities dedicated to the City

Public Land Not Acquired through the PFLAF

The PFLAF excludes these "normal" dedications and represents the balance of lands under the PFLAP:

- Neighborhood and community parks dedicated under the Quimby Act;
- Roadway right-of-way dedications through standard requirements; and
- Landscaping easements dedicated under the Subdivision Map Act

These dedications are handled through standard City processing of development applications

The PFLAF also excludes land required for drainage including detention basins, pump stations, and trunk lines This land will be purchased from the drainage fees or other drainage financing mechanisms School sites are not included as public land because they are acquired directly by the school districts

Cost Estimates

The cost is estimated based on the costs used in the North Natomas Nexus Study and Financing Plan Development projects in the NNFP are required to provide or fund 0 098 acres per 1-acre developed At 379 1 net acres, the Project is required to dedicate or fund 37 2 acres for public facilities

It is estimated that the Project has 23 8 acres eligible for the PFLAF This would then require an estimated payment of $5 9 million to the PFLAF Program as shown on **Table B-10** The Project's participation in the PFLAF Program will be contingent on further analysis to examine the equity between the Project and the North Natomas Financing Plan This analysis will be performed in conjunction with an update to the North Natomas PFF This is discussed further in **Chapter IV**

IV. INFRASTRUCTURE FINANCING STRATEGY AND FUNDING SOURCES

This chapter outlines the Project's financing strategy and describes how a combination of funding sources will be used to fund the $150 3 million of backbone infrastructure and other public facilities required to serve the Project

BUILDOUT FINANCING STRATEGY

The backbone infrastructure and public facilities required to serve development at the Project will be funded using a combination of public and private funding sources Specific requirements for developer construction for backbone infrastructure and public facilities will be defined in tentative map conditions and D A requirements

Developers will privately finance the construction costs for most of the backbone infrastructure needed at the outset of development In addition, the financing strategy includes formation of one or more land secured bond financing district (e g , Mello-Roos CFD or Assessment District), which will fund a portion of the total backbone infrastructure and other public facility costs The developers will also receive credits or reimbursements from the appropriate fee programs depending on credit/reimbursement eligibility and policy requirements of the appropriate agency

For most of the public facilities, the Project's developers will pay applicable development impact fees, which are typically due at building permit issuance The developer will receive fee credits for public facilities items constructed that also are included in these fee programs unless specifically required to construct public facilities

Much of the on- and off-site backbone infrastructure initially constructed and funded by Project developers will be acquired by the City through the CFD The most likely facilities for inclusion in the CFD are roads, water, wastewater, drainage, and landscape corridors

A Panhandle PFF will be implemented to fund public facilities such as library, transit, fire, police, community centers, and bikeways and shuttles For these facilities, the Panhandle PFF will be paid at the same rate as development in the NNFP area

The Panhandle PFF will also fund roadway and drainage facilities The component of the fee for roadways and drainage is calculated based on actual costs as provided by MacKay & Somps as shown in **Appendix A**

Table 2 (on Page 4) shows the proposed funding source for each public facility at buildout Under this funding strategy, approximately $77 8 million will be a combination of developer funding, land-secured bond financing, and the Panhandle PFF; and $22 0 million will be funded through existing development impact fees, CSD-1 user connection fees, and major street construction tax Also, other nearby development projects such as the NNCP, and MAP, will participate in funding the cost of shared facilities

The estimated costs and proposed funding sources are estimated based on the most current information available Actual backbone infrastructure and other public facility costs funded under each category may be revised as more detailed information regarding facility construction and project sequencing becomes available

PHASING AND THE FINANCING STRATEGY

Phasing of public facility construction is an important component of the overall financing strategy The ability to sequence public facilities will depend on the type of facility and the pace of new development When possible, construction of public facilities will be sequenced over time as needed to serve new development The sequencing of public facility costs will help to ensure that adequate monies are available from the various financing sources to fund the public facility improvements

Completion of backbone infrastructure and other public facilities will be phased to serve logical increments of development based on the demand for such facilities as the Project builds out The timing and amount of development in each increment will depend on many factors, such as market demand In the normal course of the development approval process, the City will condition the Project's tentative map(s) with backbone infrastructure and other public facility requirements

The Panhandle PFFP is designed to be flexible enough to accommodate faster or slower growth of project development in response to the market for housing and nonresidential development

The developers of the Project will be responsible for funding and constructing all of the backbone infrastructure and public facilities needed to serve the Project unless the City and project proponents agree otherwise to City construction of specific improvements Subject to the City's fee credit and reimbursement policies, some or all of this private funding will be reimbursed to the landowners/developers over time as the City is able to issue public debt through the CFD, issue credits due for landowner/developer proportionate share of fees, and collect fees from other developers that will provide reimbursements The time frame for reimbursement is unknown and could be a

considerable period of time depending on market conditions and the actual absorption of the development projects. There is no guarantee that the initial developers will be fully reimbursed for the costs to oversize facilities for later development projects.

As the project developers construct required backbone infrastructure and other public facilities, facilities will be acquired by the City with bond proceeds from land secured financing until the CFD bonding capacity is reached. The remainder of backbone infrastructure and other public facility costs will be funded through developer cash, equity, or private debt financing, if necessary, and the facilities dedicated to the City with appropriate fee credits or reimbursements.

SOURCES OF FUNDING

Several financing sources will be used to fund the backbone infrastructure and other public facilities required to serve the Project. The following sections briefly describe the probable financing sources for the backbone infrastructure and other public facilities.

PANHANDLE PFF

A fee will be established to fund certain public facilities for which there is no citywide development impact fee established and no construction of physical facilities is required. Potential infrastructure and public facilities to be covered by this fee are roadway, drainage, fire, police, community center, bikeways and shuttles, transit, and regional parks.

Backbone Infrastructure

On-site roadway facilities that must be constructed or improved to serve development at the Project include segments of National Drive, Del Paso Road, Elkhorn Boulevard, and Club Center Drive. In addition, certain offsite mitigation measures have been identified by the City as the responsibility of the Project developers. The Panhandle PFF may be used to fund the construction of all or a portion of these roadways.

Public Facilities

The "public facilities" component of the fee will be set at the same levels as in the NNFP, and will contribute to the funding of public facilities which will benefit both areas. The facilities included in this category are libraries, transit, fire, police, community center, and bikeways and shuttles.

Parks

The land use plan of the Project includes a significant amount of neighborhood and community park land, and the cost of parks facilities to be constructed at the Project is considerably higher than what will be collected in citywide parks fees. The additional cost will be included as a park fee component of the Panhandle PFF. In addition, this fee will include a contribution to the regional park land acquisition program at the same rate as development in the NNFP Area. If a developer constructs any or part of the neighborhood of community park facilities pursuant to a D.A. with the City, credits will be available from the citywide park fee, the Panhandle PFF park fee component, or possibly both.

Integration with North Natomas PFFP

One of the central purposes of the Panhandle PFF program is to maintain equity and fairness between the Project development and development in the rest of the North Natomas Community Plan area. Because the Project will be handled as a separate mechanism from the NNFP, certain policies which apply in the NNFP should also apply to the Panhandle PFFP.

The Panhandle PFFP presently shows in Chapter III that the Panhandle PFF is equivalent to the NN PFF for public facilities and that the Panhandle PFF for road projects and backbone infrastructure is currently greater than the NN PFF. As development in the Panhandle PUD progresses, the City will continue monitor the equity between the two fee programs. Whenever either fee program is updated, an equity analysis may be prepared to determine whether the Panhandle PUD continues to pay equivalent fees for Public Facilities and an equal or greater fee for road projects. EPS prepared a memorandum dated May 29, 2007, that addressed the equity issues between the two fee programs.

If the North Natomas PFF road fee component is updated and becomes higher than the Panhandle PFF road fee, then the Panhandle PFF for roads may be brought to an equivalent level with the NN PFF. However, in the update of the Panhandle's road fee, consideration must be given to the amount of units developed in the Panhandle that paid Project road fees that were higher than the NN PFF road fees. To evaluate the equity issue, the City would complete an analysis of the two fee programs to establish the correct adjustment factor for the Panhandle PFF road fee component. Included in this analysis will be the appropriate level of participation in the North Natomas Public Facilities Land Acquisition Program, as discussed in Chapter III.

Another equity measure programmed into the Panhandle PFF involves the ability to take credits for facilities constructed. The NN PFF has a unique credit policy limiting developers to taking no more than a 43 percent credit against their NN PFF at building

permit unless the developer constructs certain high-priority infrastructure items or public facilities for which the developer can take up to 97 percent fee credits The remaining 3 percent is the administrative cost of the fee program which must be paid.

The Panhandle PFF will have similar provisions to ensure that the NN PFF participants are not unfairly disadvantaged. As shown in **Table 5**, Project developers/builders cannot take a credit for more than approximately 40 percent of the fee, based on a calculation designed to maintain equity between the Project and North Natomas, unless they construct roadway components that are considered "Gateway Projects"

Panhandle PFF revenue retained by the City for public facilities such as library, transit, fire, police, community center, or bikeways and shuttles will be used by the City for the construction of North Natomas public facilities included in the NN PFF or for reimbursement to North Natomas developers if the City has met its funding obligations for the NN PFF.

The Project developers will not be able to take fee credits for the "public facilities contribution"—or "City Component"—of the Panhandle PFF except for certain "Gateway Projects" The City Component of the Panhandle PFF includes the fee portion for these facilities:

- police;
- fire;
- library;
- community parks; and
- "Gateway Projects."[2]

The component of the Panhandle PFF set-aside that is treated as "Gateway Projects" include the costs of these items:

- Del Paso Road;
- Elkhorn Boulevard; and
- Approximately 30 percent of National Drive

These Gateway Projects are similar to East Commerce Way and Natomas Park Boulevard (formerly Truxel Road) in the NNFP The "Gateway" portion of National Boulevard consists of the full section width at the intersections of Del Paso Road and Elkhorn Boulevard, tapering to 2 lanes and the median for approximately 1,000 feet from

[2] Credits can be taken for construction of "Gateway Facilities"

Table 5
Panhandle Public Facilities Financing Plan
Panhandle/North Natomas Creditable Facilities Comparison

	Panhandle		North Natomas	
Item	**Amount per Unit**	**Percent of Total**	**Amount per Unit**	**Percent of Total**
Total Infrastructure and Public Facilities Cost	**$7,155**		**$6,118**	
Fee Adjustment for Additional Costs	($1.037)		$0	
Adjusted Total	**$6,118**	**100%**	**$6,118**	**100%**
City Component [1]	$3.675	**60%**	**$3,487**	**57%**
Credit Component	$2,443	**40%**	$2.631	**43%**

"credits"

[1] The amount reserved for the City Component in the Panhandle is calculated as follows:

Fire	$574
Library	$695
Police	$274
Community Center	$282
Bikeways & Shuttles	$113
Subtotal	$1,938
Additional "Gateway" Facilities [2]	$1,737
Subtotal	**$3,675**

[2] Gateway Facilities are assumed to be Elkhorn Blvd . Del Paso Road, and 30% of the cost of National Drive The cost estimate for National Drive is a rough approximation that would include approximately 1.000 feet of two-lane roadway from each direction to open up development from the south and serve the high school from the north These Gateway Facilities normally would be 97% creditable in the NNFP

Roadway & Landscaping Cost per LDR Unit (Creditable Facilities)

Roadway Cost	$3,776
Landscaping Cost	$1.441
Total	**$5,217**

both directions, which EPS estimates would account for approximately 30 percent of the full cost of National Boulevard.

OTHER DEVELOPMENT PROJECTS

The Project will participate in funding of facilities whose benefit is shared by other neighboring development projects. The financing plan identifies which facilities are included in this category, and methodology by which the costs are to be allocated to the development projects. **Table 6** shows a summary of shared infrastructure items and the Project's allocated cost of each. Any presently-identified sources of funding from other development projects are shown as contributing to the full cost of each facility. The remaining amount is assumed to be borne by Project developers. The full cost estimates and corresponding exhibits are included in **Appendix A** of this report.

DEVELOPER PRIVATE FUNDING/CFD

The project developers will use a combination of cash, equity, or private debt financing to construct backbone infrastructure and other public facilities before the funding becoming available from other sources such as development impact fees. The developers will have sole responsibility for the funding and construction responsibility for in-tract infrastructure and most frontage improvements.

A CFD may be established to help fund the construction or acquisition of backbone infrastructure and public facilities in the Project. The 1982 Mello-Roos Community Facilities Act enables cities and other entities to establish a CFD to fund various facilities and services by levying an annual special maximum tax on land within the CFD boundaries. The proceeds from a CFD bond sale can be used for direct funding of improvements, to acquire facilities constructed by the developer, to reimburse developers for advance funding of improvements, or to prepay certain development fees. The annual maximum special tax can be used toward bond debt service or to build or reimburse for infrastructure as needed. The proceeds of the Mello-Roos special tax can be used for direct funding of facilities or to service bond debt.

Tables 7 and **8** show a preliminary estimate of Mello-Roos CFD bonding capacity of the project based on assumptions regarding tax rates, reserve fund requirements, and interest rates. Based on current assumptions, the Project is estimated to have capacity to bond for approximately $71.1 million, of which $62.3 million is available to fund Project infrastructure costs. Actual tax rates and related bond capacity will be established at the time of formation of the CFD.

Table 6
Panhandle Public Facilities Financing Plan
Offsite Mitigation Measures - 2006 $

Item	Description	Construction Cost	29% Contingency and Soft Costs	Total	Fair Share Allocation [1] Panhandle	Fair Share Allocation [1] Other	Total Panhandle Cost	Total Other Projects Cost	NNFP Amount [2]	Remaining Cost
4.4.2a	Traffic Signal - N.B. SR 99 @ Elkhorn BLVD	$700,000	$ 203,000	$903,000	7.67%	92.33%	$69,260	$833,740	$217,042	$616,698
4.4.2b	Traffic Signal Timing - Natomas BLVD @ Elkhorn BLVD	$10,000	$ 2,900	$12,900	11.47%	88.53%	$1,480	$11,420	$0	$11,420
4.4.2d	Traffic Signal - S.B. I-5 @ Del Paso Road	$700,000	$ 203,000	$903,000	4.16%	95.84%	$37,565	$865,435	$217,042	$648,393
4.4.2e	Traffic Signal - N.B. I-5 @ Del Paso Road	$700,000	$ 203,000	$903,000	6.40%	93.60%	$57,792	$845,208	$217,042	$628,166
4.4.2f	E.B. & W.B. 2nd Left Turn Del Paso Road @ Natomas/Truxel	$176,000	$ 51,040	$227,040	10.30%	89.70%	$23,385	$203,655	$0	$203,655
4.4.2h	Traffic Signal - Del Paso BLVD @ Kenmar	$290,000	$ 84,100	$374,100	27.30%	72.70%	$102,129	$271,971	$0	$271,971
4.4.7a	Traffic Signal - E. Levee Road @ Elkhorn BLVD	$225,000	$ 65,250	$290,250	57.17%	42.83%	$165,936	$124,314	$0	$124,314
4.4.7b	Traffic Signal Timing - Del Paso Road @ Natomas/Truxel	$10,000	$ 2,900	$12,900	12.73%	87.27%	$1,642	$11,258	$0	$11,258
4.4.7c & 4.4.11a (east)	Del Paso Road through Sorrento & Kenmar intersections	$298,000	$ 86,420	$384,420	[3]		$384,420	$0	$0	$0
4.4.11a (west)	Del Paso Rd. from Blackrock Road to W. Boundary of Panhandle	$237,000	$ 68,730	$305,730	[3]		$180,762	$0	$124,968	$0
Total		**$3,346,000**	**$ 970,340**	**$4,316,340**			**$1,024,371**	**$3,167,001**	**$776,094**	**$2,390,907**

"cost_share"

Sources: MacKay and Somps, City of Sacramento, and EPS.

[1] Fair share allocations based on City of Sacramento calculations provided by City Traffic Engineering.
[2] From the North Natomas Financing Plan dated August, 2005.
[3] Items 4.4.7c and 4.4.11.a (east and west) are required mitigation measures for Panhandle, and are in the NNFP. Panhandle is shown to pay the difference between the MacKay and Somps cost estimate and the amount identified in the North Natomas Financing Plan.

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Table 7
Panhandle Public Facilities Financing Plan
Estimated Infrastructure CFD Maximum Annual Special Tax Revenue - Base Year [1]

Item	LDR	MDR	HDR [2]	Commercial	Total Annual Special Tax Revenue
	Units	*Units*	*Units*	*Acres*	
Total Units/Acres	1,463	857	755	18.5	
	Per Unit	*Per Unit*	*Per Unit*	*Per Acre*	
Annual Special Tax Rate for Infrastructure [3]	$2,000	$1,600	$1,450	$5,000	
Total Maximum Annual Special Tax Revenue	**$2,926,000**	**$1,371,200**	**$1,094,750**	**$92,500**	**$5,484,450**
Home Sales Price	$400,000	$320,000	$279,000		
Assumed Infrastructure CFD	$2,000	$1,600	$1,450		
Infrastructure CFD as a % of Home Price	**0.50%**	**0.50%**	**0.52%**		

"max_tax"

[1] Base year is first year special taxes are levied. After the base year, the maximum special tax is increased by 2% per year.
[2] Includes 28 live/work units.
[3] Estimated rate.

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Table 8
Panhandle Public Facilities Financing Plan
Estimated CFD Bonds and Bond Proceeds

Total Bonds	Assumptions	Estimated CFD Bonds and Construction Proceeds: Low-Density Res.	Medium-Density Res.	High-Density Res. [1]	Nonresidential	Total Special Tax Revenue
Assumptions						
Interest Rate	7%					
Bond Term	30 years					
Average Maximum Annual Special Tax Requirement						
Development Units/Acres		*Units* 1,463	*Units* 857	*Units* 755	*Acres* 18.5	
Estimated Annual CFD Costs (Base Year) [2]						
Total Annual Maximum Special Tax Revenue		$2,926,000	$1,371,200	$1,094,750	$92,500	$5,484,450
Estimated Annual Administrative Costs	3%	$87,780	$41,136	$32,843	$2,775	$164,534
Delinquency Coverage	10%	$292,600	$137,120	$109,475	$9,250	$548,445
Estimated Net Revenue Available for Debt Service		$2,545,620	$1,192,944	$952,433	$80,475	$4,771,472
Estimated Bond Size *(Rounded)*	PV of Debt Service	$31,590,000	$14,800,000	$11,820,000	$1,000,000	$59,210,000
Increase for Annual Escalation [3]		$6,318,000	$2,960,000	$2,364,000	$200,000	$11,842,000
Total Bond Size with Escalation		$37,908,000	$17,760,000	$14,184,000	$1,200,000	$71,052,000
Capitalized Interest	12 months	$2,210,000	$1,040,000	$830,000	$70,000	$4,140,000
Bond Reserve Fund	1 year debt service	$2,550,000	$2,380,000	$160,000	$170,000	$2,830,000
Formation and Issuance Costs	5%	$1,579,500	$1,479,500	$101,000	$108,500	$1,754,000
Estimated Total Construction Proceeds		$31,568,500	$12,860,500	$13,093,000	$851,500	$62,328,000
Average Bonds per Unit/Acre		$21,593	$17,270	$15,656	$54,054	
Average Construction Proceeds per Unit/Acre		$21,578	$15,006	$17,342	$46,027	

"bond_proceeds"

[1] Includes 28 live/work units which are assumed to be high density.
[2] Base year is first year special taxes are levied. After the base year, the maximum special tax is increased by 2% per year.
[3] Assumes special taxes are escalated 2.0% annually for 30 years, which increases total bond size by an estimated 20%.

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CITY/COUNTY IMPACT FEES

The City has adopted a set of development impact fees to finance capital improvements. Future updates to the City fees may include certain improvements in the Project

SCHOOL DISTRICT IMPACT FEES

State law allows school districts to impose fees on new residential and nonresidential development. Level I fees are capped by law and that cap amount is split between elementary and high school districts. If school districts meet certain criteria, they may impose Level II fees on residential development. Level II fees are not capped but follow a strict formula set forth in law.

New development in the Project will pay the fees in effect the time that building permits are pulled unless the fees are replaced by a mitigation agreement. **Table B-3** includes the estimated fee revenue based on the 2007 fee rates.

STATE SCHOOL FUNDING

If eligible, a school district may receive funding for new schools from the State School Facility Program. The amount of State funding depends on the actual costs for the school site and the date of the application for State funding. **Table B-3** includes estimated State School Facility Program funding for Robla ESD and Grant JUHSD based on 2007 grant amounts. Rio Linda UESD is not eligible for State funding.

OTHER SCHOOL FUNDING

School district impact fees and State Funding does not provide enough funding for school facilities. The shortfall may be funded by school districtwide GO bonds, Mello Roos CFD funding, or mitigation agreements that provide funding above Level I or II fee levels. All three school districts are willing to commit some level of funding from GO Bonds as shown in **Table B-3**

V. FEASIBILITY OF THE PANHANDLE PFFP

This chapter reviews issues associated to the compatibility of the Panhandle PFFP with the NNFP and the overall financial feasibility of the financing plan The financial feasibility is addressed by reviewing a total infrastructure burden analysis, as well as bond issuance guidelines to ensure the financing districts will meet the required financial tests

COMPARISON ANALYSIS WITH NNFP

Although the Project was originally envisioned by the City to annex to the NNFP, it has been determined that because of the delayed timing of the development of the Project, and since a major portion of development in North Natomas has already occurred, it would be prudent from a financing standpoint to keep the two development areas separate Instead annexation of the Project to the NNFP, the Panhandle PFFP proposes funding mechanisms that:

- Work in conjunction with the NNFP funding strategy;
- Maintain equity between the two areas; and
- Simplify the administration of the funding mechanisms for the two areas

Shared benefits from infrastructure and public facilities, however, should be funded in an equitable fashion In other words, the Project should pay its fair share for items funded by the NNFP but benefit both projects, and vice-versa

For most public facilities, including, library, transit, fire, police, community center, and bikeways and shuttles, the Project will pay a public facilities fee equal to that of development in the NNFP This revenue will be used for the construction of facilities which benefit both areas

On-site roadway facilities which must be constructed or improved to serve development at the Project include National Drive, Del Paso Road west of the Project, Elkhorn Boulevard, and Club Center Drive In addition, certain off-site mitigation measures along Del Paso Road, Elkhorn Blvd have been identified by the City Some of these offsite mitigation requirements are included in the costs from the NNFP, and some are separate items Developers of the Project will be required to fund these items using the Panhandle PFF

For parks facilities, development at the Project will be required to pay a regional park land acquisition fee at the same rate as charged in North Natomas Since the land for the regional park has already been acquired, this fee revenue will be used to pay for the

North Natomas Habitat Conservation Plan fees for development of the regional park Any excess revenue will be used to fund regional park facilities in the North Natomas Regional Park

Table 9 shows the total estimated cost of major infrastructure and public facilities at the Project as compared to that of development in the NNFP The specified facilities used in **Table 9** are the same for both projects In other words, the cost estimates used are on an easily comparable apples-to-apples basis See **Appendix E** for the detailed roadway and landscaping costs updated specifically for the Panhandle PFFP for these comparable facilities. Cost updates to the North Natomas PFFP are pending

As shown on **Table 9**, the Project developers would pay approximately $8,400 per low-density single-family unit for these items, while developers in the NNFP pay $7,400 per comparable unit. For this reason, if the Project were annexed to the NNFP, the per-unit fees in North Natomas would likely be higher than their present levels.

In addition, development in the Project will construct its own parks facilities, which include several neighborhood parks and one community parks Because of its abundance of onsite parks, the per-unit cost of park facilities planned for the Project are well above the amount in nearby development areas Park facilities are funded through the citywide park fee and are not directly comparable to the burden for development in the NNFP

Table 10 shows a comparison of the annual taxes and assessments levied on development in North Natomas as compared to that in the Project As shown, the annual taxes and assessments are similar in both areas The infrastructure CFD shown for the Project assumes that a CFD is formed at the same tax rates as in the Natomas Central area of the NNCP Actual tax rates will be determined at the time of formation of the CFD(s)

TOTAL INFRASTRUCTURE COST BURDEN

The infrastructure cost burden of development to a property owner can be used to assess the financial feasibility of a development project The total infrastructure cost burden consists of all costs (e g , developer funding and the bond debt associated with special taxes and assessments) plus applicable fees (e.g , county development impact fees, school mitigation fees) A measure of financial feasibility is this: if the total cost burden is less than 15 to 20 percent of the finished home price, then a project is considered to be financially feasible Typically, residential units with a cost burden percentage below 15 percent are clearly financially feasible, while units with a cost burden percentage above 20 percent are likely to be financially infeasible This

Table 9
Panhandle Public Facilities Financing Plan
Panhandle/North Natomas Comparison Public Facilities/ Fees

Facility Type	Low-Density Residential		Medium-Density Residential		High-Density Residential		Village Commercial	
	Panhandle	North Natomas	Panhandle	North Natomas	Panhandle	North Natomas	Panhandle	North Natomas
PFF-Funded Facilities [1]	*per unit*		*per unit*		*per unit*		*per acre*	
Roadway, Signals, Bridges & Freeway [2]	$3,776	$2,214	$3,146	$1,845	$2,478	$1,453	$200,579	$117,622
Freeway and Roadway Landscaping	$1,441	$1,966	$634	$1,243	$373	$591	$8,135	$13,173
Subtotal Roadway/Freeway	**$5,217**	**$4,180**	**$3,780**	**$3,088**	**$2,851**	**$2,044**	**$208,714**	**$130,795**
Fire Facilities	$574	$574	$412	$412	$305	$305	$4,302	$4,302
Library Facilities	$695	$695	$520	$520	$420	$420	$818	$818
Police Facilities	$274	$274	$268	$268	$268	$268	$2,751	$2,751
Community Center	$282	$282	$211	$211	$170	$170	$3,321	$3,321
Bikeways and Shuttles	$113	$113	$94	$94	$74	$74	$5,988	$5,988
Subtotal PFF	**$7,155**	**$6,118**	**$5,285**	**$4,593**	**$4,087**	**$3,281**	**$225,892**	**$147,973**
Regional Parks	$1,287	$1,287	$1,001	$1,001	$476	$476	$23,107	$23,107
Total	**$8,442**	**$7,405**	**$6,286**	**$5,594**	**$4,563**	**$3,757**	**$248,999**	**$171,080**

"fee_comparison"

[1] Planning/Studies costs were excluded from this analysis.
[2] The cost estimates for the Panhandle's roadway and landscaping facilities used in this comparison are based on the same facilities as the roadway and landscaping cost estimates in the North Natomas Financing Plan. See **Appendix E** for the detailed cost estimates.

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Table 10
Panhandle Public Facilities Financing Plan
Panhandle/North Natomas Comparison of Annual Taxes

		Annual Special Tax/ Assessment per LDR Unit		
		North Natomas		Panhandle
Special Tax/ Assessment	Purpose	Natomas Central	Northpointe	
CFD No. 99 - 01 TMA	Transit	$21.32	$21.32	$21.32
CFD No. 97 - 01 [1]	Drainage	$75.29	$107.56	$107.56
CFD No. 3	Parks Maintenance	$63.57	$63.57	$63.57
CFD No. 4	Drainage	-	$527.00	-
CFD No. 99-02	Landscape Maintenance	$40.50	$40.50	$40.50
CFD No. 2002 - 02	Parks Maintenance	$51.94	$51.94	$51.94
Citywide L&LD	Lighting, Landscaping, Misc.	$67.12	$67.12	$67.12
City Library Services AD No. 96-02	Library	$27.32	$27.32	$27.32
Reclamation District No. 1000 M & O	Flood Protection	$25.00	$25.00	$25.00
SAFCA Capital Assessment No. 2	Flood Protection	$65.78	$65.78	$65.78
SAFCA O & M Assessment No. 1	Flood Protection	$13.62	$13.62	$13.62
Infrastructure CFD	Misc. Infrastructure	$1,140.00	-	$2,000.00
Panhandle Parks Cost	Parks Maintenance	-	-	$94.00
Total Annual Special Taxes and Assessments		**$1,591.46**	**$1,010.73**	**$2,577.73**

"tax_comparison"

Sources: MuniFinancial, City of Sacramento, and EPS.

[1] Natomas Central is in the tax zone west of I-5. Northpoint and the Panhandle are in the tax zone east of I-5.

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feasibility benchmark is based on EPS's experience in conducting financial feasibility analyses for numerous projects throughout the Sacramento region and Central Valley over the last two decades

As shown in **Table 11**, the total cost of infrastructure and public facilities accounts for approximately 14 to 17 percent of the estimated sales price of residential units in the Project This is considered feasible for development

Table 12 shows the detailed estimated infrastructure burden of typical homes in the Project The roadway, landscaping, sewer, water, drainage, and public facilities costs used in this comparison are based on the cost estimates found in **Appendices A** and **B**

TAXES AND ASSESSMENTS FEASIBILITY ANALYSIS

Table 13 shows the estimated taxes and assessments as a percentage of home sales prices for four different proposed Project land uses The total annual amount includes the following taxes and assessments:

- Property taxes;
- Other general ad valorem taxes (e g , school/other GO bonds);
- Services taxes and assessments (estimated in this chapter); and
- Infrastructure CFD taxes (proposed in this Panhandle PFFP)

Under the "2-percent test," a total taxes and assessments percent of sales price that is less than two percent indicates financial feasibility The taxes and assessments for the homes range from 1 8 percent, indicating annual tax-burden feasibility for each example unit type

While the Project CFD clearly is feasible, bond financing for other facilities included in additional CFDs will be limited by the tax rates indicated above

Table 11
Panhandle Public Facilities Financing Plan
Fee Burden as a Percent of Home Price

Item	Low-Density Residential	Medium-Density Residential	High-Density Residential
City Fees	$14.400	$11.800	$6.300
Other Agency Fees	$28.800	$25,800	$21.200
Infrastructure Construction	$14.500	$10.000	$7.100
Public Facilities	$10.300	$8,300	$5,300
Total Cost Burden	**$68,000**	**$55,900**	**$39,900**
Estimated Home Price	$400,000	$320.000	$279,000
Cost Burden as a % of Home Price [1]	17%	17%	14%

"fee_percent"

[1] Cost burden as a percent of home price. based on numerous feasibility analyses conducted by EPS is described as follows:
Below 15%: Feasible
15% - 20%: May be feasible
Above 20%: Questionable feasibility

Table 12
Panhandle Public Facilities Financing Plan
Infrastructure Burden - Residential Market Rate Units

Item	Low-Density Residential	Medium-Density Residential	High-Density Residential	Notes
Assumptions				
Unit Size (sq. ft.)	2,500	1,800	1,000	
Lot Square Feet	5,000	3,000	n/a	
Density	5.6	12.8	21.8	
Building Valuation	$150,850	$108,612	$65,100	
City Fees				
Building Permit	$1,423	$1,136	$841	Based on valuation shown above
Plan Check	$472	$376	$276	Based on valuation shown above
Technology Surcharge	$70	$60	$45	4% of building permit and plan check fees
Business Operation's Tax	$60	$43	$26	0.04% of building valuation, $5,000 maximum annual fee
Strong Motion Instrumentation Fee	$50	$50	$50	0.01% of building valuation, $50 minimum
Major Street Construction Tax [1]	$1,207	$869	$521	0.8% of building valuation
Residential Development Tax	$385	$385	$385	$385 per unit with 3 or more bedrooms
Housing Trust Fund	$0	$0	$0	Does not apply to residential development
Water Service Fees [2]	$4,920	$4,920	$1,090	Based on 1" pipe with meter [1] [2]
Less Water Service Fee Credits	($2,005)	($2,005)	($407)	Fee credits based on cost of water facilities constructed
Citywide Park Fee [3]	$4,493	$4,493	$2,647	$4,493 per single-family unit/$2,647 per multi family unit
Fire Review Fee	$0	$0	$38	Applicable only to units > 3,600 sq. ft./.038 per sq. ft. multifamily
Habitat Mitigation [4]	$3,310	$1,456	$856	$18,682 per disturbed acre (assumes land dedication)
Subtotal City Fees (rounded)	**$14,400**	**$11,600**	**$6,300**	
Other Agency Fees				
SAFCA CIE Fee	$222	$222	$109	$222 for building sq. ft. > 1,000. lot acreage < 0.25
SAFCA Assessment District Bond Debt	$2,224	$2,224	$1,090	Present value with 21 periods left in life of bond at 8% interest
Supplemental Levee Fee (Preliminary Estimate)	$5,000	$5,000	$3,750	Ballpark estimate used as a placeholder.
School Mitigation	$13,500	$10,875	$8,925	Amounts shown are estimates only. Actual mitigation fees may differ.
CSD-1 Sewer Fee [2]	$1,276	$766	$500	$11,118 per acre for new residential development [5]
Less Sewer Fee Credits	($454)	($273)	($178)	Fee credits based on cost of wastewater facilities constructed
SRCSD Sewer Fee	$7,000	$7,000	$7,000	Proposed rate of $7,000 per ESD, 1 ESD per SF unit [6], .75 ESD per MF unit
Subtotal Other Agency Fees (rounded)	**$28,800**	**$25,800**	**$21,200**	
Infrastructure Construction				
Roadway	$7,154	$5,961	$4,695	Based on construction cost estimate provided by MacKay and Somps
Less Roadway Credits for MSC Tax [1]	($1,207)	($869)	($521)	See above [1]
Landscaping (Includes Roadway Landscaping)	$1,670	$735	$432	Landscaping cost includes roadway and open space landscaping
Sewer	$354	$354	$242	Based on construction cost estimate provided by MacKay and Somps
Water	$1,731	$1,731	$1,056	Based on construction cost estimate provided by MacKay and Somps
Storm Drainage	$4,776	$2,101	$1,235	Based on construction cost estimate provided by MacKay and Somps
Subtotal Infrastructure Construction (rounded)	**$14,500**	**$10,000**	**$7,100**	
Public Facilities [5]				
Schools [6]	tbd	tbd	tbd	Any additional schools funding to be determined by negotiation
Parks [7]	$9,747	$9,747	$5,756	Based on construction cost estimate provided by LAI
Less Credits for Citywide Park Fee Paid [3]	($4,493)	($4,493)	($2,647)	See above [3]
Library	$695	$520	$420	Based on levels consistent with development in the NNFP
Transit	$377	$314	$248	Based on levels consistent with development in the NNFP
Fire Facilities	$574	$412	$305	Based on levels consistent with development in the NNFP
Police Facilities	$274	$268	$268	Based on levels consistent with development in the NNFP
Community Center	$282	$211	$170	Based on levels consistent with development in the NNFP
Bikeways & Transit	$113	$94	$74	Based on levels consistent with development in the NNFP
Public Facilities Land Acquisition	$2,781	$1,223	$719	
Subtotal Public Facilities (rounded)	**$10,300**	**$8,300**	**$5,300**	
TOTAL COST BURDEN (rounded)	**$68,000**	**$55,000**	**$40,000**	

"cost_burden"

Source: MacKay and Somps; City of Sacramento, and EPS.

[1] Assumes Major Street Construction Tax is fully reimbursable because of the construction of roadway facilities. Credit deducted from roadway facilities.
[2] Multifamily water fee and CSD-1 sewer fee shown is a placeholder estimate. Further analysis required.
[3] Assumes Park fees are fully creditable because of the construction of parks facilities.
[4] Since habitat mitigation cost is unknown at this point, this analysis uses the rate from the Natomas Basin Habitat Conservation Plan as a placeholder estimate.
[5] Public facilities are assumed to pay the same rate as development in the North Natomas Financing Plan, unless otherwise noted
[6] The amount of any school funding in addition to typical school mitigation fees has not yet been determined.
[7] Parks cost includes the cost of land acquisition for a regional park.

Prepared by EPS

15521 Panhandle FP model 5 xls 6/14/2007

Table 13
Panhandle Public Facilities Financing Plan
Two-Percent Test of Total Tax Burden

Item	Assumption	Low-Density Res.	Medium-Density Res.	High-Density Res.
Home Price Estimate [1]		$400,000	$320,000	$279,000
Homeowner's Exemption [2]		($7,000)	($7,000)	($7,000)
Assessed Value [3]		$393,000	$313,000	$272,000
Property Tax	1.00%	$3,930	$3,130	$2,720
Other *Ad Valorem* Taxes [4]	0.15%	$590	$470	$408
Total Ad Valorem Taxes		**$4,520**	**$3,600**	**$3,128**
Special Taxes and Assessments				
CFD No. 99-01 TMA		$21	$21	$17
CFD No. 97-01		$108	$108	$72
City of Sacramento CFD #3		$64	$64	$39
CFD No. 2002 - 02		$52	$52	$52
CFD No. 99-02		$41	$41	$41
Citywide L&LD		$67	$67	$47
City Library Services AD No. 96-02		$27	$27	$20
Reclamation District No. 1000 M & O		$30	$13	$7
SAFCA Capital Assessment No. 2		$16	$7	$4
SAFCA O & M Assessment No. I		$29	$12	$12
Total Special Taxes and Assessments		**$454**	**$411**	**$310**
Proposed Infrastructure CFD (Placeholder estimate)		$2,000	$1,600	$1,450
Parks Maintenance Cost		$94	$55	$55
Total Tax Burden		**$7,068**	**$5,666**	**$4,943**
Tax Burden as % of Home Price		**1.8%**	**1.8%**	**1.8%**

"two_percent"

Source: Gregory Group, MacKay and Somps, and EPS.

[1] Home prices based on input from project applicant and generally consistent with current home pricing data.
[2] An owner-occupied single-family residence is allowed a $7,000 reduction of the assessed value of the property for the purposes of calculating the annual property tax.
[3] The adjusted assessed value is the value upon which the 1% property tax rate, as allowed under Proposition 13, is calculated.
[4] Other Ad Valorem taxes include regional sanitation bonds and school general obligation bonds.

Prepared by EPS

15521 Panhandle FP model 5.xls 6/14/2007

VI. Financing Sources for Services and Ongoing Operation and Maintenance

This chapter includes additional information regarding funding sources that will be used to fund annual services and ongoing operation and maintenance costs "Services" refers to general government or other services, such as law enforcement protection, that will be provided by public agencies Operation and maintenance costs refer to the costs to operate and maintain backbone infrastructure and other public facilities

Once backbone infrastructure and other public facilities are completed, they will be dedicated to or acquired by public agencies These public agencies will be responsible for operating and maintaining the facilities The Panhandle PFFP provides preliminary estimates of the operations and maintenance costs

Development in the Project will be required to participate in a series of special financing districts to fund public services and the maintenance and operation of the public improvements Participation in these districts will be determined by the City or the special districts no later than the filing of final maps **Table 14** lists each facility type and the corresponding potential service-provider responsibility The City or existing assessment districts will have funding responsibility for most items However, if a funding shortfall is deemed to exist, a Mello Roos CFD, Community Services District, Lighting and Landscaping District, or some other funding mechanism will be established

Table 14
Panhandle Public Facilities Financing Plan
Summary of Proposed Municipal Service Providers and Financing

Public Facility/Service	Governance/Service Provider	Operation and Maintenance Financing
Roadways	City of Sacramento Caltrans	City Road Fund Assessment District/ Caltrans
Wastewater	SRCSD and CSD-1	User Charges
Water	City of Sacramento	User Charges
Storm Drainage	City of Sacramento	Assessment District, CFD
Schools	Rio Linda and Grant Unified School Districts	Property Tax
Parks	City of Sacramento	Citywide LLD, Assessment District, CFD
Landscape Corridors	City of Sacramento	Citywide LLD, Assessment District, CFD
Fire Protection	City of Sacramento Fire Department	City General Fund
Law Enforcement	City of Sacramento Police Department	City General Fund
Library	City of Sacramento	City General Fund
Transit	Sacramento Regional Transit TMA	Transit Operating Revenues/ CFD
Lighting/ Tree Maintenance	City of Sacramento	Citywide LLD

"muni_svc"

Prepared by EPS

15521 Panhandle FP model 5.xls 6/14/2007

VII. IMPLEMENTATION

Implementation of the Panhandle PFFP ensures that new development will construct facilities to meet the service level specification set out in the Project and will pay its fair share of the cost of backbone infrastructure and other public facilities required to serve the project area. The City will administer the requirements of the Panhandle PFFP, which may include the following points:

- Update relevant existing fee programs to include Project land uses and facilities when appropriate;
- Implementation Panhandle PFF;
- Reimbursements will be controlled by reimbursement agreements between the City and developers The time frame for reimbursements will be limited through the terms of the reimbursement agreement;
- Possible formation of the CFD for the construction of infrastructure and public facilities Administration of subsequent bond sales and tax collection;
- Formation of a services CFD to fund park maintenance, landscaping of corridors, drainage maintenance and open space maintenance;
- Annexation into an existing TMA, or creation of a new TMA for the Project;
- Accounting for fee payments, fee credits or reimbursements;
- Annual inflation updates and periodic updating and adjusting the fee program as new infrastructure cost, land use, and revenue information become available;
- Close coordination with all appropriate City departments and other service providers to implement the Panhandle PFFP; and
- Working with property owners and the development community during the Project's buildout to resolve specific infrastructure construction responsibility and financing issues that arise as part of the individual land development application process

In addition, implementation will require the following conditions of approval for tentative maps submitted to the City:

- The issuance of building permits for residential units shall be tied to construction schedules for required infrastructure improvements related to the applicable projects as such schedules are approved by the City

UPDATES

Individual subdivisions in the Project are expected to develop at differing times Some may not develop for many years. In addition, it is anticipated that as the Panhandle PFFP is implemented, the infrastructure costs and available funding sources will change as development occurs Therefore, the Panhandle PFFP will need to be updated periodically as modifications to financing programs, land uses, and cost estimates for infrastructure and public facilities occur Changes in the Panhandle PFFP should be re-evaluated within the context of the overall financing strategy to ensure required funding is available when needed. The costs and funding sources will also need to be adjusted periodically to reflect inflation costs as information contained in the Panhandle PFFP is shown in year 2006 dollars

Possible changes in the Panhandle PFFP and CIP include those listed below:

- New or revised infrastructure projects;
- New cost information based on actual construction costs, updated engineering estimates, or changes in the land use plan;
- New funding source data; and
- Inflationary adjustment to cost and funding data

Economic &
Planning Systems

Public Finance
Real Estate Economics
Regional Economics
Land Use Policy

APPENDICES

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APPENDIX B: PUBLIC FACILITIES COST ESTIMATES

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Economic &
Planning Systems

APPENDIX A

MACKAY & SOMPS COST ESTIMATES

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7790-00
Date Prepared: 12/21/06

SUMMARY SHEET FOR PANHANDLE COST ESTIMATE

STREET	ROADWAY	SS	WATER	SD	LANDSCAPING	SUBTOTAL	29% CONTINGENCY	TOTAL
NATIONAL DRIVE	$12,212,475	$316,000	$3,195,050	$1,429,750	$2,081,500	$19,234,775	$5,578,085	$24,812,860
DEL PASO	$951,640	$0	$390,000	$0	$21,450	$1,363,090	$395,296	$1,758,386
ELKHORN BLVD	$2,007,280	$0	$0	$209,055	$535,900	$2,752,235	$798,148	$3,550,383
CLUB CENTER DRIVE	$542,580	$0	$258,725	$194,850	$128,700	$1,124,855	$326,208	$1,451,063
OFFSITE	$0	$484,350	$0	$6,087,855	$0	$6,572,205	$1,905,939	$8,478,144
SUBTOTAL	$15,713,975	$800,350	$3,843,775	$7,921,510	$2,767,550			
29% CONTINGENCY	$4,557,053	$232,102	$1,114,695	$2,297,238	$802,590			
TOTAL	$20,271,028	$1,032,452	$4,958,470	$10,218,748	$3,570,140			$40,050,836

A-1

Job No. 07790-00
Date Prepared: 12/08/06

Panhandle
City of Sacramento
Engineer's Preliminary Cost Estimate
Roadway Facility

Facility	Quantity	Unit	Unit Price	Total Cost
A. National Drive				
Earthwork				
1 Mobilization, Clearing & Grubbing	29	AC	$20,000.00	$580,000
2 Rough Grading including compaction	155,400	CY	$5.00	$777,000
3 Erosion Control	29	AC	$3,500.00	$101,500
Subtotal Earthwork				**$1,458,500**
Streetwork				
1 5" AC Paving (Assumed $80.00/TON)	776,000	SF	$2.50	$1,940,000
2 12" Aggregate Base – Under No. 4 Curb & Gutter & No. 15 Median Curb (Assumed $32.00/TON)	72,000	SF	$2.50	$180,000
3 21" Aggregate Base (Assumed $32.00/TON)	776,000	SF	$4.50	$3,492,000
4 Pavement Striping - 4" Lane Line	22,900	LF	$1.00	$22,900
5 Pavement Striping - 6" Bike Lane	22,100	LF	$1.00	$22,100
6 Pavement Striping - 8" Channelizing Lane	2,600	LF	$1.00	$2,600
7 Pavement Striping - 12" Limit Line/Cross Walk	4,600	LF	$3.00	$13,800
8 3-Way Traffic Signal (Intersections 3, 6, 9, 14)	4	EA	$225,000.00	$900,000
9 4-Way Traffic Signal (Intersection 5)	1	EA	$290,000.00	$290,000
10 Type "A" Electrolier including conduit, wiring, & appurtenances	129	EA	$3,000.00	$387,000
11 Electrical Service Point for Street Lights & Irrigation	7	EA	$2,000.00	$14,000
12 Signage	1	LS	$25,000.00	$25,000
13 Joint Utility Trench	13,000	LF	$75.00	$975,000
Subtotal Streetwork				**$8,264,400**
Concrete				
1 No. 4 Vertical Curb & Gutter	21,770	LF	$19.00	$413,630
2 No. 15 Median Curb	20,600	LF	$28.00	$576,800
3 5' to 10' Wide Attached/Detached Sidewalk w/ 12" AB	176,370	SF	$8.50	$1,499,145
Subtotal Concrete				**$2,489,575**
Total National Drive				**$12,212,475**

Job No. 07790-00
Date Prepared: 12/08/06

Panhandle
City of Sacramento
Engineer's Preliminary Cost Estimate
Roadway Facility

Facility	Quantity	Unit	Unit Price	Total Cost
B. Del Paso Road				
Earthwork				
1 Mobilization, Clearing & Grubbing	1	AC	$20,000 00	$20,000
2 Rough Grading including compaction	9,000	CY	$5 00	$45,000
3 Erosion Control	1	AC	$3,500 00	$3,500
Subtotal Earthwork				**$68,500**
Streetwork				
1 5" AC Paving (Assumed $80 00/TON)	3,200	SF	$2.50	$8,000
2 12" Aggregate Base ~ Under No 4 Curb & Gutter & No. 15 Median Curb (Assumed $32 00/TON)	1,530	SF	$2 50	$3,825
3 21" Aggregate Base (Assumed $32.00/TON)	3 200	SF	$4 50	$14,400
4 Pavement Striping - 4" Lane Line	800	LF	$1 00	$800
5 Pavement Striping - 6" Bike Lane	2,700	LF	$1 00	$2 700
6 Pavement Striping - 12" Limit Line/Cross Walk	550	LF	$3 00	$1 650
7 Type "A" Electrolier including conduit, wiring, & appurtenances	13	EA	$3,000 00	$39,000
8 Electrical Service Point for Street Lights & Irrigation	2	EA	$2,000 00	$4,000
9 Signage	1	LS	$15,000 00	$15,000
10 Joint Utility Trench	3,000	LF	$75 00	$225,000
11 Pole Line Relocation	2,700	LF	$200 00	$540,000
Subtotal Streetwork				**$854,375**
Concrete				
1 No 4 Vertical Curb & Gutter	570	LF	$19 00	$10,830
2 5' to 10' Wide Attached/Detached Sidewalk w/ 12" AB	2,110	SF	$8.50	$17,935
Subtotal Concrete				**$28,765**
Total Del Paso Road				**$951,640**

Job No. 07790-00
Date Prepared: 12/08/06

Panhandle
City of Sacramento
Engineer's Preliminary Cost Estimate
Roadway Facility

Facility	Quantity	Unit	Unit Price	Total Cost
C. Elkhorn Boulevard				
Earthwork				
1 Mobilization, Clearing & Grubbing	6	AC	$20,000.00	$120,000
2. Rough Grading including compaction	10,600	CY	$5.00	$53,000
3. Erosion Control	6	AC	$3,500.00	$21,000
Subtotal Earthwork				**$194,000**
Streetwork				
1 5" AC Paving (Assumed $80.00/TON)	149,500	SF	$2.50	$373,750
2 12" Aggregate Base ~ Under No. 4 Curb & Gutter & No. 15 Median Curb (Assumed $32.00/TON)	8,200	SF	$2.50	$20,500
3 21" Aggregate Base (Assumed $32.00/TON)	149,500	SF	$4.50	$672,750
4 26" AB Shoulder (2' Wide) (Assumed $32.00/TON)	4,500	SF	$5.50	$24,750
5 Pavement Striping - 4" Lane Line	4,500	LF	$1.00	$4,500
6 Pavement Striping - 6" Bike Lane	2,300	LF	$1.00	$2,300
7 Pavement Striping - 8" Channelizing Lane	200	LF	$1.00	$200
8. Pavement Striping - 12" Limit Line/Cross Walk	560	LF	$3.00	$1,680
9 3-Way Traffic Signal (National Drive & Levee Road)	2	EA	$225,000.00	$450,000
10 Type "A" Electrolier including conduit, wiring, & appurtenances	13	EA	$3,000.00	$39,000
11 Electrical Service Point for Street Lights & Irrigation	2	EA	$2,000.00	$4,000
12. Signage	1	LS	$20,000.00	$20,000
13 Joint Utility Trench	2,500	LF	$75.00	$187,500
Subtotal Streetwork				**$1,800,930**
Concrete				
1 No. 4 Vertical Curb & Gutter	2,100	LF	$19.00	$39,900
2 No. 15 Median Curb	3,700	LF	$28.00	$103,600
3 5' to 10' Wide Attached/Detached Sidewalk w/ 12" AB	12,900	SF	$8.50	$109,650
Subtotal Concrete				**$253,150**
Total Elkhorn Boulevard				**$2,248,080**

Job No. 07790-00
Date Prepared: 12/08/06

Panhandle
City of Sacramento
Engineer's Preliminary Cost Estimate
Roadway Facility

Facility	Quantity	Unit	Unit Price	Total Cost
D. Club Center Drive				
Earthwork				
1 Mobilization, Clearing & Grubbing	2	AC	$20,000.00	$40,000
2. Rough Grading including compaction	2,600	CY	$5.00	$13,000
3 Erosion Control	2	AC	$3,500.00	$7,000
Subtotal Earthwork				$60,000
Streetwork				
1 5" AC Paving (Assumed $80.00/TON)	30,000	SF	$2.50	$75,000
2 12" Aggregate Base – Under No. 4 Curb & Gutter & No. 15 Median Curb (Assumed $32.00/TON)	5,300	SF	$2.50	$13,250
3 21" Aggregate Base (Assumed $32.00/TON)	30,000	SF	$4.50	$135,000
4 Pavement Striping - 6" Bike Lane	1,800	LF	$1.00	$1,800
5 Type "A" Electrolier including conduit wiring & appurtenances	10	EA	$3,000.00	$30,000
6 Joint Utility Trench	1,000	LF	$75.00	$75,000
Subtotal Streetwork				$330,050
Concrete				
1 No. 4 Vertical Curb & Gutter	1,570	LF	$19.00	$29,830
2 No. 15 Median Curb	1,650	LF	$28.00	$46,200
3 5' Wide Detached Sidewalk w/ 12" AB	9,000	SF	$8.50	$76,500
Subtotal Concrete				$152,530
Total Club Center Drive				$542,580
Subtotal Roadway Construction Cost				$15,954,775.00
29% Contingency & Soft Cost				$4,626,884.75
Total Roadway Facility Cost				$20,581,659.75

Job No. 07790-00
Date Prepared: 12/08/06

Panhandle
City of Sacramento
Engineer's Preliminary Cost Estimate
Sanitary Sewer System

Facility	Quantity	Unit	Unit Price	Total Cost
A. National Drive				
1. 18" Sanitary Sewer Main	800	LF	$315.00	$252,000
2. Standard 60" Sanitary Sewer Manhole	4	EA	$16,000.00	$64,000
Subtotal National Drive				**$316,000**
B. Del Paso Road				
None				
C. Elkhorn Boulevard				
None				
D. Club Center Drive				
None				
E. Offsite Sewer (National Drive to Aimwell Avenue)				
1. 18" Sanitary Sewer Main	1,050	LF	$315.00	$330,750
2. 21" Sanitary Sewer Main	200	LF	$368.00	$73,600
3. Standard 60" Sanitary Sewer Manhole	5	EA	$16,000.00	$80,000
Subtotal Offsite Sewer (National Drive to Aimwell Avenue)				**$484,350**
Subtotal Sanitary Sewer System Construction Cost				**$800,350**
29% Contingency & Soft Cost				**$232,102**
Total Sanitary Sewer System Cost				**$1,032,452**

Job No. 07790-00
Date Prepared: 12/08/06

Panhandle
City of Sacramento
Engineer's Preliminary Cost Estimate
Water System

Facility	Quantity	Unit	Unit Price	Total Cost
A. National Drive				
1 8" Water Main including fittings (FH Service)	4,600	LF	$40 00	$184,000
2 12" Water Main including fittings (FH Service)	6,000	LF	$60 00	$360,000
3 18" Water Main including fittings	100	LF	$300 00	$30,000
4 24" Water Main including fittings	10,900	LF	$210 00	$2,289,000
5 8" Gate Valve	12	EA	$1,400 00	$16,800
6 12" Butterfly Valve	23	EA	$3,300 00	$75,900
7 18" Butterfly Valve	2	EA	$7,600 00	$15,200
8 24" Butterfly Valve	9	EA	$11,500 00	$103,500
9 Fire Hydrant w/tee, valve & lateral	16	EA	$4,750 00	$76,000
10 2" Blow-Off Valve & Box	18	EA	$1 925 00	$34,650
11. 4" Blow-Off Valve & Box	1	EA	$10,000 00	$10,000
Subtotal National Drive				**$3,195,050**
B. Del Paso Road				
1 24" Water Main including fittings	1,700	LF	$210 00	$357,000
2 24" Butterfly Valve	2	EA	$11,500 00	$23,000
3. 4" Blow-Off Valve & Box	1	EA	$10,000 00	$10,000
Subtotal Del Paso Boulevard				**$390,000**
C. Elkhorn Boulevard				
None				
D. Club Center Drive				
1 8" Water Main including fittings	420	LF	$40 00	$16,800
2 18" Water Main including fittings	800	LF	$300 00	$240,000
3. 2" Blow-Off Valve & Box	1	EA	$1,925 00	$1,925
Subtotal Club Center Drive				**$258,725**
E. Offsite Water				
None				
Subtotal Water System Construction Cost				**$3,843,775**
29% Contingency & Soft Cost				**$1,114,695**
Total Water System Cost				**$4,958,470**

Job No. 07790-00
Date Prepared: 12/08/06

Panhandle
City of Sacramento
Engineer's Preliminary Cost Estimate
Storm Drain System

Facility	Quantity	Unit	Unit Price	Total Cost
A. National Drive				
1 12" Storm Drain RCP Class III	3,125	LF	$45.00	$140,625
2 18" Storm Drain RCP Class III	3,149	LF	$55.00	$173,195
3 24" Storm Drain RCP Class III	2,105	LF	$60.00	$126,300
4 30" Storm Drain RCP Class III	2,490	LF	$75.00	$186,750
5 36" Storm Drain RCP Class III	605	LF	$80.00	$48,400
6 42" Storm Drain RCP Class III	619	LF	$95.00	$58,805
7 48" Storm Drain RCP Class III	895	LF	$110.00	$98,450
8 54" Storm Drain RCP Class III	115	LF	$120.00	$13,800
9 Standard 48" Storm Drain Manhole w/ 1' Sump	38	EA	$3,750.00	$142,500
10 Standard 60" Storm Drain Manhole	5	EA	$5,725.00	$28,625
11 Standard 72" Storm Drain Manhole	5	EA	$6,000.00	$30,000
12 Standard 84" Storm Drain Manhole	3	EA	$8,900.00	$26,700
13 Standard 96" Storm Drain Manhole	2	EA	$9,800.00	$19,600
14. Type "B" Catch Inlet	80	EA	$4,200.00	$336,000
Subtotal National Drive				**$1,429,750**
B. Del Paso Road				
None				
C. Elkhorn Boulevard				
1 12" Storm Drain RCP Class III	1,335	LF	$45.00	$60,075
2 24" Storm Drain RCP Class III	1,338	LF	$60.00	$80,280
3 Standard 48" Storm Drain Manhole w/ 1' Sump	6	EA	$3,750.00	$22,500
4. Type "B" Catch Inlet	11	EA	$4,200.00	$46,200
Subtotal Elkhorn Boulevard				**$209,055**

Job No. 07790-00
Date Prepared: 12/08/06

Panhandle
City of Sacramento
Engineer's Preliminary Cost Estimate
Storm Drain System

Facility	Quantity	Unit	Unit Price	Total Cost
D. Club Center Drive				
1 12" Storm Drain RCP Class III	50	LF	$45 00	$2,250
2 54" Storm Drain RCP Class III	750	LF	$120 00	$90,000
3 Standard 72" Storm Drain Manhole	1	EA	$6,000 00	$6,000
4 Standard 96" Storm Drain Manhole	1	EA	$9,800 00	$9,800
5 Type "B" Catch Inlet	4	EA	$4,200 00	$16,800
6. 54" Outlet Structure to Detention Basin	2	EA	$35,000 00	$70,000
Subtotal Club Center Drive				**$194,850**
E. Offsite Storm Drain (National Drive to Lot H & Detention Basin)				
1 12" Storm Drain RCP Class III	60	LF	$45 00	$2,700
2 18" Storm Drain RCP Class III	20	LF	$55 00	$1,100
3 36" Storm Drain RCP Class III	20	LF	$80 00	$1,600
4 42" Storm Drain RCP Class III	1,149	LF	$95 00	$109,155
5 48" Storm Drain RCP Class III	2,265	LF	$110 00	$249,150
6 54" Storm Drain RCP Class III	620	LF	$120 00	$74,400
7 Standard 72" Storm Drain Manhole	11	EA	$6,000 00	$66,000
8 Standard 84" Storm Drain Manhole	1	EA	$8,900.00	$8,900
9 Standard 96" Storm Drain Manhole	7	EA	$9,800 00	$68,600
10 54" Outlet Structure to Detention Basin	1	EA	$35,000 00	$35,000
11 Excavation w/ 30 inches Over-Ex for Clay Liner	288,500	CY	$3.00	$865,500
12 Clay Liner 24 inches thick	24,500	CY	$16 00	$392,000
13 Side Slope Treatment	315,000	SF	$0 50	$157,500
14 12" AB Maintenance Road (20 feet wide)	105,000	SF	$2 50	$262,500
15 Fence (6' chain link)	5,150	LF	$25.00	$128,750
16 Maintenance Gate	4	EA	$10,000 00	$40,000
17 Pump Station	75	CFS	$35,000 00	$2,625,000
18. Self Cleaning Trash Rack	1	EA	$1,000,000 00	$1,000,000
Subtotal Offsite Storm Drain (National Drive to Lot H)				**$6,087,855**

Subtotal Storm Drain System Construction Cost	**$7,921,510**
29% Contingency & Soft Cost	**$2,297,238**
Total Storm Drain System Cost	**$10,218,748**

Job No. 07790-00
Date Prepared: 12/08/06

Panhandle
City of Sacramento
Engineer's Preliminary Cost Estimate
Landscape / Irrigation

Facility	Quantity	Unit	Unit Price	Total Cost
A. National Drive				
1 Median Landscape Planting w/ irrigation	168,500	SF	$5.00	$842,500
2 Sideline Landscape Planting w/ irrigation	138,000	SF	$5.00	$690,000
3 Finish Grading (Landscape Sideline)	138,000	SF	$0.50	$69,000
4. CMU Wall	3,200	LF	$150.00	$480,000
Subtotal National Drive				**$2,081,500**
B. Del Paso Road				
1. Median Hardscape	4,290	SF	$25.00	$107,250
Subtotal Del Paso Boulevard				**$107,250**
C. Elkhorn Boulevard				
1 Median Landscape Planting w/ irrigation	39,800	SF	$5.00	$199,000
2. Sideline Landscape Planting w/ irrigation	10,800	SF	$5.00	$54,000
3 Finish Grading (Landscape Sideline)	10,800	SF	$0.50	$5,400
4 CMU Wall	1,850	LF	$150.00	$277,500
Subtotal Elkhorn Boulevard				**$535,900**
D. Club Center Drive				
1 Median Landscape Planting w/ irrigation	6,500	SF	$5.00	$32,500
2 Sideline Landscape Planting w/ irrigation	7,400	SF	$5.00	$37,000
3 Finish Grading (Landscape Sideline)	7,400	SF	$0.50	$3,700
4. CMU Wall	370	LF	$150.00	$55,500
Subtotal Club Center Drive				**$128,700**
E. Offsite Landscaping				
None				
Subtotal Landscape / Irrigation Construction Cost				**$2,853,350**
29% Contingency & Soft Cost				**$827,472**
Total Landscape / Irrigation Cost				**$3,680,822**

Job No. 07790-00
Date Prepared: 12/08/06

Panhandle
City of Sacramento
Engineer's Preliminary Cost Estimate

NOTES:

1 This estimate is prepared as a guide only and is subject to possible change. It has been prepared to a standard of accuracy, which to the best of our knowledge and judgment, is sufficient to satisfy our understanding of the purposes of this estimate MacKay & Somps makes no warranty, either expressed or implied, as to the accuracy of this estimate

2 This estimate does not consider the following:

a. Fencing and bulkheads
b Assessments for assessment, lighting & landscaping, GHAD, Mello Roos districts of the like
c Reimbursable dry utilities. (Est. net costs after reimbursements are included in the estimate.)
d Erosion Control and siltation costs
e Postal pads and mail boxes
f Land costs, right of way acquisition, entitlements, easements, and/or rights of entry
g. Backflow Devices
h. Pole relocation or under grounding of existing overhead facilities
i Fees due at building permit
j Phased construction or out of regular sequence construction
k. Over excavation of unsuitable materials, undercutting, and/or landslide repair
l Costs associated with high groundwater or inclement weather conditions
m Costs associated with limitations on construction access
n Tree preservation systems and mitigation costs
o Landscaping & associated design costs
p Costs associated with Homeowner's Associations
q Financing and overhead charges.
r Costs associated with Endangered Species and Wildlife Conservation.
s Cost associated with Corps of Engineer, Fish and Game, Fish and Wildlife and Wetlands (Permitting, Mitigation, and Preservation)
t. Costs associated with exclusionary zoning and low income housing
u. Toxic contamination evaluation studies or remediation
v Archaeological studies, investigations or relocations
w Costs associated with siltation basins
x. Bridges and associated design costs
y Bike paths or equestrian trails
z. Cost associated with traffic signalization
aa. Irrigation systems and associated design costs
bb CMU and/or rock retaining walls
cc Cost associated with the design and construction of stormwater quality treatment units
dd. Emergency vehicle access
ee Costs associated with tie-ins to existing utilities

3 The "cash flow" situation may be different than the costs shown herein and whoever uses this estimate should

Costs presented herein represent an opinion based on historical information No provision has been made for inflation

Job No 7790-00
Date Prepared: 12/07/06

PANHANDLE - MM 4.4.2a (OFF-SITE)

INSTALL TRAFFIC SIGNAL
NORTHBOUND SR 99 @ ELKHORN BLVD

PRELIMINARY ESTIMATE

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST
1. TRAFFIC SIGNAL*	1	LS	$700,000.00	$700,000.00
			SUBTOTAL	$700,000.00
			29% CONTINGENCY AND SOFT COST	$203,000.00
			GRAND TOTAL	$903,000.00

*NOTE:
1 LUMP SUM COST INCLUDES MOBILIZATION. LANE WIDENING. STRIPING AND TRAFFIC CONTROL

Job No 7790-00
Date Prepared: 12/07/06

PANHANDLE - MM 4.4.2b (OFF-SITE)

MODIFY TRAFFIC SIGNAL TIMING
NATOMAS @ ELKHORN BLVD

PRELIMINARY ESTIMATE

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST
1. MODIFY EXISTING TRAFFIC SIGNAL	1	LS	$10,000.00	$10,000.00
			SUBTOTAL	$10,000.00
			29% CONTINGENCY AND SOFT COST	$2,900.00
			GRAND TOTAL	$12,900.00

NOTE:
1 INCLUDES MODIFICATION TO DETECTOR LOOPS

Job No 7790-00
Date Prepared: 12/07/06

PANHANDLE - MM 4.4.2d (OFF-SITE)

INSTALL TRAFFIC SIGNAL
SOUTHBOUND INTERSTATE 5 @ DEL PASO ROAD

PRELIMINARY ESTIMATE

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST
1. TRAFFIC SIGNAL*	1	LS	$700,000.00	$700,000.00
			SUBTOTAL	$700,000.00
			29% CONTINGENCY AND SOFT COST	$203,000.00
			GRAND TOTAL	$903,000.00

*NOTE:
1 LUMP SUM COST INCLUDES MOBILIZATION. LANE WIDENING, STRIPING AND TRAFFIC CONTROL

Job No 7790-00
Date Prepared: 12/07/06

PANHANDLE - MM 4.4.2e (OFF-SITE)

INSTALL TRAFFIC SIGNAL
NORTHBOUND INTERSTATE 5 @ DEL PASO ROAD

PRELIMINARY ESTIMATE

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST
1. TRAFFIC SIGNAL*	1	LS	$700,000.00	$700,000.00
			SUBTOTAL	$700,000.00
			29% CONTINGENCY AND SOFT COST	$203,000.00
			GRAND TOTAL	**$903,000.00**

*NOTE:
1 LUMP SUM COST INCLUDES MOBILIZATION, LANE WIDENING. STRIPING AND TRAFFIC CONTROL

Job No 7790-00
Date Prepared: 12/05/06

PANHANDLE - MM 4.4.2f (OFF-SITE)

EASTBOUND SECOND LEFT TURN, WESTBOUND SECOND LEFT TURN
DEL PASO ROAD @ NATOMAS/TRUXEL

PRELIMINARY ESTIMATE

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST
1. MOBILIZATION	1	LS	$15,000.00	$15,000.00
2. REMOVE EXISTING STRIPING (GRIND) E&W	5000	LF	$2.00	$10,000.00
3 REMOVE & RELOCATE EXISTING TRAFFIC SIGNAL (WEST BOUND DEL PASO MEDIAN)	1	EA	$20,000.00	$20,000.00
4 MODIFY EXISTING TRAFFIC SIGNAL (WEST BOUND DEL PASO) ADDED LEFT TURN LANE	1	EA	$20,000.00	$20,000.00
5 MODIFY EXISTING TRAFFIC SIGNAL (EAST BOUND DEL PASO) ADDED LEFT TURN LANE	1	EA	$20,000.00	$20,000.00
6 CONCRETE MEDIAN CURB (DEL PASO ROAD) AT WEST SIDE OF INTERSECTION	250	LF	$30.00	$7,500.00
7. 5" AC (1000 SF) - EAST BOUND LEFT TURN LANE	31	TON	$300.00	$9,300.00
8 21" AB (1000 SF) - EAST BOUND LEFT TURN LANE W/ COMPACTED SUBGRADE	132	TON	$70.00	$9,240.00
9 EXCAVATION & CURB REMOVAL - EAST BOUND LEFT TURN LANE	82	CY	$100.00	$8,200.00
10 MEDIAN HARDSCAPE - EAST BOUND LEFT TURN LANE ON DEL PASO (COBBLES 14' W x 125' L)	1750	SF	$10.00	$17,500.00
11. TRAFFIC CONTROL	1	LS	$30,000.00	$30,000.00
12. STRIPING (E&W OF TRUXEL/NATOMAS)	6000	LF	$1.50	$9,000.00
			SUBTOTAL	**$175,740.00**
			29% CONTINGENCY AND SOFT COST	**$50,964.60**
			GRAND TOTAL	**$226,704.60**

NOTE:
4 & 5 INCLUDES MODIFICATION TO DETECTOR LOOPS
6 INCLUDES 12" AB AND COMPACTED SUBGRADE

Job No 7790-00
Date Prepared: 12/07/06

PANHANDLE - MM 4.4.2h (OFF-SITE)

INSTALL TRAFFIC SIGNAL
DEL PASO ROAD @ KENMAR

PRELIMINARY ESTIMATE

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST
1. TRAFFIC SIGNAL*	1	LS	$290,000.00	$290,000.00
			SUBTOTAL	**$290,000.00**
			29% CONTINGENCY AND SOFT COST	**$84,100.00**
			GRAND TOTAL	**$374,100.00**

*NOTE:
1 LUMP SUM COST INCLUDES MOBILIZATION, STRIPING AND TRAFFIC CONTROL.

Job No. 7790-00
Date Prepared: 12/07/06

PANHANDLE - MM 4.4.7a (OFF-SITE)

INSTALL TRAFFIC SIGNAL
EAST LEVEE ROAD @ ELKHORN BLVD

PRELIMINARY ESTIMATE

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST
1. TRAFFIC SIGNAL*	1	LS	$225,000.00	$225,000.00
			SUBTOTAL	$225,000.00
			29% CONTINGENCY AND SOFT COST	$65,250.00
			GRAND TOTAL	$290,250.00

*NOTE:
1 LUMP SUM COST INCLUDES MOBILIZATION, STRIPING AND TRAFFIC CONTROL

Job No 7790-00
Date Prepared: 12/07/06

PANHANDLE - MM 4.4.7b (OFF-SITE)

MODIFY TRAFFIC SIGNAL TIMING
DEL PASO ROAD @ NATOMAS/TRUXEL

PRELIMINARY ESTIMATE

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST
1 MODIFY EXISTING WEST BOUND DEL PASO TRAFFIC SIGNAL	1	EA	$10,000.00	$10,000.00
			TOTAL	$10,000.00
			SUBTOTAL	$10,000.00
			29% CONTINGENCY AND SOFT COST	$2,900.00
			GRAND TOTAL	**$12,900.00**

** ALL PROPOSED IMPROVEMENTS ARE PROJECTED TO BE WITHIN EXISTING PUBLIC RIGHT OF WAY OR UNDER HOME OWNERS ASSOCIATION CONTROL

NOTE:

1 INCLUDES MODIFICATION TO DETECTOR LOOPS

Job No 7790-00
Date Prepared: 12/07/06

PANHANDLE
MM 4.4.7c & MM 4.4.11a (OFF-SITE EAST OF PANHANDLE)

MM LIMITS: DEL PASO ROAD - PANHANDLE (SORENTO ROAD TO KENMAR ROAD)

MM 4.4.7c - PROVIDE TWO-WAY LEFT TURN ON DEL PASO AT SORRENTO

MM 4.4.11a - PROVIDE TWO-WAY LEFT TURN LANE THROUGH SORRENTO & KENMAR INTERSECTIONS

PRELIMINARY ESTIMATE

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST
1. MOBILIZATION	1	EA	$15,000.00	$15,000.00
2. REMOVE EXISTING STRIPING (GRIND)	2,200	LF	$2.00	$4,400.00
3 REMOVE & RELOCATE POWER POLE (NORTH SIDE)	1	EA	$5,000.00	$5,000.00
4. 5" AC (6550 SF)	210	TON	$160.00	$33,600.00
5. 21" AB W/ COMPACTED SUBGRADE (6550 SF)	870	TON	$64.00	$55,680.00
6. 2' X 26" AB SHOULDER (1100 SF)	180	TON	$64.00	$11,520.00
7. EXCAVATION	700	CY	$50.00	$35,000.00
8. TRAFFIC CONTROL	1	LS	$20,000.00	$20,000.00
9. STRIPING	3,300	LF	$1.50	$4,950.00
10. 36" RCP STORM DRAIN PIPE	250	LF	$120.00	$30,000.00
11. 36" SD HEADWALL INLET	1	EA	$6,000.00	$6,000.00
12. 6' HIGH CMU WALL (NORTH ROW)	510	LF	$150.00	$76,500.00

SUBTOTAL	**$297,650.00**
29% CONTINGENCY AND SOFT COST	**$86,318.50**
GRAND TOTAL	**$383,968.50**

NOTES:
1. MM 4.4 11a - NO ADDITIONAL IMPROVEMENT NEEDED THERE IS AN EXISTING TWO-WAY LEFT TURN LANE WB DEL PASO AT KENMAR

Job No 7790-00
Date Prepared: 12/07/06

PANHANDLE
MM 4.4.11a (OFF-SITE WEST OF PANHANDLE)

DEL PASO ROAD - BLACKROCK ROAD TO WEST BOUNDARY OF THE PANHANDLE

PRELIMINARY ESTIMATE

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	COST
1. MOBILIZATION	1	EA	$10,000.00	$10,000.00
2. REMOVE EXISTING STRIPING (GRIND)	4,200	LF	$2.00	$8,400.00
3 EXCAVATION (2200 SF) + CURB & COBBLE ISLAND REMOVAL	370	CY	$50.00	$18,500.00
4. CONCRETE MEDIAN CURB	1,285	LF	$30.00	$38,550.00
5. MEDIAN HARDSCAPE	9,780	SF	$10.00	$97,800.00
6. 5" AC (2200 SF)	70	TON	$300.00	$21,000.00
7. 21" AB W/ COMPACTED SUBGRADE (2200 SF)	300	TON	$70.00	$21,000.00
8. TRAFFIC CONTROL	1	EA	$15,000.00	$15,000.00
9. STRIPING	4,600	LF	$1.50	$6,900.00
			SUBTOTAL	**$237,150.00**
			29% CONTINGENCY AND SOFT COST	**$68,773.50**
			GRAND TOTAL	**$305,923.50**

NOTES:
4 INCLUDES 12" AB AND COMPACTED SUBGRADE

* PORTION OF MM 4.4 11a - BLACKROCK TO WEST BOUNDARY OF PANHANDLE
** FOR IMPROVEMENTS EAST OF PANHANDLE (SORRENTO TO KENMAR) SEE MM 4 4 2h & 4 4 7c
*** FOR IMPROVEMENTS ALONG PANHANDLE FRONTAGE SEE MM 4 4 2g

Economic &
Planning Systems

Public Finance
Real Estate Economics
Regional Economics
Land Use Policy

APPENDIX B

PUBLIC FACILITIES COST ESTIMATES

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Table B-1
Panhandle Public Facilities Financing Plan
Parks Facility Cost Estimates - 2006 $

Item	Acres	Hard Costs	Soft Costs	Total Cost
Camellia Park	22 4	$6,132,860	$1.441,222	$7,574.082
Cherry Blossom Park	0 8	$261.601	$69,324	$330,925
Dogwood Park	3 8	$983.824	$236.118	$1,219,942
Heritage Park	7.7	$1,833.452	$449.196	$2,282.648
Laurel Park	3.6	$843,545	$219.322	$1,062.867
Maple Park	7 3	$2,644,183	$661.046	$3,305.229
Olive Park	0 4	$241,965	$68,960	$310.925
Rose Park	2 4	$648,349	$168,571	$816,919
Washintonia Park	3 5	$1.094,982	$268.271	$1,363,253
Ninos Parkway	35 4	$4.270.854	$918.234	$5,189.088
Total Parks Facility Cost				**$23,455,876**
Regional Park Contribution [1]				$3.527.598
Total Parks Cost				**$26,983,474**

"parks_cost"

Source: Land Architecture. Incorporated

[1] See Table A-7 for the detailed backup calculation of the regional park cost

Table B-2
Panhandle Public Facilities Financing Plan
Cost Estimate for Regional Parks Facilities - 2006 $

Land Use	NNPFFP Regional Park Land Acquisition Fee per Unit/Acre	Units/ Acres	Total Cost
Residential			
Low-Density Residential	$1.287	1.463	$1,882.881
Medium-Density Residential	$1,001	857	$857.857
High-Density Residential	$476	755	$359.380
Subtotal Residential			**$3,100,118**
Nonresidential			
Village Commercial	$23.107	18.5	$427.480
Mixed Use/Neighborhood Convenience Commercial	$23.107		$0
Subtotal Nonresidential			**$427,480**
Total Regional Park Cost			**$3,527,598**

"regional_park"

Table B-3
Panhandle Public Facilities Financing Plan
School Financing Plan Summary

		Robla ESD K-6	Rio Linda UESD K-6	Grant JUHSD 7-12	Plan Total
Residential Units	[1]				
Low Density		698	639	1.337	1.337
Medium Density		476	421	897	897
High Density (Market Rate)		170	0	170	170
High Density (Affordable)		0	120	120	120
CMU		98	0	98	98
Total Student Producing Units		1.442	1.180	2.622	2,622
Students	[2]				
Elementary		500	312		812
Middle				183	183
High				338	338
Total Students		500	312	521	1,333
Schools Funded	[2]				
Elementary		1 00	0 77		1 77
Middle				0 17	0 17
High				0 18	0 18
School Sites Provided	[3]				
Elementary		1	1		2
Middle				1	1
High				1	1
Total Sites Provided		1	1	2	4
Estimated Construction Budget	[4]				
Elementary		$22.493.000	$15,744.000		$38.237.000
Middle				$10.414.000	$10.414.000
High				$19.964.000	$19.964.000
Interim Housing	[5]	$250.000		$174.000	$424.000
Support Facilities	[6]			$417.000	$417.000
Total Budget		**$22.743,000**	**$15,744,000**	**$30,969,000**	**$69,456,000**
Estimated Funding Revenue					
Mitigation Fees	[7]	$3.121.000	$2.482.000	$7.733.000	$13.336.000
Supplemental Funding	[8]				$0
Local Bonds & Other Funding	[9]	$6.000.000	$7.872.000	$5.600.000	$19.472.000
State Funding	[10]	$7.845.000		$8.987.000	$16.832.000
Shortfall	[11]	$5.777.000	$5.390.000	$8.649.000	$19.816.000
Total Funding		**$22,743,000**	**$15.744,000**	**$30,969,000**	**$69.456,000**
					sum

[1] From the Panhandle land use plan
[2] Estimated no of students generated and schools needed (based on standard sized schools)
[3] Sites funded
[4] Estimated cost of schools (including land) based on District costs
[5] Estimated interim housing costs (Grant JUHSD = 1/3rd of students at $1.000 per student) Subject to negotia
[6] Grant JUHSD support facilities (admin . maintenance, etc) = $800 per student (subject to negotiation)
[7] Estimated mandatory Level 1 and Level 2 fee revenue
[8] Supplemental funding by voluntary agreement (no agreements have been approved at this time)
[9] Local funding for Robla ESD includes bond proceeds and surplus site sale proceeds
Rio Linda ESD anticipates contributing local bond proceeds in lieu of State Funding
Estimated Bond contribution from Grant JUHSD GO Bonds.
[10] Estimated State funding (Rio Linda ESD is not eligible for State Funding)
[11] Additional financing required if all other funding sources are not sufficient to fully fund the schools needed

Table B-4
Panhandle Public Facilities Financing Plan
Estimated Library Costs - 2006 $

Item	Fee per Unit/Acre (2005 $)	Inflated Fee per Unit/Acre (2006 $)	Residential Units	Net Nonres. Acres	Total Amount
		[1] [2]			
Low-Density Residential	$679	$695	1,463		$1,016,346
Medium-Density Residential	$508	$520	857		$445,422
High-Density Residential [3]	$410	$419	755		$316,708
Village Commercial	$799	$817		18.5	$15,123
Total					**$1,793,600**

"library"

Sources: City of Sacramento and EPS.

[1] Fee inflated by Engineering News Record Construction Cost Index from July 2005 to December 2005.
[2] Costs from North Natomas PFFP used as a placeholder until more accurate information is available.
[3] High density includes 28 live/work units.

Table B-5
Panhandle Public Facilities Financing Plan
Estimated Transit Costs - 2006 $

Item	Fee per Unit/Acre *(2005 $)*	Inflated Fee per Unit/Acre *(2006 $)* [1]	Residential Units	Net Nonres. Acres	Total Amount
North Natomas PFFP Transit Cost [2]					
Low-Density Residential	$369	$378	1,463		$552,330
Medium-Density Residential	$307	$314	857		$269,182
High-Density Residential [3]	$242	$248	755		$186,935
Village Commercial	$19,579	$20,032		18.5	$370,587
Total Transit Cost					**$1,379,033**

"transit"

Sources: City of Sacramento, Parsons Brinckerhoff, and EPS

[1] Inflated to 2005 dollars based on the Construction Cost Index for San Francisco from December 2003 to December 2005 as reported by the *Engineering News Record*.
[2] Costs from North Natomas PFFP used as a placeholder until more accurate information is available.
[3] High-Density Residential includes 28 live-work units.

Prepared by EPS

15521 Panhandle FP model 4.xls 3/8/2007

Table B-6
Panhandle Public Facilities Financing Plan
Estimated Fire Facilities Costs - 2006 $

Item	Cost per Unit/Acre (2005 $)	Inflated Fee per Unit/Acre (2006 $)	Residential Units	Net Nonres. Acres	Total Amount
		[1]			
North Natomas PFFP Fire Cost [2]					
Low-Density Residential	$532	$544	1,463		$796,313
Medium-Density Residential	$382	$391	857		$334,944
High-Density Residential [2]	$382	$391	755		$295,079
Village Commercial	$3,989	$4,081		18.5	$75,503
Total					**$1,501,838**

"fire"

Sources: City of Sacramento and EPS.

[1] Costs from North Natomas PFFP used as a placeholder until more accurate information is available. Costs inflated using the *Engineering News Record* Construction Cost Index from August 2005 to December 2005.
[2] Costs from North Natomas PFFP used as a placeholder until more accurate information is available.
[3] High-Density Residential includes 28 live-work units.

Table B-7
Panhandle Public Facilities Financing Plan
Estimated Police Costs - 2006 $

Item	Fee per Unit/Acre (2005 $)	Inflated Fee per Unit/Acre (2006 $)	Residential Units	Net Nonres. Acres	Total Amount
		[1] [2]			
North Natomas PFFP Police Cost [2]					
Low-Density Residential	$268	$274	1,463		$401,150
Medium-Density Residential	$262	$268	857		$229,726
High-Density Residential [3]	$262	$268	755		$202,384
Village Commercial	$2,690	$2,752		18.5	$50,916
Total					**$884,175**

"police"

Sources: City of Sacramento and EPS.

[1] Fee inflated by *Engineering News Record* Construction Cost Index from August 2005 to December 2005.
[2] Costs from North Natomas PFFP used as a placeholder until more accurate information is available.
[3] High density includes 28 live/work units.

Table B-8
Panhandle Public Facilities Financing Plan
Estimated Community Center Costs - 2006 $

Item	Fee per Unit/Acre (2005 $)	Inflated Fee per Unit/Acre (2006 $) [1] [2]	Residential Units	Net Nonres. Acres	Total Amount
North Natomas PFFP Comm. Center Cost [2]					
Low-Density Residential	$276	$282	1,463		$413,125
Medium-Density Residential	$206	$211	857		$180,624
High-Density Residential [3]	$167	$171	755		$129,000
Village Commercial	$3,246	$3,321		18.5	$61,440
Total					**$784,189**

"community_center"

Sources: City of Sacramento and EPS.

[1] Fee inflated by *Engineering News Record* Construction Cost Index from August 2005 to December 2005.
[2] Costs from North Natomas PFFP used as a placeholder until more accurate information is available.
[3] High density includes 28 live/work units.

Table B-9
Panhandle Public Facilities Financing Plan
Estimated Bikeways & Shuttles Costs - 2006 $

Item	Fee per Unit/Acre (2005 $)	Inflated Fee per Unit/Acre (2006 $)	Residential Units	Net Nonres. Acres	Total Amount
		[1] [2]			
North Natomas PFFP Bikeways/Shuttle Cost [2]					
Low-Density Residential	$110	$113	1,463		$164,651
Medium-Density Residential	$92	$94	857		$80,667
High-Density Residential [3]	$72	$74	755		$55,617
Village Commercial	$5,853	$5,988		18.5	$110,784
Total					**$411,719**

"bikeways_shuttles"

Sources: City of Sacramento and EPS.

[1] Fee inflated by *Engineering News Record* Construction Cost Index from August 2005 to December 2005.
[2] Costs from North Natomas PFFP used as a placeholder until more accurate information is available.
[3] High density includes 28 live/work units.

Table B-10
Panhandle Public Facilities Financing Plan
Panhandle Public Facilities Land Acquisition Cost - 2006 $

Item	Dunmore	Krumenacher	Subtotal Dunmore/ Krumenacher	Grant	Total
Net Developable Acres [1]	271.1	91.9	**363.0**	64.7	**427.7**
Land Acquisition Acres/ Total Developable Acres Ratio	9.8%	9.8%	**9.8%**	9.8%	**9.8%**
Total Public Land Requirement (acres)	26.6	9.0	**35.6**	6.3	**41.9**
Less Eligible Public Land Acres [2]	(12.3)	(8.4)	**(20.7)**	(3.2)	**(23.8)**
PFLAF Acreage Shortfall	14.2	0.7	**14.9**	3.2	**18.1**
PFLAF Cost Per Acre	$329,027	$329,027	**$329,027**	$329,027	**$329,027**
Total PFLAF Cost	**$4,684,621**	**$215,908**	**$4,900,528**	**$1,049,794**	**$5,950,322**
Cost per Developable Acre	$17,280	$2,349	**$13,500**	$16,226	**$13,912**
Credit per Developable Acre	$14,834	$29,765	**$18,614**	$15,888	**$18,202**
Fee per Developable Acre	$32,114	$32,114	**$32,114**	$32,114	**$32,114**

"pflaf"

Sources: North Natomas Nexus Study 2005 Update; City of Sacramento.

[1] Net acreage by landowner estimated.
[2] Eligible PFLAP acreage includes roadway right-of-way, and assumes that 10 additional acres will be eligible.

Prepared by EPS

15521 Panhandle FP model 5.xls 6/6/2007

Economic &
Planning Systems

APPENDIX C

COST ALLOCATION

Table C-1	Roadway Facilities Cost Allocation	C-1
Table C-1a	Roadway Costs Allocated to Residential and Commercial Uses	C-2
Table C-2	Wastewater Cost Allocations	C-3
Table C-3	Water Cost Allocations	C-4
Table C-4	Drainage Facilities Cost Allocation	C-5
Table C-5	Landscaping Facilities Cost Allocation	C-6
Table C-6	Parks Cost Allocations	C-7
Table C-7	Public Facilities Land Acquisition Cost Allocations	C-8

Table C-1
Panhandle Public Facilities Financing Plan
Roadway Facilities Cost Allocation - 2006 $

Roadways

Land Use	Net Developable Acres [1]	Common Use Factor	Units	Total Use	Percent Share	Cost Share	Cost per Acre	Cost per DU
Low-Density Residential	259.2	54.19	1,463	14,045	54.74%	$10,465,951	$40,378	$7,154
Medium-Density Residential	66.8	102.63	857	6,856	26.72%	$5,108,977	$76,482	$5,961
High-Density Residential	34.6	137.47	755	4,757	18.54%	$3,544,464	$102,441	$4,695
Total Residential						$19,119,392		
Village Commercial [3]	18.5					$2,176,007	$117,622	
Total	**379.1**		**3,075**	**25,657**	**100.00%**	**$21,295,399**		

"road_alloc"

[1] Developable acres equals land planned for urban development excluding parks, schools, civic uses, agricultural and freeway buffers, and roads.
[2] See Table D-1
[2] Roadway costs are allocated to commercial development at the same rate as in the North Natomas Financing Plan. The remaining cost is allocated among the residential uses.

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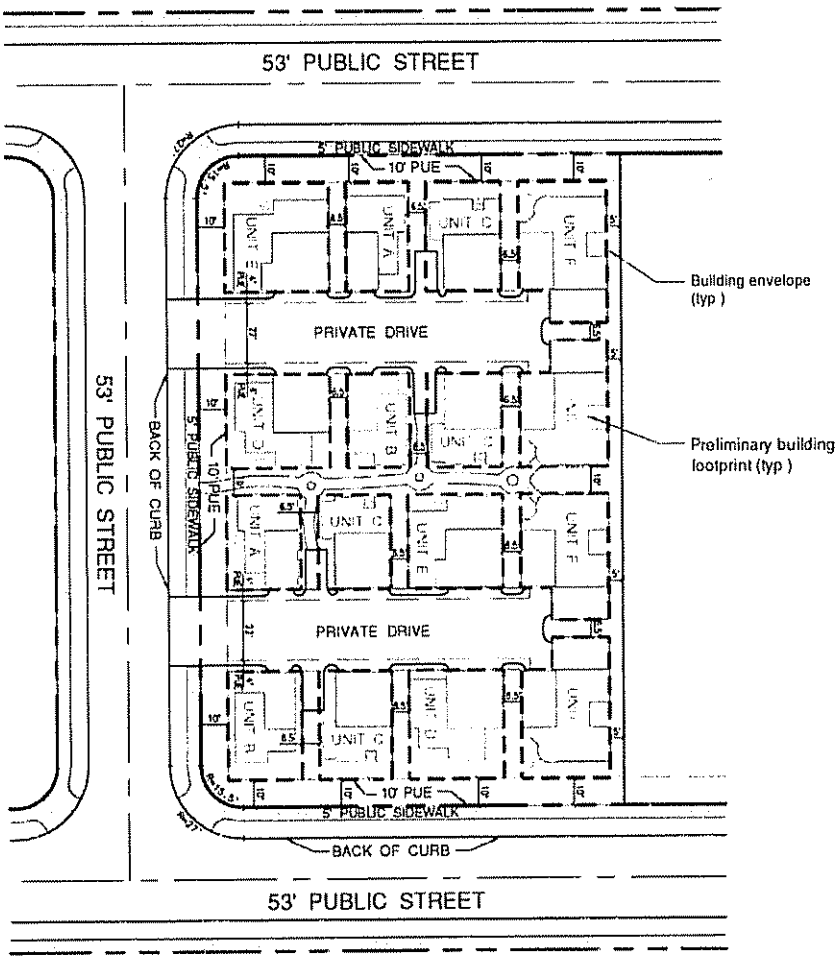
Table C-1a
Panhandle Public Facilities Financing Plan
Roadway Costs Allocated to Residential and Commercial Uses

Land Use	Acres	Total Roadway Cost	Commercial Rate per Acre [1]	Commercial Cost	Residential Cost
Residential	360.6				$19,119,392
Commercial	18.5		$117,622	$2,176,007	
Total Developable	**379.1**	**$21,295,399**			

"comm_alloc"

[1] Based on same rates used in North Natomas Financing Plan Area.



Note Greencourt lot configurations displayed for illustrative purposes only Panhandle tentative map proposes to subdivide the Greencourt units via a condominium subdivision with no fee simple lots created

Figure 14 Greencourt Options 1-A , 1-B, 2-A and 2-B Typical Greencourt Configuration

Footprints do not represent actual home designs for the Panhandle, they are provided to illustrate minimum setback and PUE conditions only

Table C-3
Panhandle Public Facilities Financing Plan
Water Cost Allocations - 2006 $

Water

Land Use	Developable Acres [1]	Use Factor	Units	Total Use	Percent Share	Cost Share	Cost per Acre	Cost per DU
Low-Density Residential	259.2	3,431.73	1,463	889,504	51.07%	$2,532,332	$9,770	$1,731
Medium-Density Residential	66.8	7,800.24	857	521,056	29.92%	$1,483,396	$22,207	$1,731
High-Density Residential	34.6	8,095.52	755	280,105	16.08%	$797,432	$23,047	$1,056
Village Commercial	18.5	2,759.00	0	51,042	2.93%	$145,310	$7,855	
Total	**379.1**			**1,741,707**	**100.00%**	**$4,958,470**	$13,080	

"water_alloc"

[1] Developable acres equals land planned for urban development excluding parks, schools, civic uses, agricultural and freeway buffers, and roads.

Table C-4
Panhandle Public Facilities Financing Plan
Drainage Facilities Cost Allocation - 2006

Land Use	Net Developable Acres [1]	Use Factor [2]	Units	Total Use	Percent Share	Drainage Cost Share	Drainage Cost per Acre	Drainage Cost per DU
Low-Density Residential	259.2	1.00	1,463	259	68.37%	$6,986,810	$26,955	$4,776
Medium-Density Residential	66.8	1.00	857	67	17.62%	$1,800,613	$26,955	$2,101
High-Density Residential	34.6	1.00	755	35	9.13%	$932,653	$26,955	$1,235
Village Commercial	18.5	1.00		19	4.88%	$498,673	$26,955	
Total	**379.1**		**3,075**	**379**	**100.00%**	**$10,218,748**		

"drainage_alloc"

[1] Developable acres equals land planned for urban development excluding parks, schools, civic uses, agricultural and freeway buffers, and roads.
[2] See **Table D-3**

Prepared by EPS

15521 Panhandle FP model 4.xls 3/9/2007

Table C-5
Panhandle Public Facilities Financing Plan
Landscaping Facilities Cost Allocation - 2006 $

Roadway & Open Space Landscaping

Land Use	Net Developable Acres [1]	Use Factor [2]	Units	Total Use	Percent Share	Cost Share	Cost per Acre	Cost per DU
Low-Density Residential	259.2	1.00	1,463	259	68.37%	$2,443,044	$9,425	$1,670
Medium-Density Residential	66.8	1.00	857	67	17.62%	$629,612	$9,425	$735
High-Density Residential	34.6	1.00	755	35	9.13%	$326,116	$9,425	$432
Village Commercial	18.5	1.00		19	4.88%	$174,368	$9,425	
Total	**379.1**		**3,075**	**379**	**100.00%**	**$3,573,140**		

"landscaping_alloc"

[1] Developable acres equals land planned for urban development excluding parks, schools, civic uses, agricultural and freeway buffers, and roads.
[2] See **Table D-4**

Prepared by EPS

15521 Panhandle FP model 4.xls 3/9/2007

Table C-6
Panhandle Public Facilities Financing Plan
Parks Cost Allocations - 2006 $

Parks

Land Use	Developable Acres [1]	Use Factor [2]	Units	Total Use	Percent Share	Cost Share	Cost per Acre	Cost per DU
Low-Density Residential	259.2	1.00	1,463	1,463	52.84%	$14,259,311	$55,013	$9,747
Medium-Density Residential	66.8	1.00	857	857	30.96%	$8,352,857	$125,043	$9,747
High-Density Residential	34.6	0.59	755	446	16.11%	$4,346,079	$125,609	$5,756
Village Commercial	18.5	0.14		3	0.09%	$25,227	$1,364	
Total	**379.1**		**3,075**	**2,768**	**100.00%**	**$26,983,474**		

"parks_alloc"

[1] Developable acres equals land planned for urban development excluding parks, schools, civic uses, agricultural and freeway buffers, and roads.
[2] See **Table D-5**

Prepared by EPS

15521 Panhandle FP model 5.xls 6/6/2007

Table C-7
Panhandle Public Facilities Financing Plan
Public Facilities Land Acquisition Cost Allocations - 2006 $

Public Facilities Land Acquisition

Land Use	Developable Acres [1]	Use Factor [2]	Units	Total Use	Percent Share	Cost Share	Cost per Acre	Cost per DU
Low-Density Residential	259.2	1.00	1,463	259	68.37%	$5,753,052.95	$22,195	$3,932
Medium-Density Residential	66.8	1.00	857	67	17.62%	$1,482,654.08	$22,195	$1,730
High-Density Residential	34.6	1.00	755	35	9.13%	$767,961.54	$22,195	$1,017
Village Commercial	18.5	1.00	0	19	4.88%	$410,615.28	$22,195	
Total	**379.1**			**379**	**100.00%**	**$8,414,284**		

"pfiaf_alloc"

[1] Developable acres equals land planned for urban development excluding parks, schools, civic uses, agricultural and freeway buffers, and roads.
[2] Use factors used are the same as roadway use factors.

Prepared by EPS

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APPENDIX D

DUE FACTORS

Table D-1	Adjusted Common Use Factors for Road and Freeway Common Use Factor Calculation	D-1
Table D-2	Roadways, Freeways, Bikeways, Shuttles, and Transit Use Factor Calculation	D-2
Table D-3	Freeway and Roadway Landscaping and Drainage Common Use Factor Calculation	D-3
Table D-4	Landscaping Common Use Factor Calculation	D-4
Table D-5	Parks Common Use Factor Calculation	D-5

Table D-1
Panhandle Public Facilities Financing Plan
Adjusted Common Use Factors for Road and Freeway Common Use Factor Calculation

Land Use	Common Use Factor		Intensity Factor [1]	Adjusted Use Factor
Low-Density Residential	54.19	trips/acre/day	1.00	54.19
Medium-Density Residential	102.63	trips/acre/day	1.00	102.63
High-Density Residential	137.47	trips/acre/day	1.00	137.47
Village Commercial	510.00	trips/acre/day	1.00	510.00

"road_adj"

Source: City of Sacramento staff, Dokken & Associates, and EPS.

[1] The intensity use factor reflects the relative amount of trips generated in a 10-hour period. The majority of residential and employment generating land use trips occur in a 10-hour period.

Table D-2
Panhandle Public Facilities Financing Plan
Roadways, Freeways, Bikeways, Shuttles and Transit Use Factor Calculation

Land Use	Adjusted Use Factor	Density	Common Use Factor (Use Factor x Density)
Low-Density Residential	9.60 trips/du/day	5.64 du/acre	54.19 trips/acre/day
Medium-Density Residential	8.00 trips/du/day	12.83 du/acre	102.63 trips/acre/day
High-Density Residential	6.30 trips/du/day	21.82 du/acre	137.47 trips/acre/day
Village Commercial	510.00 trips/acre/day		510.00 trips/acre/day

"daily_road_use"

Source: Kittelson & Associates.

Table D-3
Panhandle Public Facilities Financing Plan
Freeway and Roadway Landscaping and Drainage Common Use Factor Calculation

Land Use	Common Use Factor	
Low-Density Residential	1.00	1.00 per Acre
Medium-Density Residential	1.00	1.00 per Acre
High-Density Residential	1.00	1.00 per Acre
Village Commercial	1.00	1.00 per Acre

"drainage_edu"

Source: North Natomas Community Plan & EPS.

Table D-4
Panhandle Public Facilities Financing Plan
Landscaping Common Use Factor Calculation

Land Use	Common Use Factor	
Low-Density Residential	1.00	1.00 per Acre
Medium-Density Residential	1.00	1.00 per Acre
High-Density Residential	1.00	1.00 per Acre
Village Commercial	1.00	1.00 per Acre

"landscaping_EDU"

Source: North Natomas Community Plan & EPS.

Table D-5
Panhandle Public Facilities Financing Plan
Parks Common Use Factor Calculation

Land Use	People per Unit	Sq. Ft. per Employee	People per Acre	% of Park User	Park Users per DUE	EDU Factor
	[1]	[2]		[3]		[4]
Low-Density Residential	2.98			100%	2.98	**1.00**
Medium-Density Residential	2.98			100%	2.98	**1.00**
High-Density Residential	1.76			100%	1.76	**0.59**
Village Commercial		500	2.00	21%	0.42	**0.14**

"parks_EDU"

[1] Factors derived from City Code 16.64.030.
[2] Source: EPS
[3] See City of Sacramento Parks Fee Nexus Study.
[4] Park users per DUE/single-family park users per DUE.

Economic &
Planning Systems

Public Finance
Real Estate Economics
Regional Economics
Land Use Policy

APPENDIX E

NORTH NATOMAS PUBLIC FACILITIES FEE COMPARISON CALCULATIONS

Table E-1 PFF-Funded Roadway Facilities Cost Allocation E-1

Table E-2 PFF-Funded Landscaping Facilities Cost Allocation E-2

Segment 1 Del Paso Road—North Side E-3

Segment 2 Elkhorn Blvd E-4

Segment 3 National Drive E-5

North Natomas Road Segment Four-Lane Roadway
National Drive Typical Roadway Cross Section E-6

North Natomas Road Segment Six-Lane Roadway
Elkhorn Blvd Typical Roadway Cross Section E-7

North Natomas Road Segment Six Lane Roadway
Del Paso Typical Roadway Cross Section E-8

Table E-1
Panhandle Public Facilities Financing Plan
PFF-Funded Roadway Facilities Cost Allocation

Roadways - PFF Eligible

Land Use	Net Developable Acres [1]	Common Use Factor	Units	Total Use	Percent Share	Cost Share	Cost per Acre	Cost per DU
Low-Density Residential	259.2	54.19	1,463	14,045	40.02%	$5,523,716	$21,311	$3,776
Medium-Density Residential	66.8	102.63	857	6,856	19.54%	$2,696,414	$40,365	$3,146
High-Density Residential	34.6	137.47	755	4,757	13.55%	$1,870,696	$54,066	$2,478
Village Commercial	18.5	510.00		9,435	26.89%	$3,710,716	$200,579	
Total [2]	**379.1**		**3,075**	**35,092**	**100.00%**	**$13,801,543**		

"pff_road_alloc"

[1] Developable acres equals land planned for urban development excluding parks, schools, civic uses, agricultural and freeway buffers, and roads.
[2] Total roadway cost based on MacKay and Somps cost estimates:

$1,393,015	Del Paso Road - North Side
$1,419,875	Elkhorn Blvd. - Eastern Property Line to Levee Road
$10,988,626	National Drive - Elkhorn Blvd. to Del Paso Road

Prepared by EPS

15521 Panhandle FP model 5.xls 6/6/2007

Table E-2
Panhandle Public Facilities Financing Plan
PFF-Funded Landscaping Facilities Cost Allocation

Roadway & Open Space Landscaping - PFF Eligible

Land Use	Net Developable Acres [1]	Common Use Factor	Units	Total Use	Percent Share	Cost Share	Cost per Acre	Cost per DU
Low-Density Residential	259.2	1.00	1,463	259	68.37%	$2,108,512	$8,135	$1,441
Medium-Density Residential	66.8	1.00	857	67	17.62%	$543,397	$8,135	$634
High-Density Residential	34.6	1.00	755	35	9.13%	$281,460	$8,135	$373
Village Commercial	18.5	1.00		19	4.88%	$150,492	$8,135	
Total [2]	**379.1**		**3,075**	**379**	**100.00%**	**$3,083,862**		

"pff_landscaping_alloc"

[1] Developable acres equals land planned for urban development excluding parks, schools, civic uses, agricultural and freeway buffers, and roads.
[2] Total landscaping based on MacKay and Somps cost estimates:

$565,827 Del Paso Road - North Side
$481,770 Elkhorn Blvd. - Eastern Property Line to Levee Road
$2,036,264 National Drive - Elkhorn Blvd. to Del Paso Road

Prepared by EPS

15521 Panhandle FP model 5.xls 6/6/2007

Job No 07790-00
12/8/06

Del Paso Road ~ North Side

Property line on East to Sorrento Rd
Typical Street and Utility Cost Per Centerline Foot

Natomas Panhandle

Segment 1

Roadway Section: 6-Lane Roadway
Length: 2632 feet
Width: 81 feet
Roadway Excavation Depth: 2 feet
Landscape Quality Level:

Constructed by: Developer

ITEM #	ITEM	QUANTITY	UNIT	UNIT COST	TOTAL ITEM COST	29% CONTINGENCY	TOTAL COST PER CL FOOT
SURFACE COSTS:							
1	Mobilization, Clearing & Grubbing	81.00	SF	$0.46	$37.26	$10.81	$48.07
2	Earthwork (I=26")	6.50	CY	$5.00	$32.50	$9.43	$41.93
3	Pavement (5" AC/21" AB)	39.00	SF	$7.00	$273.00	$79.17	$352.17
4	Curb & Gutter # 4 (W / 12" AB)	1.00	LF	$21.50	$21.50	$6.24	$27.74
5	Median Curb #14 (W / 12" AB)	2.00	LF	$30.50	$61.00	$17.69	$78.69
6	PCC Sidewalk (W / 12" AB)	6.00	SF	$8.50	$51.00	$14.79	$65.79
7	Street Lighting	0.005	EA	$3,000.00	$15.00	$4.35	$19.35
						Subtotal Surface Costs	$633.74
UNDERGROUND COSTS:							
8	Storm Drain System - 16"	1.00	LF	$100.00	$100.00	$29.00	$129.00
9	Sanitary Sewer System - 10"	0.00	LF	$90.00	$0.00	$0.00	$0.00
10	Water System - 12"	0.00	LF	$80.00	$0.00	$0.00	$0.00
						Subtotal Underground Costs	$129.00
						Total Roadway Construction Costs:	$762.74
HABITAT CONSERVATION COSTS:							
11	Habitat Conservation Plan (1)	0.00186	AC	$6,500.00	$12.09	$3.51	$15.60
						TOTAL ESTIMATED ROADWAY & HCP COST PER CENTERLINE FOOT:	$778.34
LANDSCAPING COSTS:							
12	Landscaping (26' + 7.33')	33.33	SF	$5.00	$166.65	$48.33	$214.98

TOTAL ESTIMATED ROADWAY & HCP COST OF THIS SEGMENT:	$2,048,590.88
OVERWIDTH REIMBURSEMENT (32% OF SURFACE COSTS):	$655,549.08
NET ROADWAY & HCP COST (ESTIMATED COST MINUS OVERWIDTH REIMBURSEMENT):	$1,393,041.80
TOTAL ESTIMATED LANDSCAPING COST OF THIS SEGMENT:	$565,827.36
TOTAL NET ESTIMATED ROADWAY, HCP, & LANDSCAPING COST INCLUDED IN THE PUBLIC FACILITIES FEE (PFF) PROGRAM:	**$1,958,869.16**

Notes:
1 Based on road width (see above).
2 Estimated costs include appurtenances and other items that are a part of the ultimate road segment. Estimated costs do not include interim items, private utility or joint trench costs, or items included in other fee programs

E-3

Prepared by the office of MacKay Somps Civil Engineers - Roseville Office

1 of 3

Job No 07790-00
12/8/06

Elkhorn Blvd

Property line on East to Levee Rd
Typical Street and Utility Cost Per Centerline Foot

Natomas Panhandle

Segment 2

Roadway Section: 6-Lane Roadway
Length: 2241 feet
Width: 126 feet
Roadway Excavation Depth: 2 feet
Landscape Quality Level:

Constructed by: Developer

ITEM #	ITEM	QUANTITY	UNIT	UNIT COST	TOTAL ITEM COST	29% CONTINGENCY	TOTAL COST PER CL FOOT
SURFACE COSTS:							
1	Mobilization, Clearing & Grubbing	72.00	SF	$0.46	$33.12	$9.60	$42.73
2	Earthwork (t=26")	9.33	CY	$5.00	$46.65	$13.53	$60.18
3	Pavement (5" AC/21" AB)	52.00	SF	$7.00	$364.00	$105.56	$469.56
4	26" AB Shoulder	2.00	SF	$5.60	$11.20	$3.25	$14.45
5	Curb & Gutter # 4 (W / 12" AB)	1.00	LF	$21.50	$21.50	$6.24	$27.74
6	Median Curb #14 (W / 12" AB)	2.00	LF	$30.50	$61.00	$17.69	$78.69
7	PCC Sidewalk (W / 12" AB)	6.00	SF	$8.50	$51.00	$14.79	$65.79
8	Street Lighting	0.005	EA	$3,000.00	$15.00	$4.35	$19.35
						Subtotal Surface Costs	$778.49
UNDERGROUND COSTS:							
9	Storm Drain System - 18"	1.00	LF	$100.00	$100.00	$29.00	$129.00
10	Sanitary Sewer System - 10"	0.00	LF	$90.00	$0.00	$0.00	$0.00
11	Water System - 12"	0.00	LF	$80.00	$0.00	$0.00	$0.00
						Subtotal Underground Costs	$129.00
						Total Roadway Construction Costs:	$907.49
HABITAT CONSERVATION COSTS:							
12	Habitat Conservation Plan (1)	0.00289	AC	$6,500.00	$18.80	$5.45	$24.26
						TOTAL ESTIMATED ROADWAY & HCP COST PER CENTERLINE FOOT:	$931.75
LANDSCAPING COSTS:							
13	Landscaping (26' + 7.33'	33.33	SF	$5.00	$166.65	$48.33	$214.98

TOTAL ESTIMATED ROADWAY & HCP COST OF THIS SEGMENT:	$2,088,051.75
OVERWIDTH REIMBURSEMENT (32% OF SURFACE COSTS):	$668,176.56
NET ROADWAY & HCP COST (ESTIMATED COST MINUS OVERWIDTH REIMBURSEMENT):	$1,419,875.19
TOTAL ESTIMATED LANDSCAPING COST OF THIS SEGMENT:	$481,770.18
TOTAL NET ESTIMATED ROADWAY, HCP, & LANDSCAPING COST INCLUDED IN THE PUBLIC FACILITIES FEE (PFF) PROGRAM:	**$1,901,645.37**

Notes:
1 Based on road width (see above)
2 Estimated costs include appurtenances and other items that are a part of the ultimate road segment. Estimated costs do not include interim items, private utility or joint trench costs, or items included in other fee programs.

E-4

Prepared by the office of MacKay Somps Civil Engineers - Roseville Office

2 of 3

Job No 07790-00
12/8/06

National Drive

Between Elkhorn Blvd & Del Paso Rd
Typical Street and Utility Cost Per Centerline Foot

Natomas Panhandle

Segment 3

Roadway Section: 4-Lane Roadway
Length: 11,011 feet
Width: 100 feet
Roadway Excavation Depth: 2 feet
Landscape Quality Level:

Constructed by: Developer

ITEM #	ITEM	QUANTITY	UNIT	UNIT COST	TOTAL ITEM COST	29% CONTINGENCY	TOTAL COST PER CL FOOT
SURFACE COSTS:							
1	Mobilization, Clearing & Grubbing	100.00	SF	$0.46	$46.00	$13.34	$59.34
2	Earthwork (t=26")	8.02	CY	$5.00	$40.10	$11.63	$51.73
3	Pavement (5" AC/21" AB)	56.00	SF	$7.00	$392.00	$113.68	$505.68
4	Curb & Gutter # 4 (W / 12" AB)	2.00	LF	$21.50	$43.00	$12.47	$55.47
5	Median Curb #14 (W / 12" AB)	2.00	LF	$30.50	$61.00	$17.69	$78.69
6	PCC Sidewalk (W / 12" AB)	10.00	SF	$8.50	$85.00	$24.65	$109.65
7	Street Lighting	0.005	EA	$3,000.00	$15.00	$4.35	$19.35
						Subtotal Surface Costs	$879.91
UNDERGROUND COSTS:							
8	Storm Drain System - 18"	1.00	LF	$100.00	$100.00	$29.00	$129.00
9	Sanitary Sewer System - 10"	1.00	LF	$90.00	$90.00	$26.10	$116.10
10	Water System - 12"	1.00	LF	$80.00	$80.00	$23.20	$103.20
						Subtotal Underground Costs	$348.30
						Total Roadway Construction Costs:	$1,228.21
HABITAT CONSERVATION COSTS:							
11	Habitat Conservation Plan (1)	0.00230	AC	$6,500.00	$14.92	$4.33	$19.25
						TOTAL ESTIMATED ROADWAY & HCP COST PER CENTERLINE FOOT:	$1,247.46
LANDSCAPING COSTS:							
12	Landscaping (14' + 2 x 7.33')	28.67	SF	$5.00	$143.35	$41.57	$184.93

TOTAL ESTIMATED ROADWAY & HCP COST OF THIS SEGMENT:	$13,735,782.06
OVERWIDTH REIMBURSEMENT (20% OF SURFACE COSTS):	$2,747,156.41
NET ROADWAY & HCP COST (ESTIMATED COST MINUS OVERWIDTH REIMBURSEMENT):	$10,988,625.65
TOTAL ESTIMATED LANDSCAPING COST OF THIS SEGMENT:	$2,036,264.23
TOTAL NET ESTIMATED ROADWAY, HCP, & LANDSCAPING COST INCLUDED IN THE PUBLIC FACILITIES FEE (PFF) PROGRAM:	**$13,024,889.88**

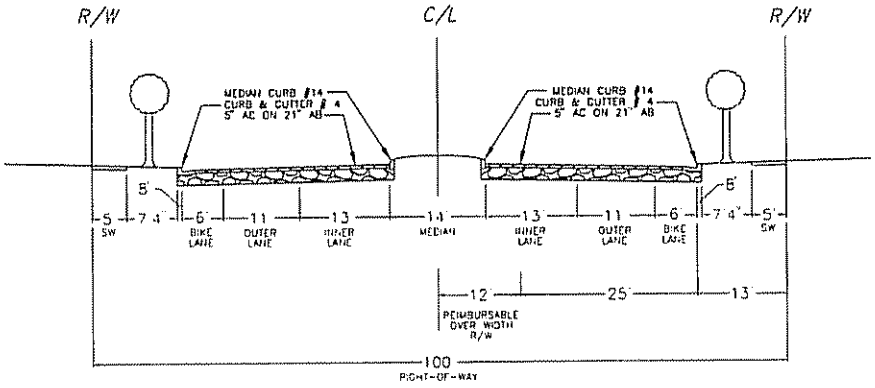
Notes:
1 Based on road width (see above)
2 Estimated costs include appurtenances and other items that are a part of the ultimate road segment. Estimated costs do not include interim items, private utility or joint trench costs, or items included in other fee programs

E-5

Prepared by the office of MacKay Somps Civil Engineers - Roseville Office

3 of 3

NORTH NATOMAS ROAD SEGMENT FOUR-LANE ROADWAY



TOTAL RIGHT-OF-WAY WIDTH = 100'

TOTAL PAVEMENT WIDTH = 56'

TOTAL LANDSCAPED WIDTH = 28.67'

REIMBURSABLE OVER WIDTH RIGHT-OF-WAY = 24'

OVER WIDTH REIMBURSEMENT SHARE = 20% OF SURFACE COSTS

JOINT TRENCH COSTS ARE NOT INCLUDED IN THE PUBLIC FACILITIES FINANCE PROGRAM

NATIONAL DRIVE
TYPICAL ROADWAY CROSS SECTION
NATOMAS PANHANDLE
SACRAMENTO, CA

MACKAY & SOMPS
CIVIL ENGINEERS, INC.
CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING
ROSEVILLE, CALIFORNIA

ZAYM	1" = 20'	12/04/06	7790-00
DRAWN BY	SCALE	DATE	JOB NO.

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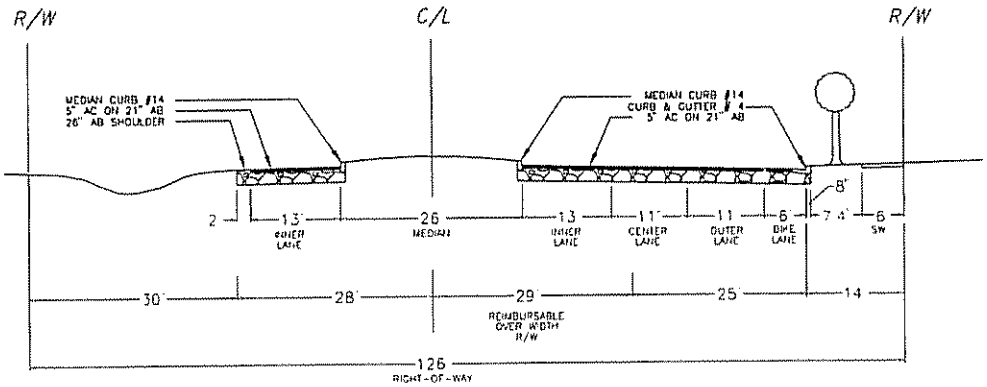
There are no xreferences in this drawing

E-6

NORTH NATOMAS ROAD SEGMENT SIX-LANE ROADWAY



TOTAL RIGHT-OF-WAY WIDTH = 126'

TOTAL PAVEMENT WIDTH = 54'

TOTAL LANDSCAPED WIDTH = 33.33'

REIMBURSABLE OVER WIDTH RIGHT-OF-WAY = 58'

OVER WIDTH REIMBURSEMENT SHARE = 32% OF SURFACE COSTS

JOINT TRENCH COSTS ARE NOT INCLUDED IN THE PUBLIC FACILITIES FINANCE PROGRAM

ELKHORN BLVD
TYPICAL ROADWAY CROSS SECTION
NATOMAS PANHANDLE
SACRAMENTO, CA

MACKAY & SOMPS
CIVIL ENGINEERS, INC.
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ROSEVILLE, CALIFORNIA

ZAYM	1"=20'	12/04/06	7790-00
DRAWN BY	SCALE	DATE	JOB NO.

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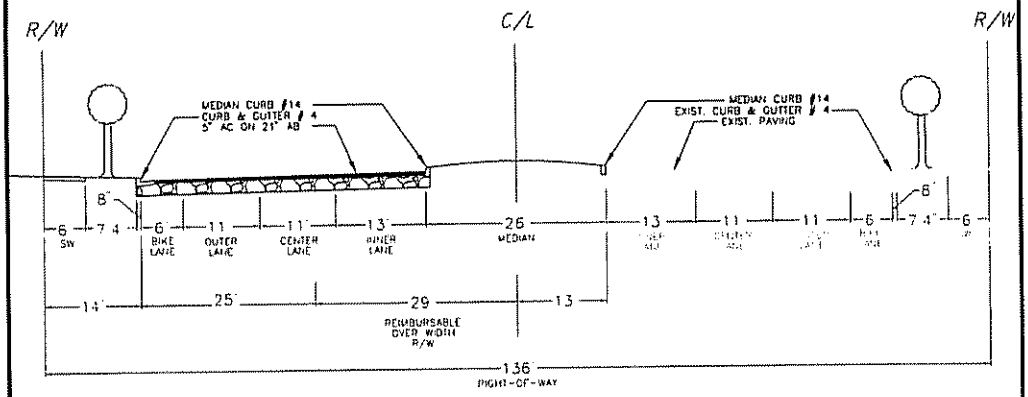
There are no xreferences in this drawing

E-7

NORTH NATOMAS ROAD SEGMENT SIX-LANE ROADWAY



TOTAL RIGHT-OF-WAY WIDTH = 136'

TOTAL NEW PAVEMENT WIDTH = 39'

TOTAL LANDSCAPED WIDTH = 33.33'

REIMBURSABLE OVER WIDTH RIGHT-OF-WAY = 58'

OVER WIDTH REIMBURSEMENT SHARE = 32% OF SURFACE COSTS

JOINT TRENCH COSTS ARE NOT INCLUDED IN THE PUBLIC FACILITIES FINANCE PROGRAM

DEL PASO
TYPICAL ROADWAY CROSS SECTION
NATOMAS PANHANDLE
SACRAMENTO, CA

MACKAY & SOMPS
CIVIL ENGINEERS, INC.
CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING
ROSEVILLE, CALIFORNIA

ZAYM	1"=30'	12/04/06	7790-00
DRAWN BY	SCALE	DATE	JOB NO.

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There are no xreferences in this drawing.

E-8

ATTACHMENT 14 – INCLUSIONARY HOUSING PLAN RESOLUTION (VAQUERO)

RESOLUTION NO. 2007-XXXX
Adopted by the Sacramento City Council
Date

ADOPTING AN INCLUSIONARY HOUSING PLAN FOR THE PANHANDLE PROJECT (NORTH – VAQUERO

BACKGROUND

A. The Mixed Income Housing Policy adopted in the City of Sacramento Housing Element and required by the City's Mixed Income Housing Ordinance, requires that ten percent of the units in a residential development project be affordable to very low income households and five percent to low income households;

B. The City Council conducted a public hearing on _____, 2007 concerning the above Inclusionary Housing Plan and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:

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

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

A. Section 1. The City Council adopts the Inclusionary Housing Plan for the Panhandle project (North - Vaquero), attached hereto as Exhibit A.

Table of Contents:

Exhibit A: Inclusionary Housing Plan – 8 Pages

EXHIBIT A – INCLUSIONARY HOUSING PLAN

Inclusionary Housing Plan
Panhandle – North Tentative Map
Vaquero Land Holdings, LLC
May 1, 2007

Proposed Project

Vaquero Land Holdings, LLC has the right to acquire and is the developer ("Developer") of that certain real property in the City of Sacramento (upon annexation) in which the Developer proposes to develop and construct the Panhandle – North Tentative Map ("Development Project") within the larger Panhandle Planned Unit Development (PUD). The Panhandle PUD Schematic Plan is shown in Exhibit A and the Panhandle North tentative map is shown on Exhibit B

The 137± acre (gross) Development Project is located south of Elkhorn Boulevard, and west of East Levee Road in the North Natomas Community. The Development Project consists of 753 dwelling units in a mix of attached and detached residential unit types (the "Residential Project"), three park sites and an open space parkway, as shown on Exhibit A

Mixed Income Housing Policy

The Development Project site is located in a new growth area and the Development Project is subject to the City's Mixed Income Housing Policy. The Mixed Income Housing Policy adopted in the City of Sacramento Housing Element and required by the City's Mixed Income Housing Ordinance, City of Sacramento City Code Chapter 17.190 requires that ten percent (10%) of the total units in a Residential Project be affordable to very low income households and five percent (5%) for low income households (the "Inclusionary Requirement" and "Inclusionary Units") The Developer proposes that this inclusionary obligation be met on-site.

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

The Inclusionary Requirement for the Project will be set forth in more detail in the Inclusionary Housing Agreement executed by the Developer and the Sacramento Housing and Redevelopment Agency ("SHRA") and recorded

against all the residential lots in the Development Project. The Inclusionary Housing Agreement shall be executed and recorded no later than the approval of the large lot final map for the subdivision or construction phase, or, in the case of an amendment, immediately upon execution by SHRA and Developer. The Inclusionary Housing Agreement will describe with particularity the site and building schematics and financial arrangements for the construction and financing of the Inclusionary Units, pursuant to Section 17.190.110(C). The Inclusionary Housing Agreement shall be consistent with this Plan.

Residential Numbers

The Developer, or its successors and assignees, shall construct or cause to be constructed a number of dwelling units affordable to Very Low Income Households ("Very Low Income Units") and Low Income Households ("Low Income Units") as defined in the Sacramento City Code Section 17.190.020, equal to ten percent (10%) and five percent (5%) of the total number of housing units approved for the Residential Project, respectively.

Based on the current Development Project proposal of 753 residential units in the Residential Project, the Inclusionary Requirement for the Project is 113 units consisting of 75 units for Very Low Income (10%) and 38 units for Low Income (5%).

Total Number of Units within the Project	753
Very Low Income Units (10% of units)	75
Low Income Units (5% of units)	38
Total Number of Inclusionary Units	113

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

Units by Type and Tenure

The Inclusionary Units, consisting of 75 Very Low Income units and 38 Low Income units will be constructed on-site and will consist of rental multi-family units located on Parcel 1 as follows:

Table 1
Distribution of Inclusionary Units

Planning Area	Housing Type	Total Units in Planning Area	Very Low Income Units	Low Income Units	Unit Distribution	Unit Type
1	Family Apartments	120	75	38	0% to 30%	1 Bedroom
					30% to 70%	2 Bedroom
					20% to 40%	3 Bedroom
Total			75	38		

Location of Inclusionary Units within Development Project

Inclusionary Units shall be located within the Development Project on a 5 5-acre parcel (net) (Parcel 1) located south of Elkhorn Boulevard and east of National Drive ("Inclusionary Housing Site"), shown on Exhibit B. As part of the Development Project, the Inclusionary Housing Site will be zoned High Density Residential, which will allow for the development of up to 120 multi-family residential units

An affordable housing developer will develop, construct, own and manage the multi-family community that contains the Inclusionary Units

The location of the Inclusionary Units within the Development Project are subject to amendment, consistent with Section 17 190 110 B(1) of the Mixed Income Ordinance.

Affordability Requirements

The 75 units affordable to Very Low Income households will be restricted to occupancy by households with incomes that, at the time of occupancy, do not exceed fifty percent (50%) of the Sacramento area median income, adjusted for family size. Monthly rents for these units shall not exceed one twelfth of thirty percent (30%) of fifty percent (50%) of the Sacramento area median income, adjusted for family size.

The 38 units affordable to Low Income households will be restricted to occupancy by households with incomes that, at the time of occupancy, do not exceed eighty percent (80%) of the Sacramento area median income, adjusted for family size. Monthly rents for these units shall not exceed one twelfth of thirty percent (30%) of eighty percent (80%) of the Sacramento area median income, adjusted for family size.

Term of Affordability

The term of affordability for the Inclusionary Housing Units will be a minimum of 30 years from the date of recordation of the Inclusionary Housing Agreement.

Incentives

Pursuant to Section 17 190.040 of the Ordinance, the City may make available a variety of incentives to offset the cost of providing Inclusionary Housing Units. Subsection A allows the provision of fee waivers or deferrals for Inclusionary Housing Units. The City of Sacramento has created a fund for development fee reductions for the Inclusionary Units in the amount of $4,000 for Very Low Income Inclusionary Housing Units and $1,000 for Low Income Inclusionary Housing Units. The project (Parcel 1) that will contain the Inclusionary Housing Units requests to use $337,000 of these fee reductions, if available in the fund, for the Inclusionary Units as follows:

Affordability Level	Number of Units	Fee Reduction Per Unit	Total Fee Reduction
Very Low Income	75	$4,000	$300,000
Low Income	38	$1,000	$38,000
	113		$338,000

Phasing/Linkages of the Development Project to the Inclusionary Units

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

The following describes the relationship of market rate development activity to the activity of Inclusionary Unit development activity. These milestones are outlined to ensure that the development of Inclusionary Units occur concurrent with development of market rate units.

Market Rate Activity	Inclusionary Approval Linkage
Approval of legislative entitlements (rezone, community plan amendment, general plan amendment, tentative maps) for Panhandle PUD.	Approval of Inclusionary Housing Plan.
Approval of Panhandle North large lot final map.	Execution of Inclusionary Housing Agreement

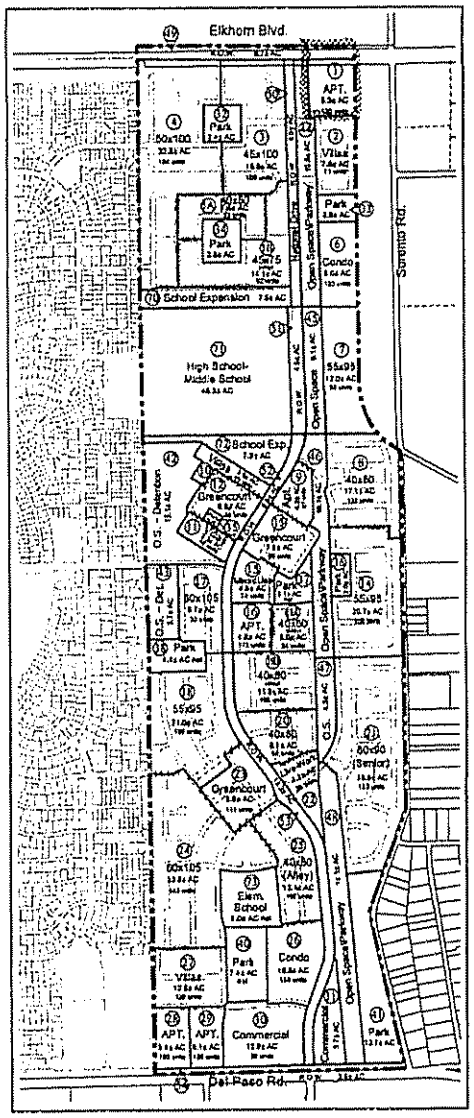
Recordation of the large lot final map for Development Project.	Recordation of Inclusionary Housing Agreement AND transfer of Parcel 1 to affordable housing developer.
Issuance of building permits in excess of 50% of market rate units in Development Project.	Issuance of building permits for 100% of all of the Inclusionary Housing Units.
Remaining 50% of building permits for market rate units in the Development Project may be issued.	After issuance of all building permits for the Inclusionary Housing Units.
Marketing of the market rate units in Development Project.	Marketing of Inclusionary Housing Units

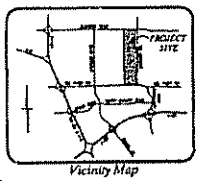
Amendment and Administration of the Inclusionary Housing Plan

The Planning Director, with the advice of the Executive Director of SHRA, shall administer this Inclusionary Housing Plan. The Planning Director may make minor administrative amendments to the text of this Plan as provided in Sacramento City Code Section 17 190 110B(1).

Exhibit A Panhandle Planned Unit Development Plan Schematic Plan
Exhibit B Panhandle – North Tentative Map
Exhibit C Location of Inclusionary Units in Development Project

Exhibit A
Panhandle Planned Unit
Development Schematic Plan





Vicinity Map

PUD Schematic Plan
Panhandle PUD
City of Sacramento, California
Scale: 1"= 400' March 16, 2007

MACKAY & SOMPS
CIVIL ENGINEERS, INC.

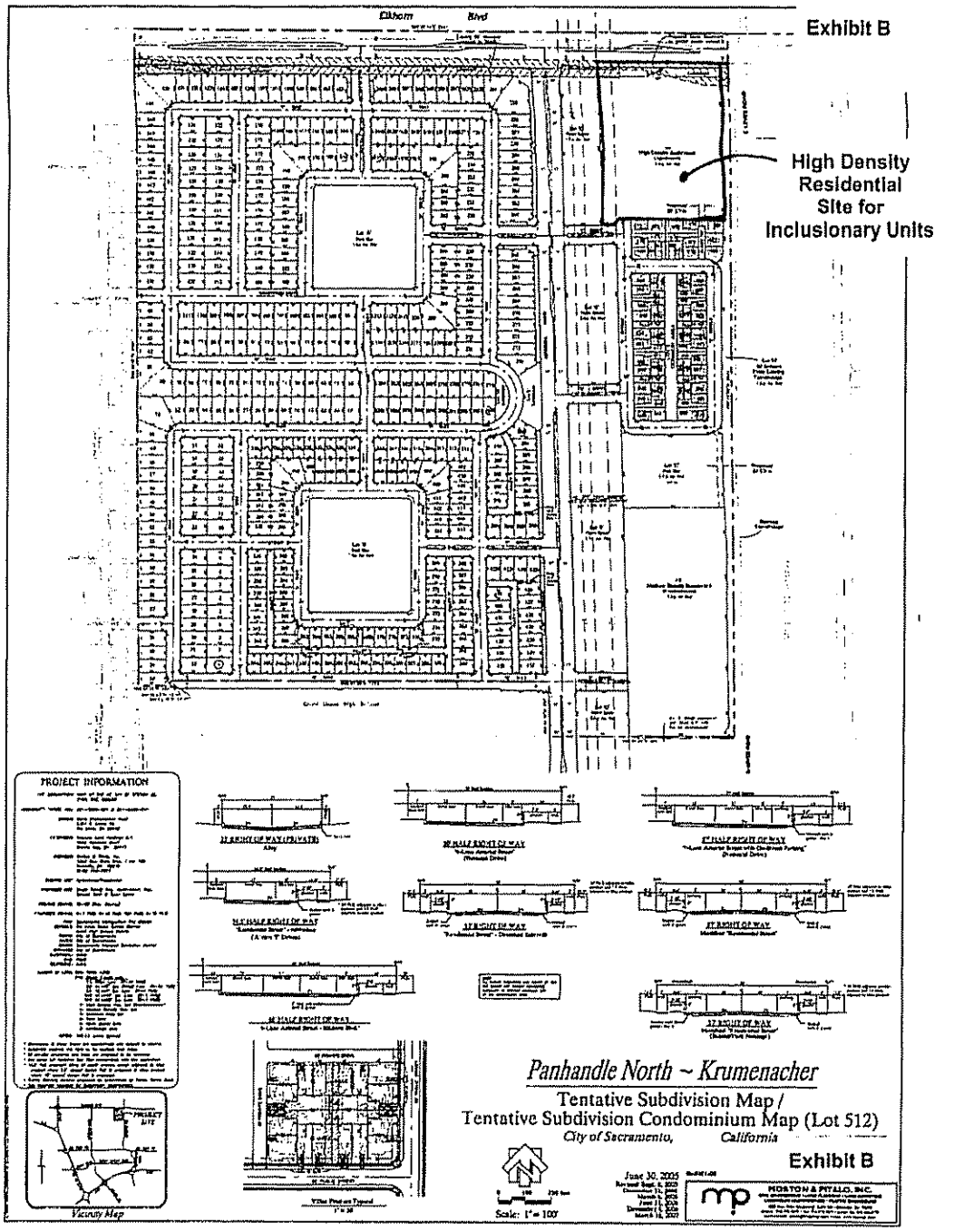
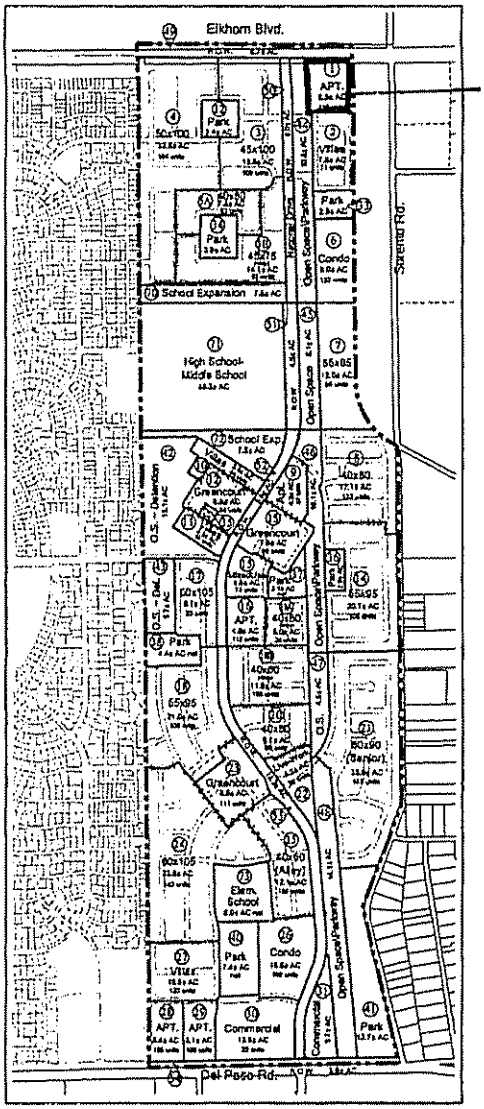


Exhibit B
High Density Residential Site for Inclusionary Units
Elkhorn Blvd
PROJECT INFORMATION
Vicinity Map
Panhandle North ~ Krumenacher
Tentative Subdivision Map /
Tentative Subdivision Condominium Map (Lot 512)
City of Sacramento, California
Exhibit B
Scale: 1"= 100'
MORTON & PITALO, INC.

Exhibit C
Location of Inclusionary Units in Development Project

Parcel 1
75 VL
38 L
113 DU



ATTACHMENT 15 – DRAFT INCLUSIONARY HOUSING PLAN RESOLUTION (DUNMORE)

RESOLUTION NO. 2007-XXXX
Adopted by the Sacramento City Council
Date

ADOPTING AN INCLUSIONARY HOUSING PLAN FOR THE PANHANDLE PROJECT (CENTRAL AND SOUTH – DUNMORE)

BACKGROUND

A. The Mixed Income Housing Policy adopted in the City of Sacramento Housing Element and required by the City's Mixed Income Housing Ordinance, requires that ten percent of the units in a residential development project be affordable to very low income households and five percent to low income households;

B. The City Council conducted a public hearing on _____, 2007 concerning the above Inclusionary Housing Plan and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:

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

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

Section 1. The City Council adopts the Inclusionary Housing Plan for the Panhandle project (Dunmore), attached hereto as Exhibit A.

Table of Contents:

Exhibit A: Inclusionary Housing Plan – 10 Pages

EXHIBIT A – INCLUSIONARY HOUSING PLAN

Inclusionary Housing Plan
Panhandle – Central and Panhandle-South Tentative Maps
Within the Panhandle PUD
Dunmore Homes
May 1, 2007

Proposed Project

Dunmore Homes, LLC owns or has the right to acquire and is the developer ("Developer") of that certain real property in the City of Sacramento (upon annexation) in which the Developer proposes to develop and construct the Panhandle-Central and Panhandle-South tentative maps ("Development Project") within the larger Panhandle Planned Unit Development project area. The Panhandle Central Tentative Map and Panhandle South Tentative Map include 390± acres. The Panhandle PUD Schematic Plan is shown in Exhibit A and the Panhandle Central and Panhandle South tentative maps are shown on Exhibits B and C, respectively.

The 390± acre (gross) Development Project is located north of Del Paso Road and west of Sorento Road in the North Natomas Community. The Development Project consists of 2,272 dwelling units (the "Residential Project") in a mix of residential unit types (detached and attached units), an elementary school, commercial sites, park sites, open space detention and an open space parkway.

Mixed Income Housing Policy

The Development Project site is located in a new growth area and the Development Project is subject to the City's Mixed Income Housing Policy. The Mixed Income Housing Policy adopted in the City of Sacramento Housing Element and required by the City's Mixed Income Housing Ordinance, City of Sacramento City Code Chapter 17.190 requires that ten percent (10%) of the total units in a Residential Project be affordable to very low income households and five percent (5%) for low income households (the "Inclusionary Requirement" and "Inclusionary Units"). The Developer proposes that this inclusionary obligation be met on-site.

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

approvals (i.e. special permits, site development plans, etc.) for the Project shall be consistent with this Inclusionary Housing Plan.

The Inclusionary Requirement for the Project will be set forth in more detail in the Inclusionary Housing Agreement executed by the Developer and the Sacramento Housing and Redevelopment Agency ("SHRA") and recorded against all the residential lots in the Development Project. The Inclusionary Housing Agreement shall be executed and recorded no later than the approval of the first final map for the subdivision or construction phase, or, in the case of an amendment, immediately upon execution by SHRA and Developer. The Inclusionary Housing Agreement will describe with particularity the site and building schematics and financial arrangements for the construction and financing of the Inclusionary Units, pursuant to Section 17.190.110(C). The Inclusionary Housing Agreement shall be consistent with this Plan.

Residential Numbers

The Developer, or its successors and assignees, shall construct or cause to be constructed a number of dwelling units affordable to Very Low Income Households ("Very Low Income Units") and Low Income Households ("Low Income Units") as defined in the Sacramento City Code Section 17.190.020, equal to ten percent (10%) and five percent (5%) of the total number of housing units approved for the Residential Project, respectively.

Based on the current Development Project proposal of 2,272 units in the Residential Project, the Inclusionary Requirement for the Project is 341 units consisting of 227 units for Very Low Income (10%) and 114 units for Low Income (5%).

Total Number of Units within the Project	2,272
Very Low Income Units (10% of units)	227
Low Income Units (5% of units)	114
Total Number of Inclusionary Units	341

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

Receiver Site for Grant Joint Union High School District's Units

Parcel 16 of the Development Project will be the receiver site for Inclusionary Units from the Grant Joint Union High School District (Grant) property located within the Panhandle PUD project area. Parcel 16 will accommodate eight (8) Inclusionary Units from Grant consisting of five (5) units for Very Low Income and three (3) units for Low Income, as shown in Table 2.

Table 2
Inclusionary Units from Grant Property

Planning Area	Housing Type	Total Units in Planning Area	Inclusionary Units			Type of Unit
			Very Low Income Units	Low Income Units	Total	
16	Apartments	112	5	3	8	Rental
Total			5	3	8	

Units by Type and Tenure

The Inclusionary Units, consisting of 232 Very Low Income units and 117 Low Income units will be constructed on-site and will consist of rental multi-family units located in the following planning areas of the Development Project:

Table 1
Distribution of Inclusionary Units

Planning Area	Housing Type	Total Units in Planning Area	Very Low Income Units	Low Income Units	Unit Distribution	Unit Type
9	Family Apartments	87	31	56	0%to30%	1 Bedroom
					30% to 70%	2 Bedroom
					20% to 40%	3 Bedroom
16	Family Apartments	112	76	36	0%to30%	1 Bedroom
					30% to 70%	2 Bedroom
					20% to 40%	3 Bedroom
29	Senior Apartments	150	125	25	50% to 75%	1 Bedroom
					25% to 50%	2 Bedroom
Total		349	232	117		

Parcel 16 includes Inclusionary Units from Grant Property

Location of Inclusionary Units within Development Project

Very Low Income Units

The 232 Very Low Income Inclusionary Units shall be rental units located within the Development Project in three multi-family developments located in Planning Areas 9, 16 and 29, as shown on Exhibit D. As part of the Development Project, the three sites (Planning Areas) that contain Very Low Income units will be zoned High Density Residential which allows the development of multi-family residential units. The Very Low Income units shall be dispersed throughout the three multi-family communities and include a mix of unit sizes proportional to the sizes.

Low Income Units

The 117 Low Income units will be offered as rental units within three multi-family developments in Planning Areas 9, 16 and 29, as shown on Exhibit D. As part of the Development Project, the three sites (Planning Areas) that contain Low Income units will be zoned High Density Residential, which allows the development of multi-family residential units. The Low Income units shall be dispersed throughout the three multi-family communities and include a mix of unit sizes.

Affordable housing developer(s) will develop, construct, own and manage the multi-family community that contains the Very Low Income and Low Income rental Inclusionary Units.

The location of the Inclusionary Units within the Development Project are subject to Amendment, consistent with Section 17.190.110 B(1) of the Mixed Income Ordinance.

Affordability Requirements

The 232 units affordable to Very Low Income households will be restricted to occupancy by households with incomes that, at the time of occupancy, do not exceed fifty percent (50%) of the Sacramento area median income, adjusted for family size. Monthly rents for these units shall not exceed one twelfth of thirty percent (30%) of fifty percent (50%) of the Sacramento area median income, adjusted for family size.

The 117 units affordable to Low Income households will be restricted to occupancy by households with incomes that, at the time of occupancy, do not exceed eighty percent (80%) of the Sacramento area median income, adjusted for family size. Monthly rents for these units shall not exceed one twelfth of thirty percent (30%) of eighty percent (80%) of the Sacramento area median income, adjusted for family size.

Term of Affordability

The term of affordability for the Inclusionary Housing Units will be a minimum of 30 years from the date of recordation of the Inclusionary Housing Agreement

Incentives

Pursuant to Section 17.190.040 of the Ordinance, the City may make available a variety of incentives to offset the cost of providing Inclusionary Housing Units. Subsection A allows the provision of fee waivers or deferrals for Inclusionary Housing Units. The City of Sacramento has created a fund for development fee reductions for the Inclusionary Units in the amount of $4,000 for Very Low Income Inclusionary Housing Units and $1,000 for Low Income Inclusionary Housing Units. The three projects (Parcels 9, 16 and 29) that will contain the Inclusionary Housing Units request to use up to $1,022,000 of these fee reductions, depending on fund availability, for the Inclusionary Units as follows:

Affordability Level	Number of Units	Fee Reduction Per Unit	Total Fee Reduction
Very Low Income	232	$4,000	$928,000
Low Income	117	$1,000	$117,000
	349		$1,045,000

Phasing/Linkages of the Development Project to the Inclusionary Units

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

The following describes the relationship of market rate development activity to the activity of Inclusionary Unit development activity. These milestones are outlined to ensure that development of Inclusionary Units occur concurrent with development of market rate units.

Market Rate Activity	Inclusionary Approval Linkage
Approval of legislative entitlements (rezone, community plan amendment, general plan amendment, tentative maps) for Panhandle PUD.	Approval of Inclusionary Housing Plan.

Approval of Panhandle South large lot final map or Panhandle Central large lot final map.	Execution of Inclusionary Housing Agreement.
Recordation of large lot final map for Development Project.	Recordation of Inclusionary Housing Agreement AND transfer of Parcels 9, 16 and 28 to affordable housing developer

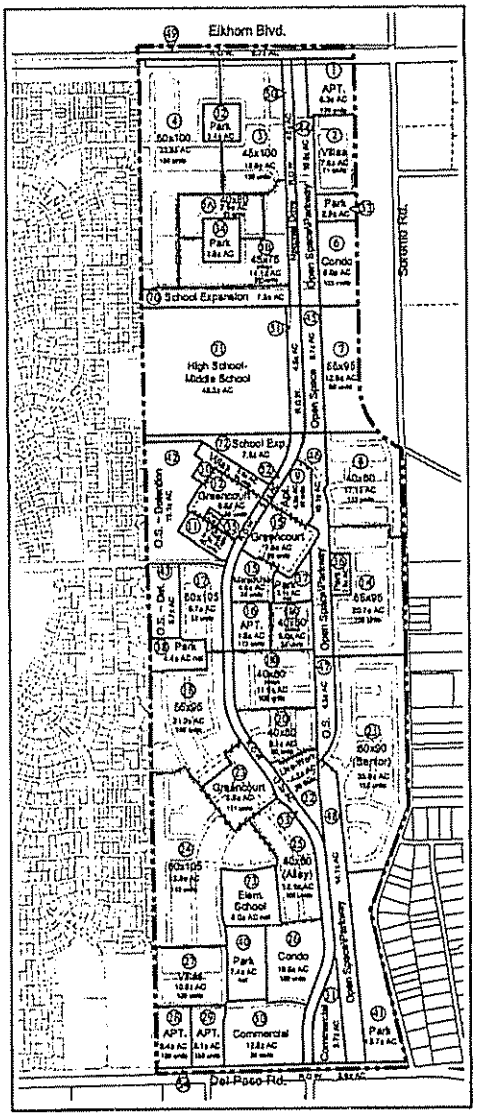
Issuance of building permits in excess of 50% of market rate units in Development Project.	Issuance of building permits for 100% of all of the Inclusionary Housing Units.
Remaining 50% of building permits for market rate units in the Development Project may be issued.	After issuance of all building permits for the Inclusionary Housing Units.
Marketing of the market rate units in Development Project.	Marketing of Inclusionary Housing Units.

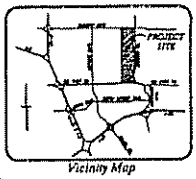
Amendment and Administration of the Inclusionary Housing Plan

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

Exhibit A Panhandle Planned Unit Development Plan Schematic Plan
Exhibit B Panhandle - Central Tentative Map
Exhibit C Panhandle – South Tentative Map
Exhibit D Location of Inclusionary Units in Development Project

Exhibit A
Panhandle Planned Unit
Development Schematic Plan





Vicinity Map

PUD Schematic Plan

Panhandle PUD

City of Sacramento, California

Scale: 1" = 400' March 16, 2007

MACKAY & SOMPS
CIVIL ENGINEERS, INC.

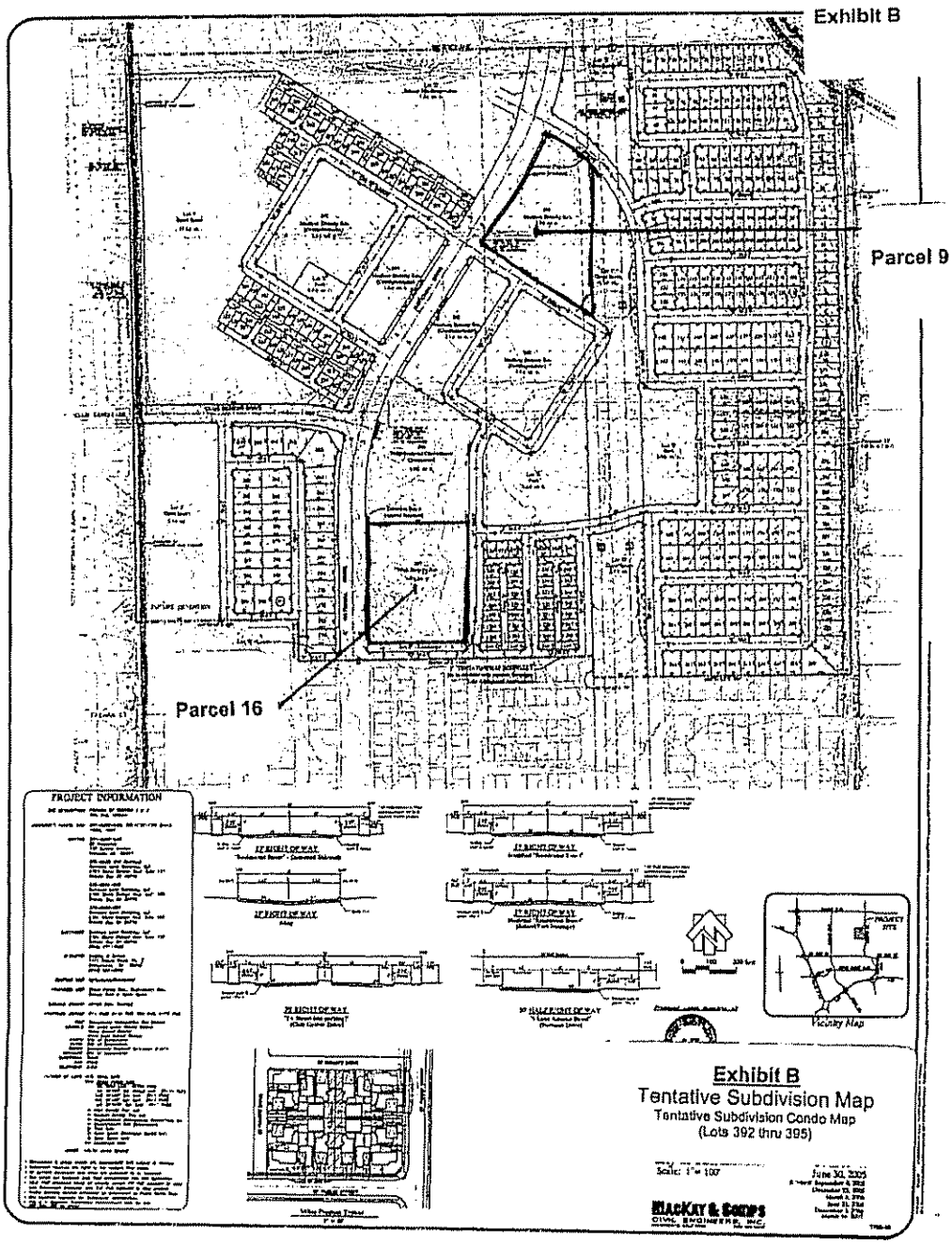


Exhibit B
Parcel 9
Parcel 16
PROJECT INFORMATION
Vicinity Map
Exhibit B
Tentative Subdivision Map
Tentative Subdivision Condo Map
(Lots 392 thru 395)
MACKAY & SOMPS
CIVIL ENGINEERS, INC.

Exhibit C
Panhandle South Tentative Map

Parcel 29
Senior Housing

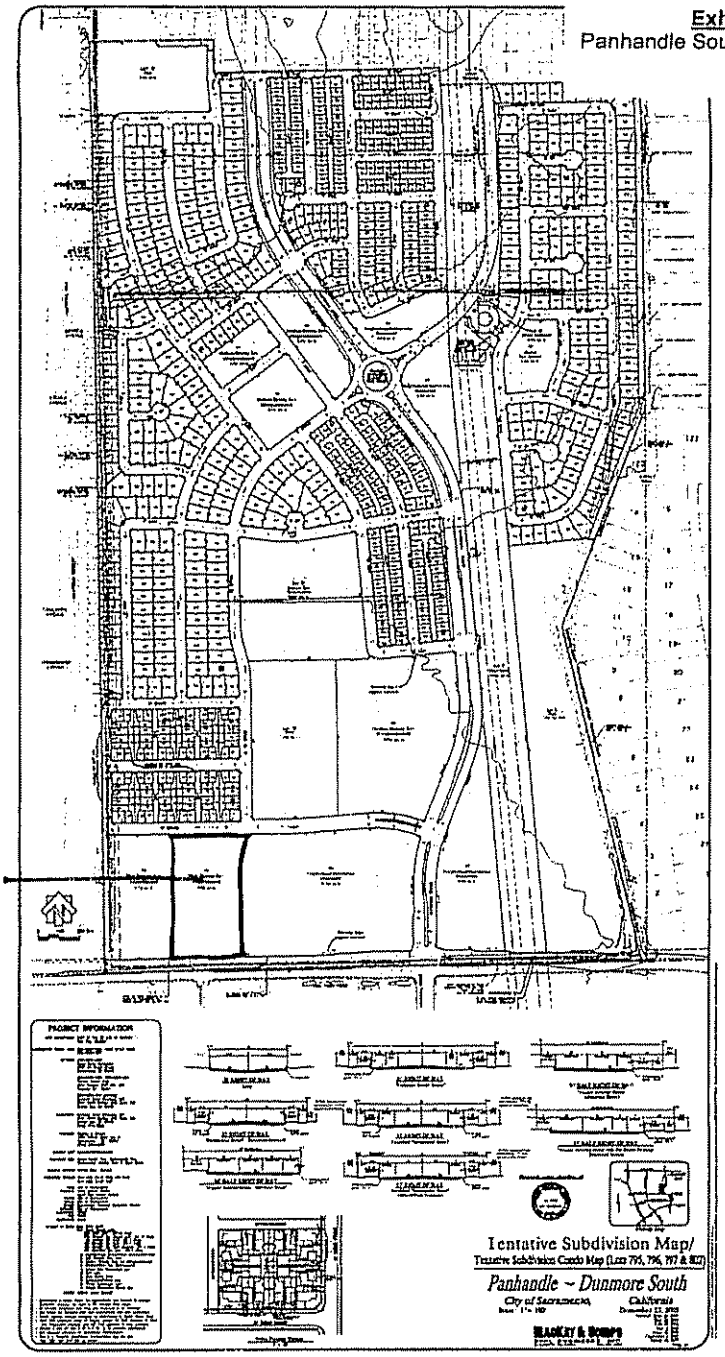
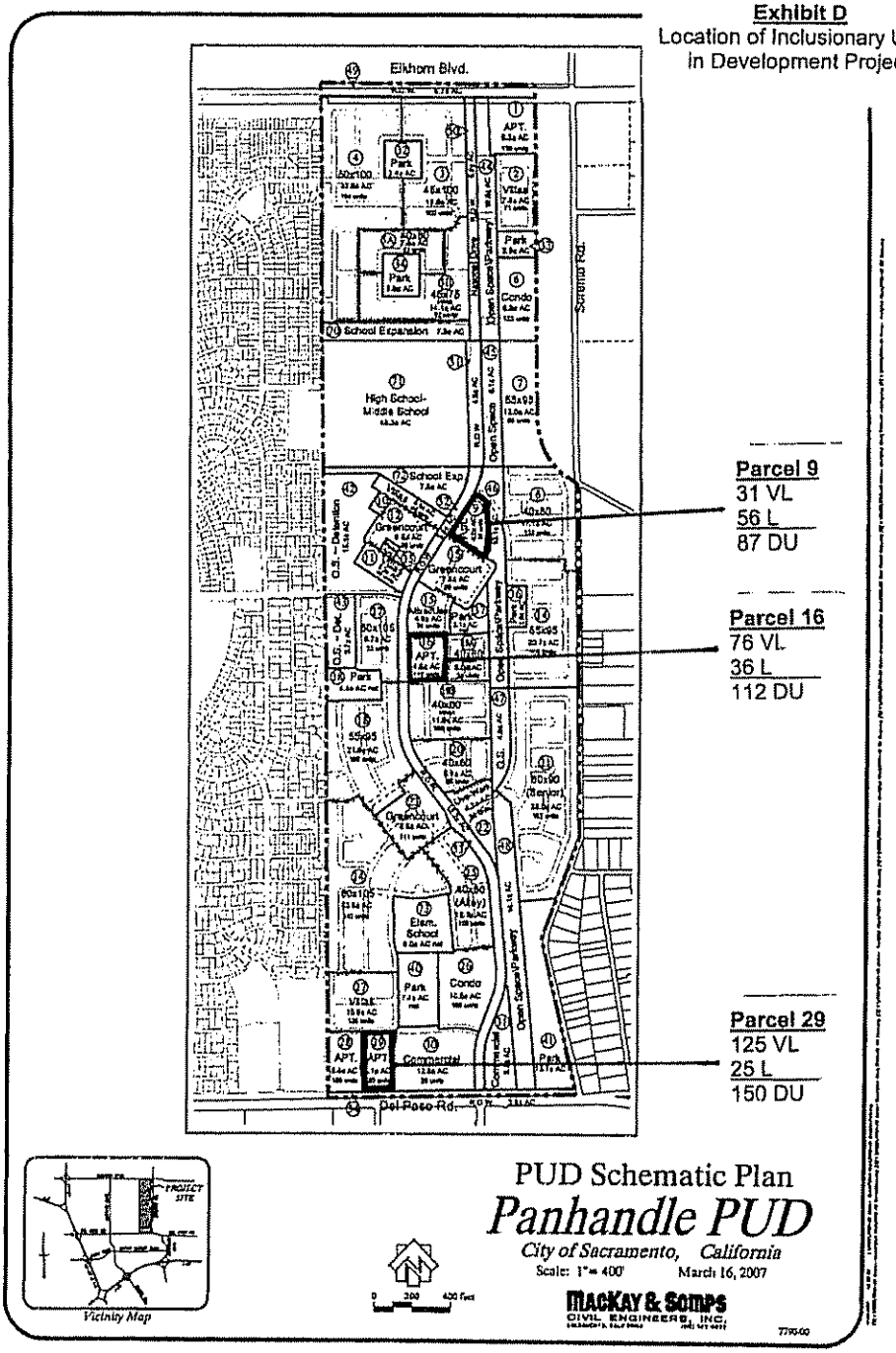


Exhibit D
Location of Inclusionary Units
in Development Project



ATTACHMENT 16 – DRAFT INCLUSIONARY HOUSING PLAN RESOLUTION (GRANT)

RESOLUTION NO. 2007-XXXX
Adopted by the Sacramento City Council
Date

ADOPTING AN INCLUSIONARY HOUSING PLAN FOR THE PANHANDLE PROJECT (GRANT JOINT UNION SCHOOL DISTRICT)

BACKGROUND

A. The Mixed Income Housing Policy adopted in the City of Sacramento Housing Element and required by the City's Mixed Income Housing Ordinance, requires that ten percent of the units in a residential development project be affordable to very low income households and five percent to low income households;

B. The City Council conducted a public hearing on _____, 2007 concerning the above Inclusionary Housing Plan and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:

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

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

Section 1. The City Council adopts the Inclusionary Housing Plan for the Panhandle project (Grant), attached hereto as Exhibit A.

Table of Contents:

Exhibit A: Inclusionary Housing Plan – 8 Pages

EXHIBIT A – INCLUSIONARY HOUSING PLAN

Inclusionary Housing Plan
Panhandle Planned Unit Development
Grant Joint Union High School District
May 1, 2007

Proposed Project

Grant Joint Union High School District owns and is the developer ("Developer") of that certain real property in the City of Sacramento (upon annexation) in which the Developer proposes to rezone a portion of property ("Development Project") within the larger Panhandle Planned Unit Development (PUD). The Panhandle PUD Schematic Plan is shown in Exhibit A and the Grant Joint Union High School District's property is shown on Exhibit B

The 76 4± acre (gross) Development Project is located south of Elkhorn Boulevard, and west of East Levee Road in the North Natomas Community. The Development Project consists of a 12.0 acre area designated for residential uses and up to 50 residential units (the "Residential Project"), a high school/middle school site and open space uses as shown on Exhibit B

Mixed Income Housing Policy

The Development Project site is located in a new growth area and the Development Project is subject to the City's Mixed Income Housing Policy. The Mixed Income Housing Policy adopted in the City of Sacramento Housing Element and required by the City's Mixed Income Housing Ordinance, City of Sacramento City Code Chapter 17 190 requires that ten percent (10%) of the total units in a Residential Project be affordable to very low income households and five percent (5%) for low income households (the "Inclusionary Requirement" and "Inclusionary Units").

Pursuant to the City Code Section 17 190.110 (B), an Inclusionary Housing Plan ("Plan") must be approved prior to or concurrent with the entitlements for the Project. City Code Section 17.190 110 (A) sets forth the number, unit mix, location, structure type, affordability and phasing of the Inclusionary Units in the Project. This document constitutes the Plan, and, as supplemented and amended from time to time, is intended to begin implementation of the Inclusionary Requirement for the Project. All future approvals for the Project shall be consistent with this Inclusionary Housing Plan.

The Inclusionary Requirement for the Project will be set forth in more detail in the Inclusionary Housing Agreement executed by the Developer and the Sacramento Housing and Redevelopment Agency ("SHRA") and recorded against all the residential lots in the Development Project. The Inclusionary Housing Agreement shall be executed and recorded no later than the approval of

the first large lot final map for the subdivision or construction phase, or, in the case of an amendment, immediately upon execution by SHRA and Developer. The Inclusionary Housing Agreement will describe with particularity the site and building schematics and financial arrangements for the construction and financing of the Inclusionary Units, pursuant to Section 17.190.110(C) The Inclusionary Housing Agreement shall be consistent with this Plan

Residential Numbers

The Developer, or its successors and assignees. shall construct or cause to be constructed a number of dwelling units affordable to Very Low Income Households ("Very Low Income Units") and Low Income Households ("Low Income Units") as defined in the Sacramento City Code Section 17 190 020, equal to ten percent (10%) and five percent (5%) of the total number of housing units approved for the Residential Project, respectively.

Based on the current Development Project proposal of 50 residential units in the Residential Project, the Inclusionary Requirement for the Project is 8 units consisting of five (5) units for Very Low Income (10%) and three (3) units for Low Income (5%)

Total Number of Units within the Project	50
Very Low Income Units (10% of units)	5
Low Income Units (5% of units)	3
Total Number of Inclusionary Units	8

If the Development Project approvals or entitlements are amended to increase or decrease the number of units in the Project, this Plan will be amended to reflect a number equal to ten percent (10%) of the new total residential units in the amended entitlements for Very Low Income units and five percent (5%) for Low Income units. However, after a building permit has been issued for a structure to contain Inclusionary Units, those Units will be constructed and maintained as Inclusionary Units pursuant to the terms of Chapter 17 190 of the City Code regardless of any subsequent reduction in the number of approved total residential units in the Development Project.

Off-Site Location

The Off-Site Location is a 4.8 acre property (Parcel 16) located within the larger Panhandle PUD shown on Exhibit C The Off-Site Location is located in a new growth area of the City of Sacramento and is controlled by Dunmore Homes. Dunmore Homes is in contract to purchase the Off-Site Location and has included the Off-Site Location in its Inclusionary Housing Plan for Panhandle – Central and Panhandle – South Tentative Maps

The Inclusionary Units will be included in a mixed income multi-family rental community to be constructed on the Off-Site Location. The Off-Site Location will be designated High Density Residential which allows for the development of multi-family residential units. The infrastructure necessary to serve the Off-Site Location for multi-family uses is planned within the Panhandle PUD project.

Units by Type and Tenure

The Inclusionary Units, consisting of 5 Very Low Income units and 3 Low Income units will be constructed at the Off-Site Location and will consist of rental multi-family units as follows:

Table 1
Distribution of Inclusionary Units

Planning Area	Housing Type	Total Maximum Units in Planning Area	Inclusionary Units			Type of Unit
			Very Low Income Units	Low Income Units	Total	
Off-Site Location Parcel 16	Family Affordable Apartments	112	5	3	8	Rental
Total			5	3	8	

Location of Inclusionary Units within Development Project

Inclusionary Units shall be located at the Off-Site Location as shown on Exhibit C. As part of the Panhandle PUD project, the Off-Site Location will be
sity Residential, which will allow for the development of multi-
l units.

able housing developer will develop, construct, own and manage
community that contains the Inclusionary Units.

on of the Inclusionary Units at the Off-Site Location is subject to
sistent with Section 17.190.110 B(1) of the Mixed Income Ordinance.

Affordability Requirements

The five (5) units affordable to Very Low Income households will be restricted to occupancy by households with incomes that, at the time of occupancy, do not exceed fifty percent (50%) of the Sacramento area median income, adjusted for family size. Monthly rents for these units shall not exceed

one twelfth of thirty percent (30%) of fifty percent (50%) of the Sacramento area median income, adjusted for family size.

The three (3) units affordable to Low Income households will be restricted to occupancy by households with incomes that, at the time of occupancy, do not exceed eighty percent (80%) of the Sacramento area median income, adjusted for family size Monthly rents for these units shall not exceed one twelfth of thirty percent (30%) of eighty percent (80%) of the Sacramento area median income, adjusted for family size.

Term of Affordability

The term of affordability for the Inclusionary Housing Units will be a minimum of 30 years from the date of recordation of the Inclusionary Housing Agreement.

Planning Director's Findings

The Planning Director has made the following findings with regard to this Off-Site Location, and has determined that the proposal is in conformity with Section 17.190- 060 of the Sacramento City Code.

Number of Inclusionary Units: The maximum potential Inclusionary Units to be required for the Grant property is 8 units, which can be accommodated at the Off-Site Location

Site Suitability: The Off-Site Location is within the Panhandle PUD and is proximate to the location of the Grant property. The Panhandle PUD proposes National Drive and retail/commercial services nearby. Infrastructure necessary to serve development of the Off-Site Location is planned

Opportunity for Additional Units at Off-Site Location: The Off-Site Location is 4.8 acres, can hold 112 dwelling units, and is capable of accommodating the eight inclusionary units that will be credited to the Grant Property

Phasing/Linkages of the Development Project to the Inclusionary Units

The Inclusionary Units shall be developed concurrently with the development of the remaining units within the Residential Project in the Development Project, as defined in Sacramento City Code Section 17.190 020. The nature of the concurrency is defined by a series of linkages between approvals of the market rate units and the development of the Inclusionary Units

The following describes the relationship of market rate development activity to the activity of Inclusionary Unit development activity. These milestones are outlined to ensure that the development of Inclusionary Units occur concurrent with development of market rate units.

Market Rate Activity	Inclusionary Approval Linkage
Approval of legislative entitlements (rezone, community plan amendment, general plan amendment) for Panhandle PUD and Development Project	Approval of Inclusionary Housing Plan.
Approval of large lot final map for Development Project.	Execution of Inclusionary Housing Agreement
Issuance of building permits in excess of 50% of market rate units in Development Project	Issuance of 100% of building permits for Inclusionary Housing Units located, off-site, on parcel 16.

Amendment and Administration of the Inclusionary Housing Plan

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

Exhibit A Panhandle Planned Unit Development Plan Schematic Plan
Exhibit B Grant Joint Union High School District Property
Exhibit C Off-Site Location

Exhibit A
Panhandle Planned Unit (PUD)
Development Schematic Plan

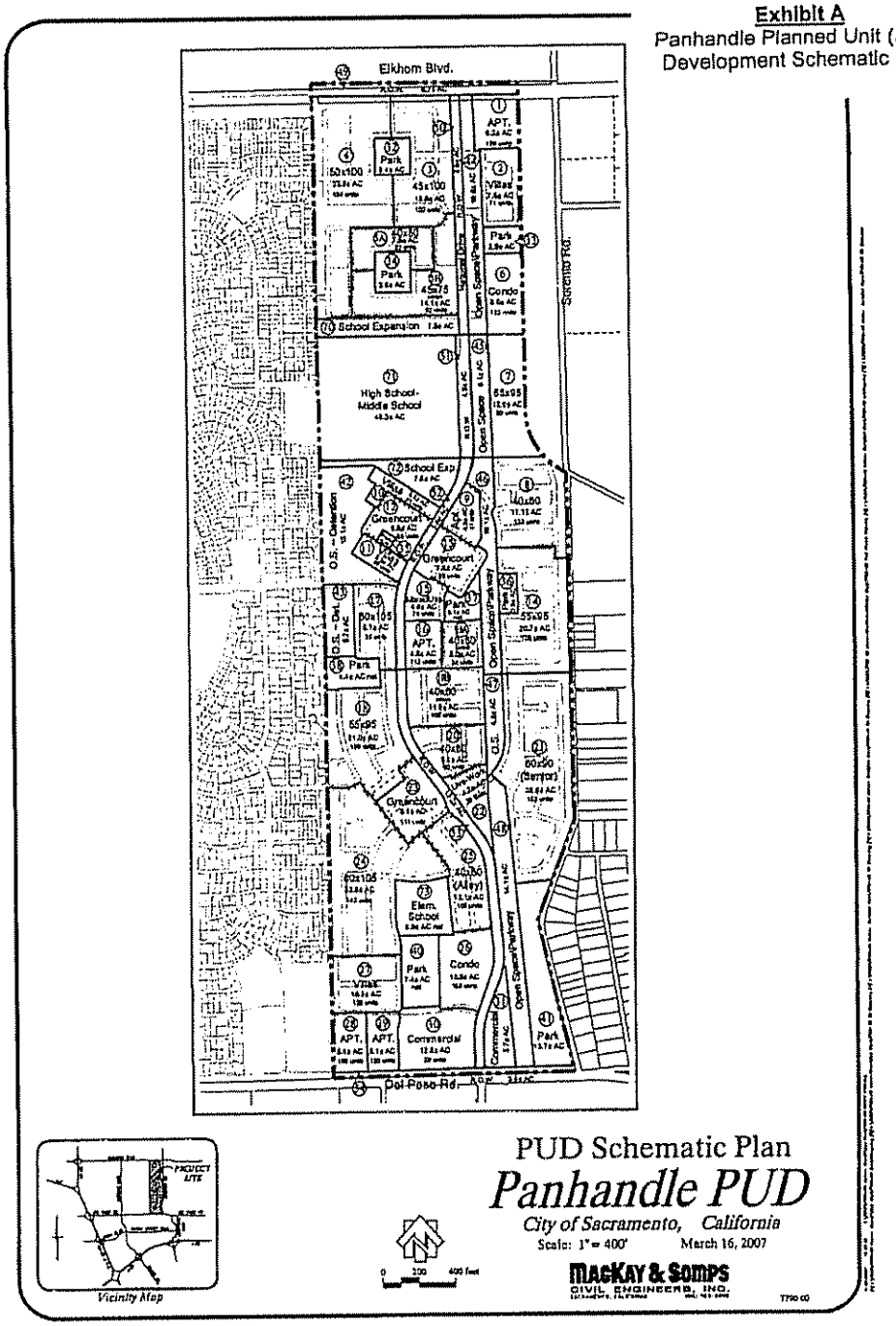


Exhibit B
Grant Joint Union High School District Property

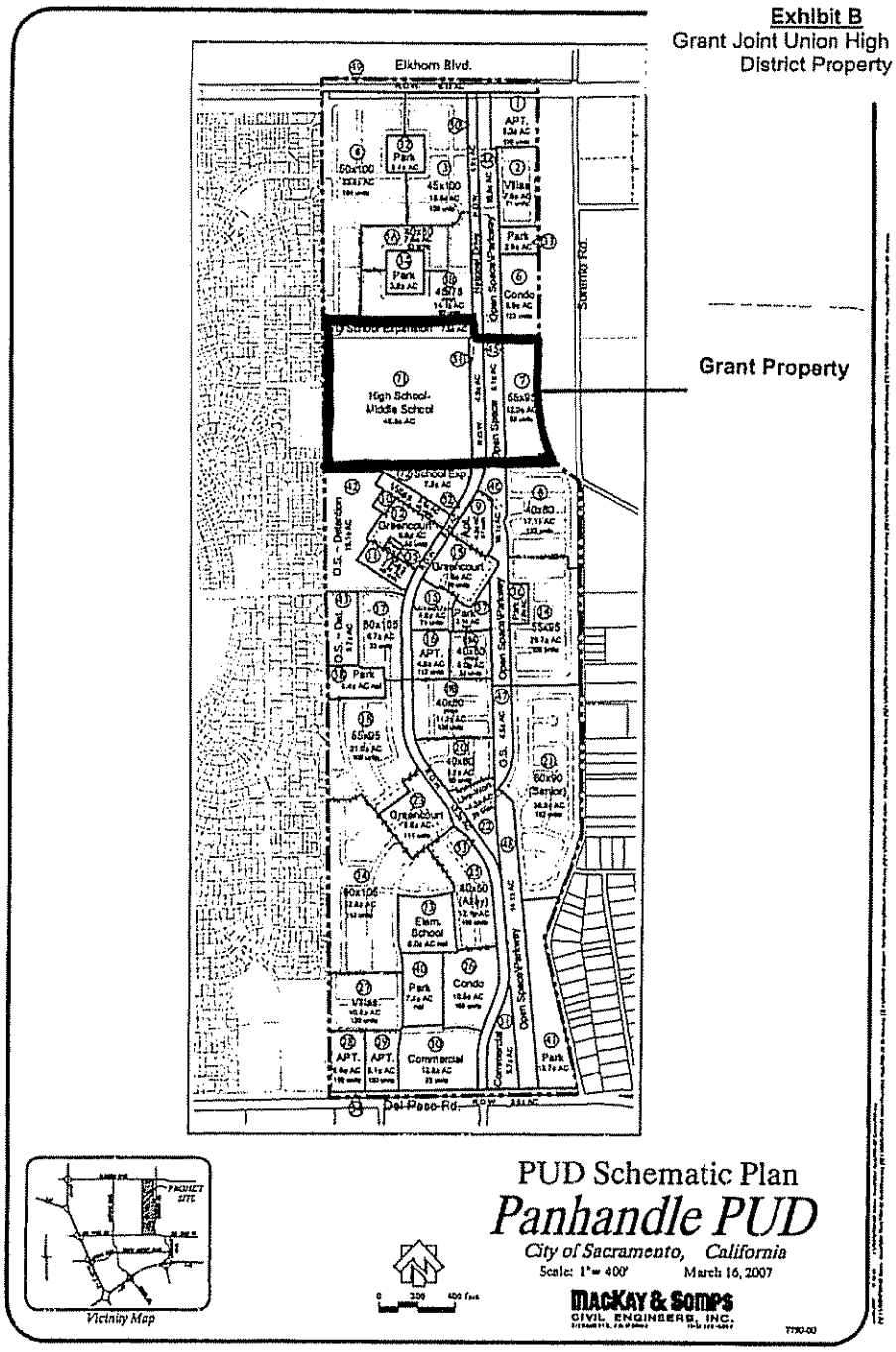
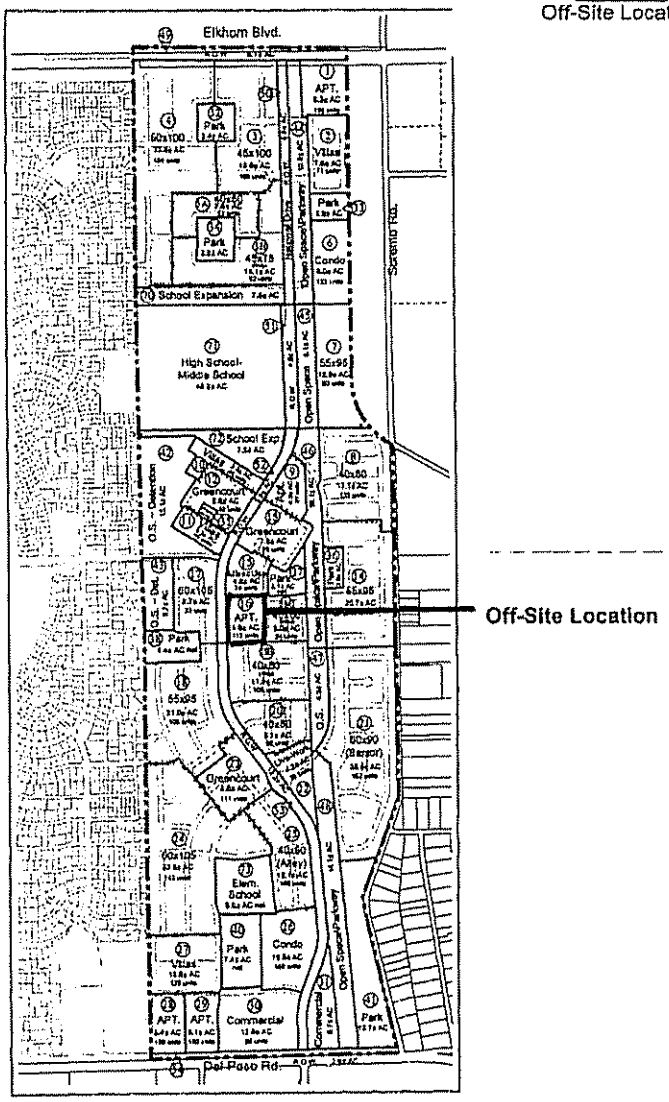
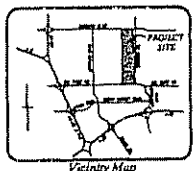


Exhibit C
Off-Site Location





Vicinity Map

PUD Schematic Plan

Panhandle PUD

City of Sacramento, California

Scale: 1" = 400' March 16, 2007

MACKAY & SOMPS
CIVIL ENGINEERS, INC.

ATTACHMENT 17 - GENERAL PLAN AMENDMENT RESOLUTION

RESOLUTION NO. 2007-XXXX

Adopted by the Sacramento City Council

Date

AMENDING THE GENERAL PLAN LAND USE MAP RELATING TO THE PANHANDLE PROJECT (P05-077)

BACKGROUND

A. The Planning Commission conducted a public hearing on June 28 , 2007, and the City Council conducted a public hearing on _____, 2007 concerning the above plan amendment and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:

1. The proposed land use amendment is compatible with the surrounding land uses;

2. The subject site is suitable for single-family residential, multi-family residential, parks/open space, schools, and commercial land uses; and

3. The proposal is generally consistent with the policies of the North Natomas Community Plan and the General Plan.

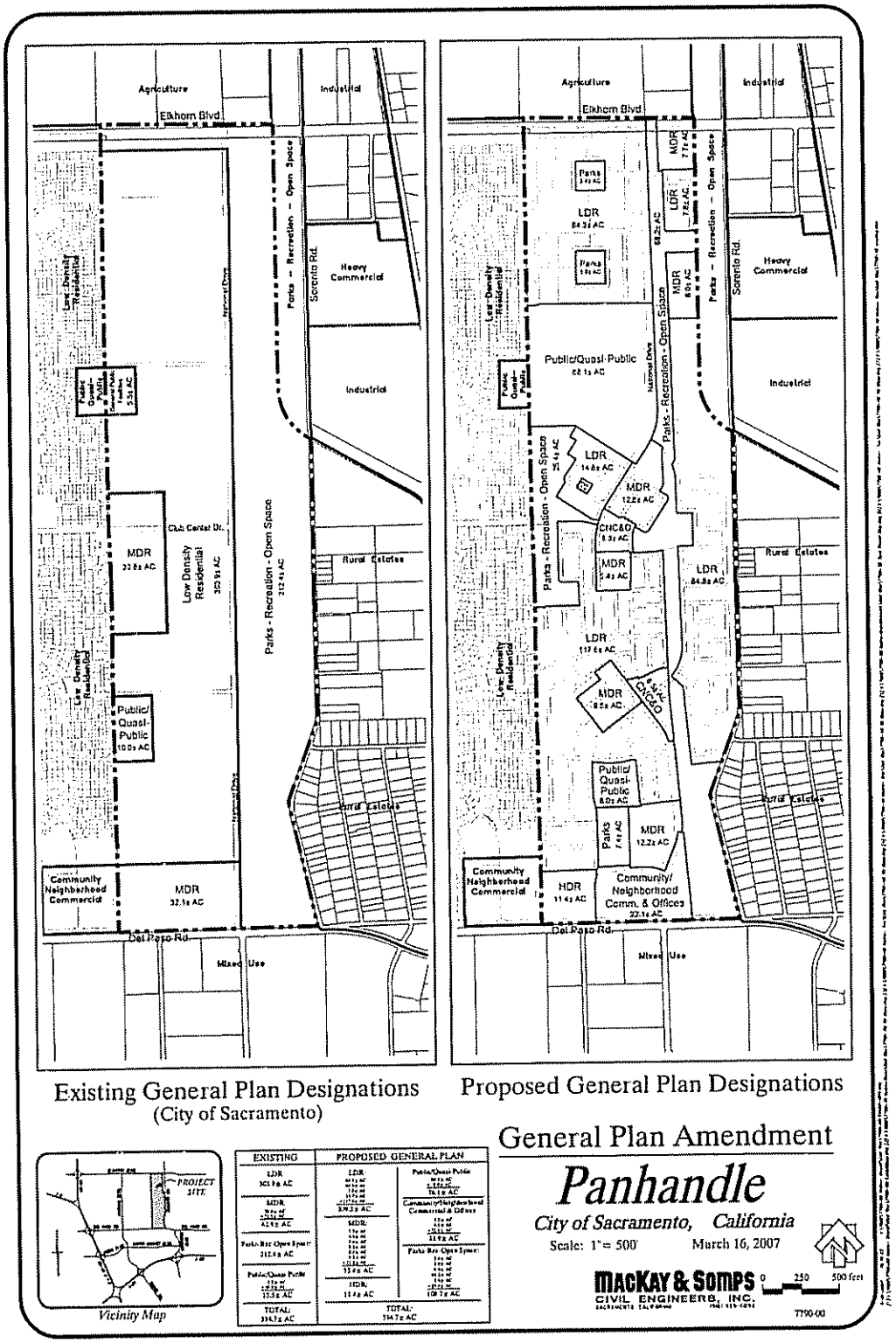
BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Council adopts the General Plan Amendment for the property, as described on the attached Exhibit A, and the property is hereby re-designated on the General Plan land use map from 303.9± acres of Low Density Residential, 62.9± acres of Medium Density Residential, 212.4± acres of Parks-Recreation-Open Space, and 15.5± acres of Public/Quasi-Public/Miscellaneous to 309.2± acres of Low Density Residential, 55.4± acres of Medium Density Residential, 11.4± acres of High Density Residential, 33.9± acres of Community/ Neighborhood Commercial and Offices, 108.7± acres of Parks-Recreation-Open Space, and 76.1± acres of Public/Quasi-Public-Miscellaneous (APN: 201-0320-016 and -018 through -021; 225-0050-003, -016, -020 through -022)

Table of Contents:

Exhibit A: General Plan Amendment Exhibit – 1 Page

Exhibit A – General Plan Amendment Exhibit



ATTACHMENT 18 – DRAFT NORTH NATOMAS COMMUNITY PLAN TEXT AMENDMENT RESOLUTION

RESOLUTION NO.

Adopted by the Sacramento City Council

AMENDING THE NORTH NATOMAS COMMUNITY PLAN TEXT TO AMEND SECTIONS SPECIFIC TO OPEN SPACE (P05-077)

BACKGROUND

A. The Planning Commission conducted a public hearing on June 28, 2007,and the City Council conducted a public hearing on _____, 2007 concerning the above plan text amendment and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:

1. The proposed plan amendment is compatible with the existing and surrounding use;

2. The subject plan area is already within the North Natomas Community Plan area; and

3. The proposal is consistent with the policies of the City's General Plan.

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

Section 1. The City Council of the City of Sacramento determines that the following amendments be made to the North Natomas Community Plan text:

Page 52 of COMMUNITY SERVICES AND FACILITIES SECTION

OPEN SPACE

Open Space includes agricultural buffer areas along the north and west boundaries of the plan area, landscaped freeway buffer areas along Interstate 5 and Interstate 80, agriculture, a proposed golf course on Northpointe, and other open space areas. Other open space areas include the area along the Union Pacific railroad lines, the Ninos Parkway beneath ~~the area along~~ the Western Area Power Authority (WAPA) lines ~~in the County~~, a proposed lake in Northborough, and the Witter Ranch Historic Farm. The area devoted to open space in the plan is 950 acres.

Page 58 of OPEN SPACE SECTION

VISION

Open space is any parcel of land devoted to the preservation of natural resources, managed production of natural resources, public health and safety, and outdoor recreation. Also, open space creates an aesthetic viewshed between freeways and other land uses and can be used as a "containment edge" of urban uses. Open space in North Natomas includes several broad categories: agricultural buffer, landscaped freeway buffer, agriculture, a golf course, roadways, and other open space (see Figure 14). Other open space specifically includes: Witter Ranch Historic Farm, a proposed lake in the Northborough subdivision, an open space area along (Ninos Parkway) within the easement for the WAPA power lines, and an open space area along the Union Pacific railroad. Drainage canals, the swale, and nine detention basins can serve as open space areas also but are delineated in the Drainage System section, page 68.

Pages 58 and 59 of OPEN SPACE SECTION

IMPLEMENTING POLICIES

Agricultural Buffers: The plan calls for an agricultural buffer along the north and west boundaries of the plan area as one method to avoid land use conflicts between urban uses in the plan and agricultural operations outside of the plan. The north buffer along Elkhorn Boulevard includes a 250 foot wide strip of land along the south side of Elkhorn Boulevard, the 136 foot wide public right-of-way of Elkhorn Boulevard, and any maintenance road of irrigation on the north side of Elkhorn Boulevard. The uses allowed in the buffer include: pedestrian and bikeways, linear parks and open space, drainage canals or detention basins, irrigation canals, public roads and maintenance roads. The buffer along the west side of the plan is 200 feet wide and allows the same uses as the northern buffer. The area devoted to the agricultural buffer is 195.9 acres. As an alternative to agricultural buffers, other methods to reduce land use conflicts between urban and agricultural zoned lands include: 1) provide separation among uses through the placement of roadways and landscape corridors; 2) through design (i.e. orientation and heights of buildings); 3) provide disclosure of potential agricultural operations nearby and/or 4) provide temporary buffers that could be extinguished if agriculturally zoned property is rezoned to urban uses.

Page 59 of OPEN SPACE SECTION

IMPLEMENTING POLICIES

Other Open Space: Other Open Space include: 1) an open space parkway (Ninos Parkway) from Del Paso Road to Elkhorn Boulevard that includes the WAPA lines (~~170.5~~ 46.6 acres); 2) an open space buffer along the eastern boundary of the plan area that includes the existing Natomas East Main Drainage

Canal and the Union Pacific Railroad right-of-way (123 acres); 3) a proposed lake in the Northborough project (24 acres) and 4) the Witter Ranch Historic Farm located near the northeast corner of El Centro and San Juan Roads (26.2 acres). The area of land devoted to "Other Open Space" is ~~343.7~~ 219.8 gross acres.

ATTACHMENT 19 – DRAFT NORTH NATOMAS COMMUNITY PLAN MAP AMENDMENT RESOLUTION

RESOLUTION NO. 2007-XXXX

Adopted by the Sacramento City Council
Date

AMENDING THE NORTH NATOMAS COMMUNITY PLAN LAND USE MAP RELATING TO THE PANHANDLE PROJECT (P05-077)

BACKGROUND

The Planning Commission conducted a public hearing on June 28, 2007, and the City Council conducted a public hearing on _____, 2007 concerning the North Natomas Community Plan land use map and based on documentary and oral evidence submitted at the public hearing, the City Council hereby finds:

A. The proposed plan amendment is compatible with the surrounding uses;

B. The subject site is suitable for single-family residential, multi-family residential, parks-open space, commercial, and schools; and

C. The proposal is consistent with the policies of the General Plan and the North Natomas Community Plan to promote a variety of housing types within neighborhoods to encourage economic diversity and housing choice.

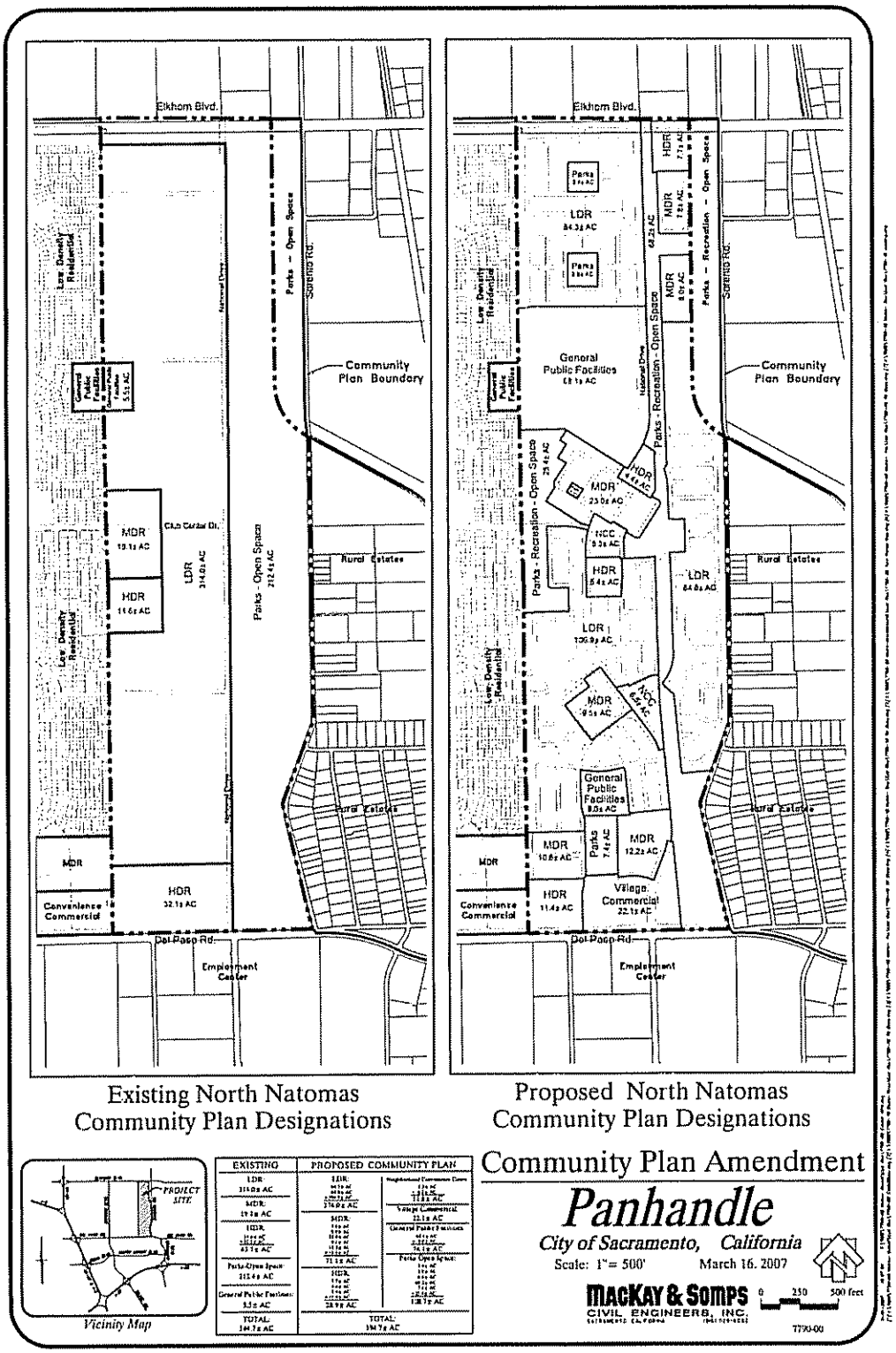
BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Council adopts the Community Plan Amendment for the property, as described on the attached Exhibit A is hereby re-designated on the North Natomas Community Plan land use map from 314.0± acres of Low Density Residential, 19.1± acres of Medium Density Residential, 43.7± acres of High Density Residential, 212.4± acres of Parks/Open Space, and 5.5± acres of General Public Facilities to 276.0± acres of Low Density Residential, 71.1± acres of Medium Density Residential, 28.9± acres of High Density Residential, 11.8± acres of Neighborhood Convenience Commercial, 22.1± acres of Village Commercial, 76.1± acres of General Public Facilities, and 108.7± acres of Parks/Open Space (APN: 201-0320-016 and -018 through -021; 225-0050-003, -016, -020 through -022)

Table of Contents:

Exhibit A: North Natomas Community Plan Amendment Exhibit – 1 page

Exhibit A – North Natomas Community Plan Amendment Exhibit



ATTACHMENT 20 – DRAFT PREZONE ORDINANCE

ORDINANCE NO.

Adopted by the Sacramento City Council
Date

PREZONING CERTAIN REAL PROPERTY STANDARD SINGLE-FAMILY PLANNED UNIT DEVELOPMENT (R-1-PUD), SINGLE-FAMILY ALTERNATIVE PLANNED UNIT DEVELOPMENT (R-1A-PUD), MULTI-FAMILY PLANNED UNIT DEVELOPMENT (R-2A-PUD), MULTI-FAMILY PLANNED UNIT DEVELOPMENT (R-3-PUD) ZONE, MULTI-FAMILY PLANNED UNIT DEVELOPMENT (R-3A-PUD) ZONE, AGRICULTURE-OPEN SPACE PLANNED UNIT DEVELOPMENT (A-OS-PUD), LIMITED COMMERCIAL PLANNED UNIT DEVELOPMENT (C-1-PUD), AND GENERAL COMMERCIAL PLANNED UNIT DEVELOPMENT (C-2-PUD) ZONES (P05-077) (LOCATED GENERALLY NORTHWEST OF DEL PASO ROAD AND SORENTO ROAD)

BACKGROUND

A. The Planning Commission reviewed this proposal on June 28, 2007 and voted to forward the rezone to City Council with no recommendation (the Planning Commission vote was 4 ayes, 2 noes, and 2 abstentions).

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

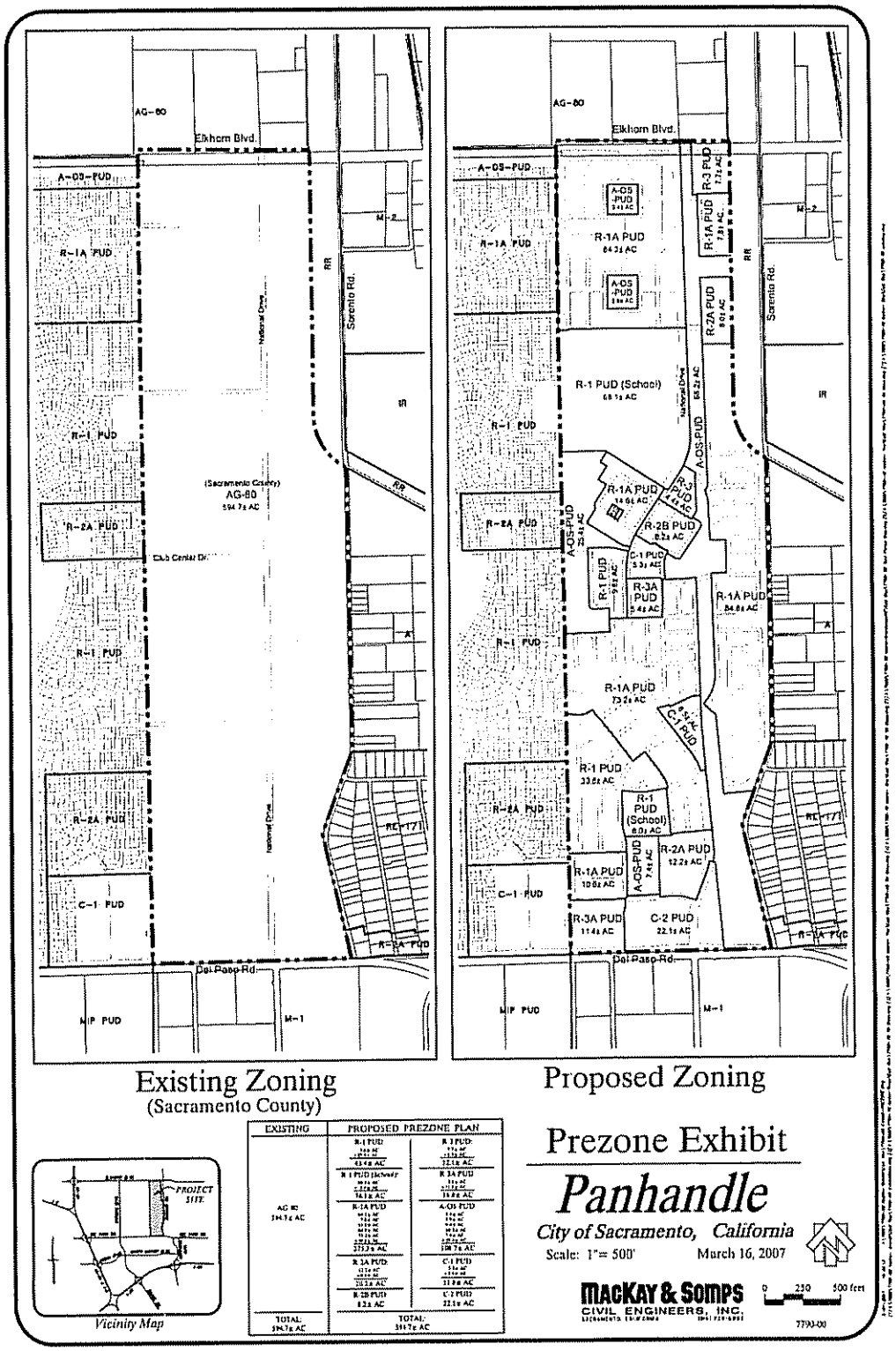
Section 1. The prezoning designations for the properties described by APNs below and as shown and described in the attached Exhibit A are approved.

APNs: 201-0320-016 and -018 through -021; 225-0050-003, -016, -020 through -022

Table of Contents:

Exhibit 1: Prezone Exhibit – 1 page

Exhibit A – Prezone Exhibit



ATTACHMENT 21 – PUD GUIDELINES AND SCHEMATIC PLAN RESOLUTION

RESOLUTION NO. 2007-XXXX

Adopted by the Sacramento City Council

Date

ESTABLISHING THE PANHANDLE PLANNED UNIT DEVELOPMENT GUIDELINES AND SCHEMATIC PLAN, LOCATED NORTHWEST OF DEL PASO ROAD AND SORENTO ROAD, IN NORTH NATOMAS, SACRAMENTO, CALIFORNIA (P05-077)

BACKGROUND

A. The Planning Commission conducted a public hearing on June 28, 2007, and the City Council conducted a public hearing on _____, 2007 concerning the above plan amendment and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:

1. The PUD establishment conforms to the General Plan and the North Natomas Community Plan; and

2. The PUD establishment meets the purposes and criteria stated in the City Zoning Ordinance in that the PUD assures that new development is healthy and of long-lasting benefit to the community and the City; and

3. The PUD establishment will not be injurious to the public welfare, nor to other property in the vicinity of the development and will be in harmony with the general purposes and intent of the Zoning Ordinance in that the PUD ensures that development will be well-designed, and that the residential, open space, and commercial uses will not create a negative impact on adjacent uses.

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

Section 1 The City Council of the City of Sacramento, in accordance with the City Code, Chapter 17.180, approves the Panhandle Planned Unit Development Guidelines and Schematic Plan (as shown on the attached Exhibits A and B) subject to the following conditions:

A. The Planned Unit Development Guidelines shall be amended to include the recommendations provided by the City's Urban Design staff on June 28, 2007.

B. The developer shall offer photovoltaic (solar) panels and energy efficient products as optional features to homebuyers.

C. The final selection of street trees shall be subject the approval by the City Urban Forester (Arborist).

Table of Contents:

Exhibit A: Panhandle PUD Schematic Plan Exhibit – 1 Page
Exhibit B: Panhandle PUD Guidelines Exhibit - 101 Pages

Exhibit A: Panhandle PUD Schematic Plan Exhibit

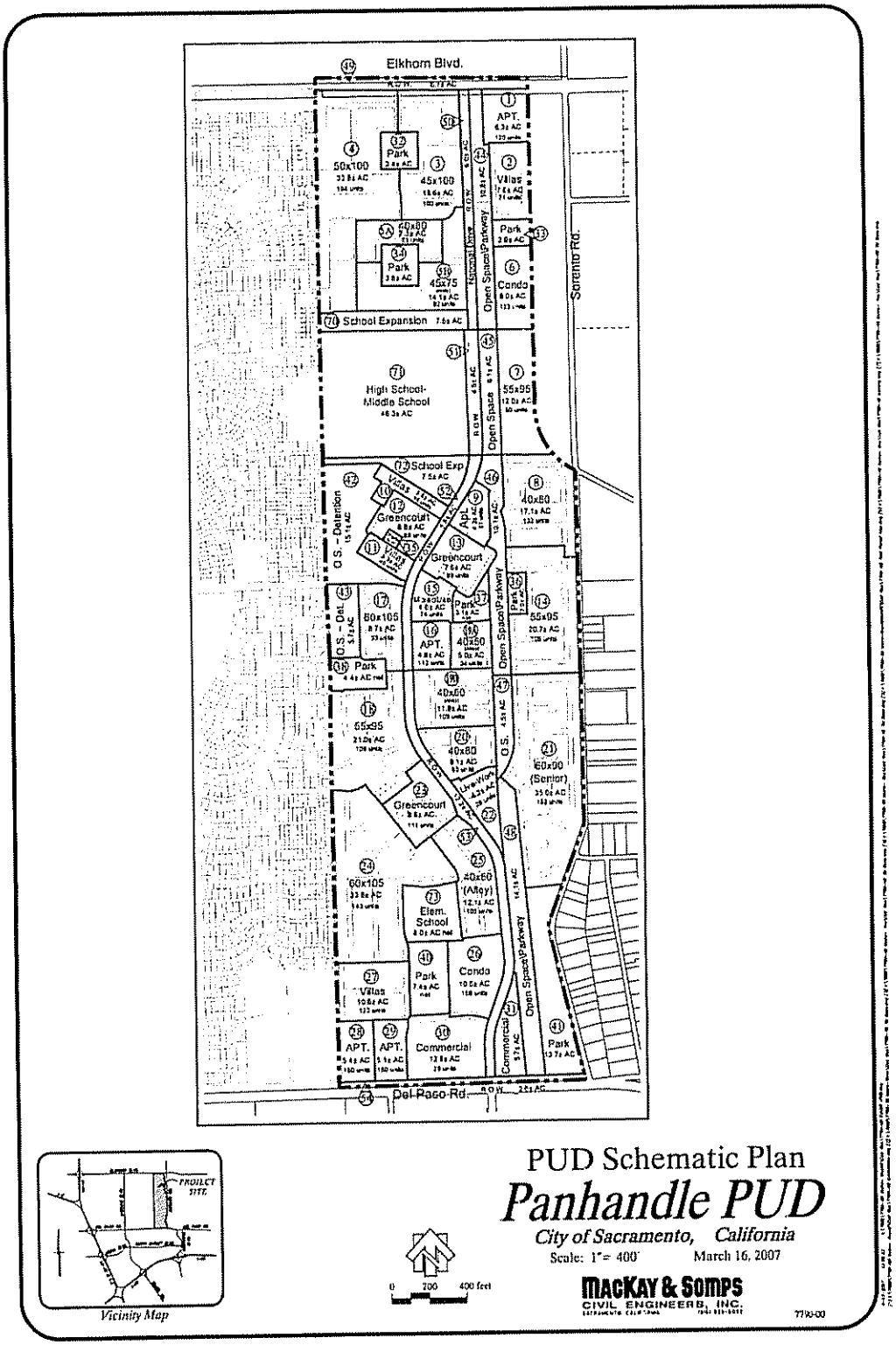
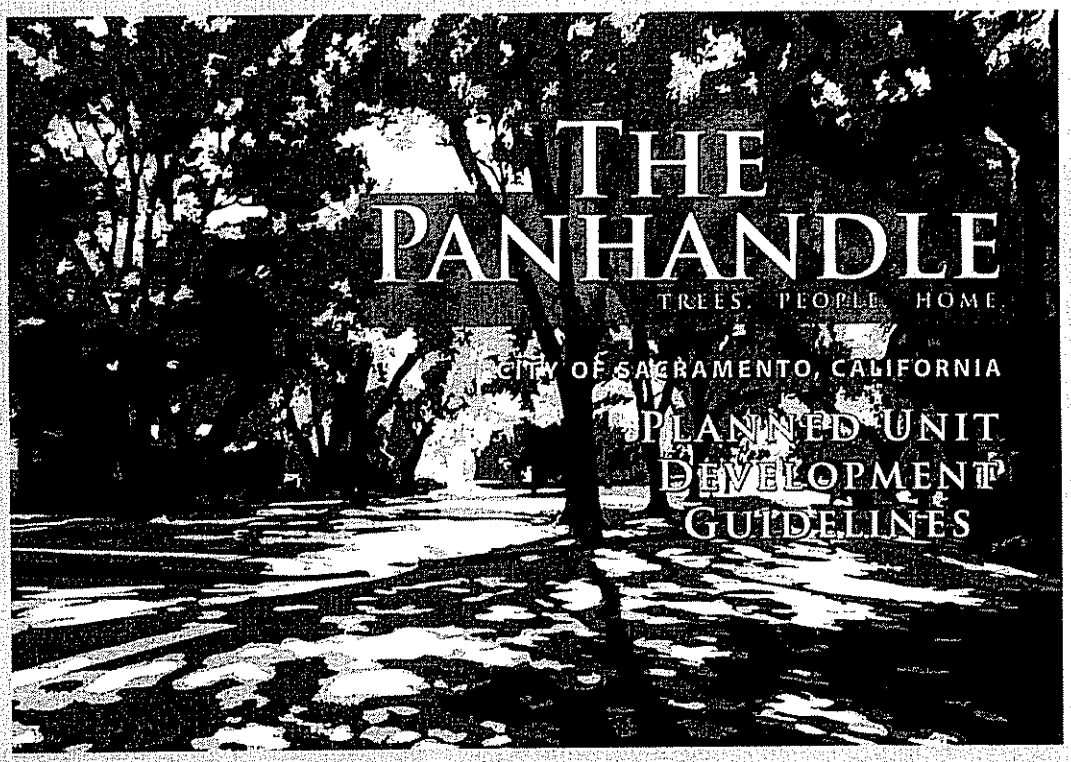


Exhibit B - Panhandle PUD Guidelines Exhibit



Draft
May 14, 2007

Introduction

The Panhandle is a new community in the Natomas area developed by Dunmore Homes and Vaquero Land Holdings, Inc. It is a livable prototype for Smart Growth in northern Sacramento. This new community offers approximately 3,000 home choices reflecting a wide range of densities, home types and value all interconnected via a network of open space, trails and parks.

Two distinct commercial/retail opportunities are provided for the use of local and regional residents along with elementary, middle and high schools.

The planning and design of the Panhandle reflects the following five beliefs:

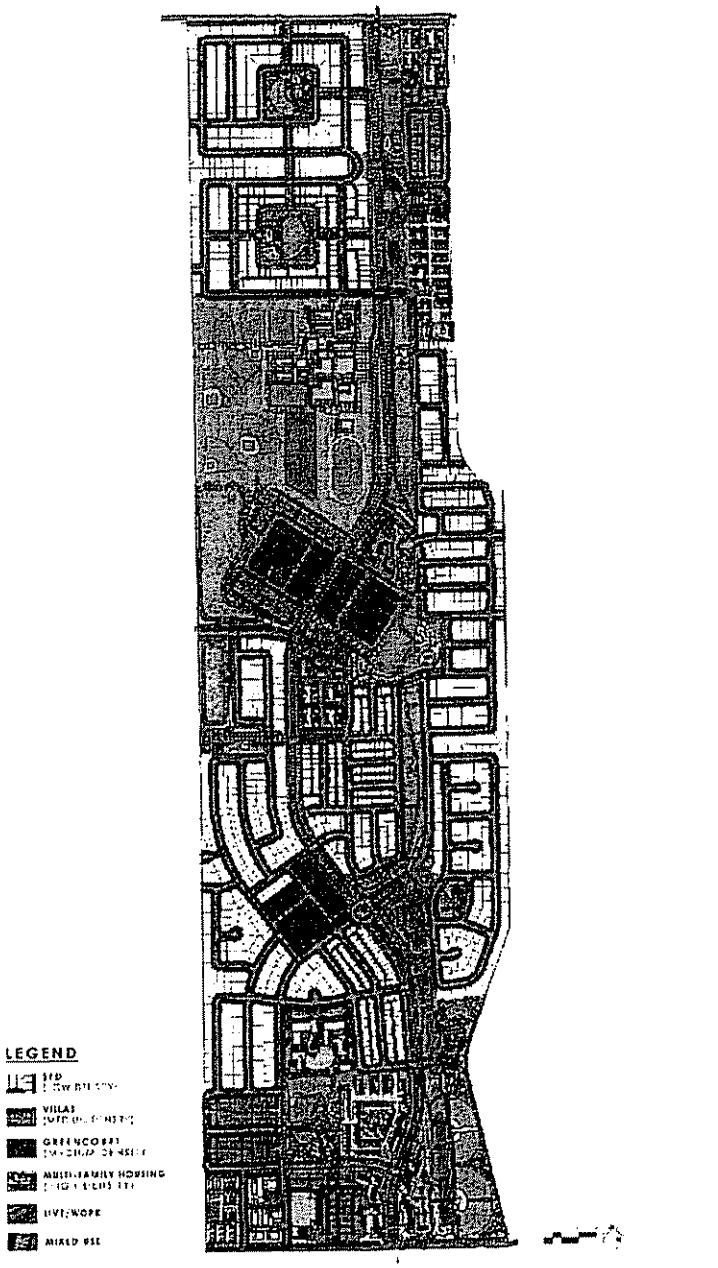
- Every great community has a main street
- Every great community has great parks
- Every great community has a diversity of housing types and range of costs
- Every great community has great neighborhoods
- Every great community has local schools

This community is exceptional. The main street is National Drive; there are eight parks plus the two-mile Niños Parkway trail. Thirteen distinct housing types are available with multiple plans and elevations. Housing options range from large- and small-lot single family homes to condominiums, apartments, live-work units and mixed use opportunities. Each park is surrounded by a number of distinct neighborhoods with diverse densities. The Panhandle's public schools offer grades K through 12 plus shared facilities from the neighboring Natomas Charter School.

The Panhandle draws its design inspiration from Sacramento's lovely older neighborhoods and venerable parks. Proposed architectural styles interpret the wide range of revival styles found in the older neighborhoods; the parks draw inspiration from the trees and traditions found in Sacramento's beloved Capitol Park.

The following development standards and design guidelines have been created to guide and inform future build-out of the Panhandle in a consistent, coherent and tasteful manner.

SITE ILLUSTRATIVE



THE PANHANDLE

The Panhandle
Planned Unit Development Guidelines

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Section 1.0 Overview

1.1. Location and Setting

The Panhandle Planned Unit Development (PUD) project (Panhandle) site is approximately 595 acres in size and is located in the northern part of the City of Sacramento at the northeastern edge of the North Natomas Community Plan (NNCP) area. The Panhandle is bounded on the north by Elkhorn Boulevard, on the west by the existing Northpointe Park subdivisions, on the south by Del Paso Road and on the east by a drainage corridor and Sorento Road. To the north of Elkhorn Boulevard the land is currently an uncultivated agricultural area (see Figure 1).

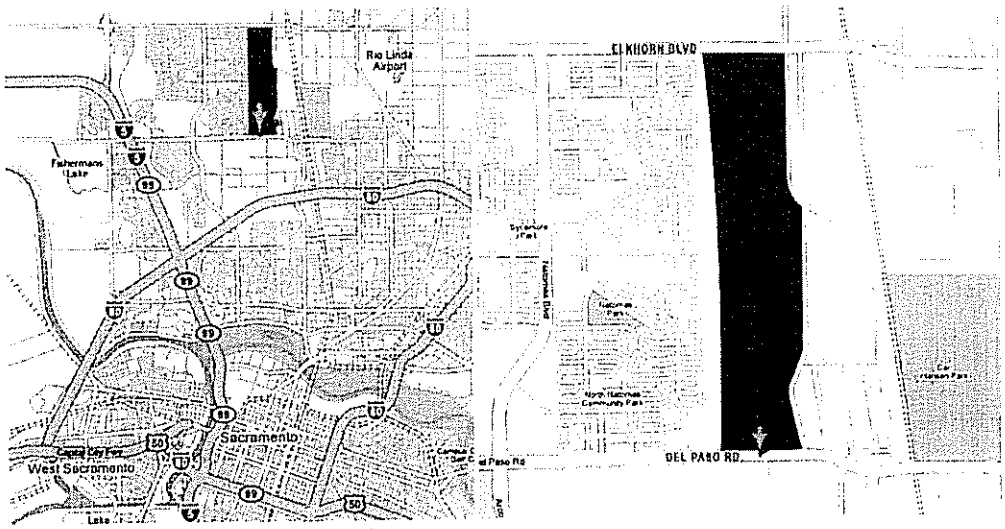


Figure 1. Panhandle Vicinity and Location Maps

1.2. Goals and Objectives

There are three main areas in the Panhandle (Dunmore South, Dunmore Central and Krumenacher) that correspond to the tentative maps in the PUD. This arrangement of areas and neighborhoods provide a unique opportunity to incorporate a variety of housing types in a highly walkable, pedestrian-friendly community. The Panhandle brings parks, open space, mixed-use, neighborhood commercial and retail opportunities, single-family and multi-family housing into the NNCP area. The following are objectives of the Panhandle PUD:

- **Smart Growth.** The Panhandle's development plan creates a distinctive place and adheres to smart growth principles. These guidelines incorporate the principles of the Sacramento Area Council of Governments (SACOG's) *Blueprint Project* and the Sacramento Tree Foundation's *Greenprint: A Regional Urban Forest Initiative*.
- **Enhanced Mobility.** Internal activity in a community is created and sustained by a network of trails, parks and open spaces. Access to local and regional pedestrian, bicycle, bus and vehicular transportation networks is facilitated through a network of welcoming streets, trails and pathways.
- **Design Excellence.** The Panhandle development plan joins commercial and residential uses with public open spaces, corridors and parks. The Panhandle's land planning combines an open-space parkway, schools, trails and neighborhood elements within a framework of streets and blocks that generate a sustainable underlying urban form.
- **Healthy Community.** A healthy community is a reflection of sustainable living. Community health is improved in the Panhandle by easy accessibility to outdoor activities. Walking, running and bicycling are encouraged. Shaded streets, a convenient mix of land uses, interspersed parks and both regional- and local-serving trails and bikeways are in the Panhandle.

1.3. Land Use Plan

The Panhandle PUD Schematic Plan is summarized in Table 1, and shown as Figure 2 below.

Table 1. Land Use Summary.

Planning Area In PUD	Units	Net Acres	Net Density	Tentative Map	PUD Designation	NNCP Plan Designation	Zoning
1	120	5.6	21.4	North	Apartments	High Density Residential	R-3-PUD
2	71	7.1	10.0	North	Villas	Medium Density Residential	R-1A-PUD
3	100	18.0	5.6	North	Detached - 45 x 100	Low Density Residential	R-1A-PUD
4	194	33.4	5.8	North	Detached - 50 x 100	Low Density Residential	R-1A-PUD
5A	53	7.1	7.5	North	Detached - 40 x 80	Low Density Residential	R-1A-PUD
5B	92	13.4	6.9	North	Detached - 45 x 75 Alley	Low Density Residential	R-1A-PUD
6	123	7.5	16.4	North	Condominiums	Medium Density Residential	R-2A-PUD
7	50	11.2	4.5	Grant	Detached - 55 x 95	Low Density Residential	R-1A-PUD
8	133	16.6	8.0	Central	Detached - 40 x 80	Low Density Residential	R-1A-PUD
9	87	3.7	23.5	Central	Apartments	High Density Residential	R-3-PUD

The Panhandle
Planned Unit Development Guidelines

Planning Area in PUD	Units	Net Acres	Net Density	Tentative Map	PUD Designation	NNCP Plan Designation	Zoning
10	46	3.8	12.1	Central	Villas	Medium Density Residential	R-1A-PUD
11	40	3.3	12.1	Central	Villas	Medium Density Residential	R-1A-PUD
12	88	6.4	13.8	Central	Greencourt	Medium Density Residential	R-1A-PUD
13	99	5.5	18.0	Central	Greencourt	Medium Density Residential	R-2B-PUD
14	105	19.5	5.4	Central	Detached - 55 x 95	Low Density Residential	R-1A-PUD
15	74	4.0	18.5	Central	Mixed Use	Neighborhood Convenience Commercial	C-1-PUD
16	108	4.0	27.0	Central	Apartments	High Density Residential	R-3-PUD
17	33	8.0	4.1	Central	Detached - 60 x 105	Low Density Residential	R-1-PUD
18	109	20.6	5.3	South	Detached - 55 x 95	Low Density Residential	R-1A-PUD
19A	34	4.6	7.4	Central	Detached - 40 x 60 Alley	Low Density Residential	R-1A-PUD
19B	105	11.5	9.1	South	Detached - 40 x 60 Alley	Low Density Residential	R-1A-PUD
20	60	7.8	7.7	South	Detached - 40 x 80	Low Density Residential	R-1A-PUD
21	152	33.5	4.5	South	Detached - 60 x 90 Senior	Low Density Residential	R-1A-PUD
22	28	2.3	12.2	South	Live Work	Neighborhood Convenience Commercial	C-1-PUD
23	111	6.5	17.1	South	Greencourt	Medium Density Residential	R-1A-PUD
24	143	32.9	4.3	South	Detached - 60 x 105	Low Density Residential	R-1-PUD
25	105	11.7	9.0	South	Detached - 40 x 60 Alley	Low Density Residential	R-1A-PUD
26	159	9.9	16.1	South	Condominiums	Medium Density Residential	R-2A-PUD
27	120	10.3	11.7	South	Villas	Medium Density Residential	R-1A-PUD
28	150	4.7	31.9	South	Apartments	High Density Residential	R-3A-PUD
29	150	4.8	31.3	South	Apartments/Age-Restricted	High Density Residential	R-3A-PUD
30	33	11.4		South	Commercial	Village Commercial	C-2-PUD

The Panhandle
Planned Unit Development Guidelines

Planning Area in PUD	Units	Net Acres	Net Density	Tentative Map	PUD Designation	NNCP Plan Designation	Zoning
31	0	5 3		South	Commercial	Village Commercial	C-2-PUD
32		3.4		North	Park	Parks/Open Space	A-OS-PUD
33		2 4		North	Park	Parks/Open Space	A-OS-PUD
34		3 9		North	Park	Parks/Open Space	A-OS-PUD
35		0 4		Central	Park	Parks/Open Space	A-OS-PUD
36		2.0		Central	Park	Parks/Open Space	A-OS-PUD
37		3 1		Central	Park	Parks/Open Space	A-OS-PUD
38		4 4		South	Park	Parks/Open Space	A-OS-PUD
39		-		-	UNASSIGNED	-	-
40		7 4		South	Park	Parks/Open Space	A-OS-PUD
41		13 7		South	Park	Parks/Open Space	A-OS-PUD
42		14 1		Central	Open Space/ Detention	Parks/Open Space	A-OS-PUD
43		5 4		Central	Open Space/ Detention	Parks/Open Space	A-OS-PUD
44		9 8		North	Open Space Parkway	Parks/Open Space	A-OS-PUD
45		6 1		Grant	Open Space Parkway	Parks/Open Space	A-OS-PUD
46		9.4		Central	Open Space Parkway	Parks/Open Space	A-OS-PUD
47		4 5		South	Open Space Parkway	Parks/Open Space	A-OS-PUD
48		14.1		South	Open Space Parkway	Parks/Open Space	A-OS-PUD
49		6 7		North	Right of Way - Elkhorn	Right of Way	
50		6.0		North	Right of Way - National	Right of Way	
51		4 5		Grant	Right of Way - National	Right of Way	
52		5.8		Central	Right of Way - National	Right of Way	
53		12 2		South	Right of Way - National	Right of Way	
54		3 6		South	Right of Way - Del Paso	Right of Way	

The Panhandle
Planned Unit Development Guidelines

Planning Area in PUD	Units	Net Acres	Net Density	Tentative Map	PUD Designation	NNCP Plan Designation	Zoning
70		6.5		North	HS/MS Expansion	General Public Facilities	R-1-PUD
71		46.3		Grant	High School/ Middle School	General Public Facilities	R-1-PUD
72		7.5		Central	HS/MS Expansion	General Public Facilities	R-1-PUD
73		8.0		South	Elementary School	General Public Facilities	R-1-PUD

The Panhandle
Planned Unit Development Guidelines

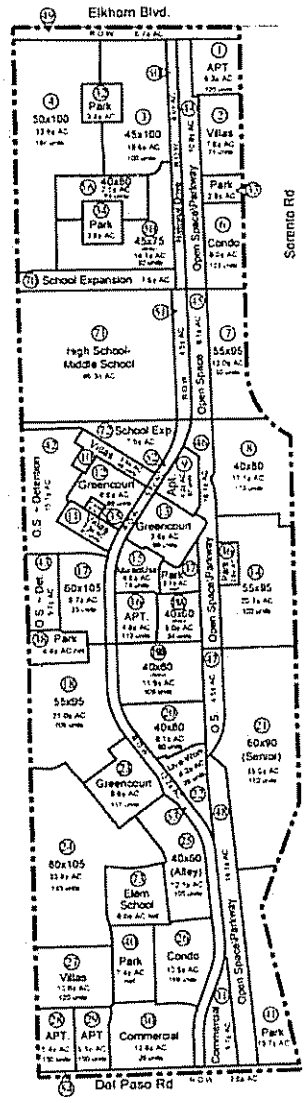


Figure 2. Panhandle PUD Schematic Plan.

1.4. Relationship to Other Documents

The Panhandle PUD guidelines are a tool for implementing the City's General Plan and the 1994 NNCP; they are in compliance with the City of Sacramento's Zoning Ordinance, including Section 8, *Planned Unit Developments*. To the extent these guidelines conflict with development standards or regulations in the City's Zoning Ordinance, these guidelines shall prevail. Tentative Subdivision Maps, Special Permits and Building Permits for all properties in the Panhandle PUD will comply with the provisions and intent of these guidelines and schematic plan.

1.5. Planning Director's Special Permits and/or Plan Review

When all other provisions of these guidelines and applicable City zoning code requirements have been met, single-family, duplex, half-plex and other (attached housing development projects) in the Panhandle shall be approved using the Planning Director's Special Permits and/or Plan Review in lieu of Planning Commission Special Permits pursuant to Chapter 17 212 and 17 220 of the City's Zoning Code.

1.6. Permitted Uses

Uses permitted within land uses in the Panhandle PUD shall be consistent with the uses identified in Section 17 24 of the City's Zoning Ordinance, except as noted herein.

Section 2.0 Detached Residential (Low and Medium Density)

2.1. Neighborhood Design and Focus

Sacramento's gracious older neighborhoods are the design inspiration for the Panhandle. The Panhandle builds upon distinguishable places and sustains the rich history and environments that create sought-after neighborhoods

Architectural Styles

The Panhandle will recall older neighborhoods by bringing together architectural styles rooted in a common time period. This philosophy of community building allows each neighborhood to have a unique identity while also having a common thread to bind the community together. The Panhandle's architectural inspiration is drawn primarily from Sacramento neighborhoods like Curtis Park, Land Park and McKinley Park which were established after the turn of the twentieth century, and even today, remain some of the most desirable places to live in the region.

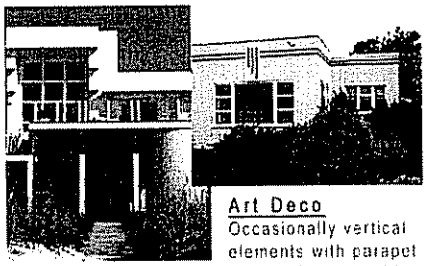
In general, residential architectural styles used at the Panhandle could be classified as authentically American, or as authentic American interpretations of classic architectural movements. The styles recommended in these guidelines were prevalent from the late 1800s through the mid 1900s and have been used in many of the most popular neighborhoods in the region

Contemporary interpretations of traditional styles in areas of the Panhandle that are more urban in feel are encouraged. While these selected styles are deeply rooted in history, there is room for appropriate levels of design abstraction. Generally, the degree of appropriate abstraction will correlate with the density of the homes being designed. The most pure style interpretations should occur in the lowest density areas and those areas that border existing residential neighborhoods. Denser areas near the commercial center of the Panhandle may bear more abstracted interpretations.

Figure 3 illustrates many of the architectural styles to be used in the Panhandle. The following architectural styles are recommended:

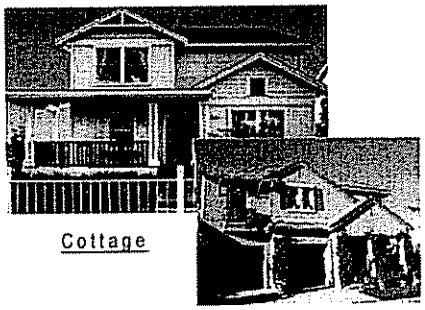
- American Traditional
- Art Deco Revival
- Colonial
- Cottage
- Country European
- Craftsman
- Eastern Seaboard
- Farmhouse
- Mediterranean
- Monterey
- National
- Prairie Ranch
- Seaside Bungalow
- Shingle
- Southern Italian
- Spanish Eclectic (Including Corona del Mar and Spanish Colonial)
- Traditional Ranch
- Tuscan
- Victorian
- Victorian Farmhouse

American Traditional
Asymmetrical massing with wood porches and classical square railings Simplified cornice trim at gable ends and louvered shutters Walls are siding and stucco



Art Deco
Occasionally vertical elements with parapet roofs Two-story and single-story facades with asymetrical or symmetrical massing Most entries are recessed under half-round or squared arches from the front plane Minimal features with clean lines and no accent materials Trim or surrounds

Colonial



Cottage

Country European
Informal arrangement of building forms and the use of fieldstone and other rustic materials creates a rural character for this style Mainly hipped roofs with steep slanting cross gables are topped with predominantly flat tile roofs on homes with rich earth color tones

Craftsman
Low-pitched gable roofs occasionally hipped with wide projecting eaves and exposed rafter tails decorative beams or braces also added under the gables Broad windows and doors and walls of brick siding stucco or stone

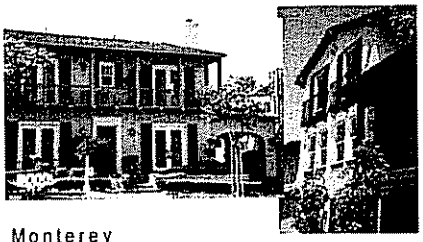
Figure 3. Architectural Styles

The Panhandle
Planned Unit Development Guidelines

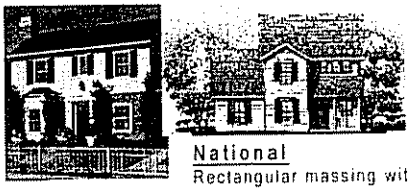
Eastern Seaboard
This style is defined by the easy grace of low-pitched gable roofs intersecting with hipped lines Wide projecting eaves spill over the roof line with exposed rafter tails and decorative beams and braces The use of brick siding stone and stucco facades complete the clean look of the Eastern Seaboard style

Farmhouse
Typically two-story symmetrical or asymmetrical Two-story opposing wings on larger homes and addition of one- or two-story wings and covered porches Dominant gable roof forms with shed hip and gambrel alternatives Eave mouldings and roof ornamentation such as cupolas or weather vanes

Mediterranean
Asymetrical combination of one- and two-story building masses articulated with tower elements or arcades Low-pitched gable roof forms are predominant with occasional hips done in red tile Use of arch elements at doors or featured windows and abundant use of decorative elements such as patterned tiles grille work and shutters



Monterey
Rectilinear building forms accented by canti-levered balconies on the front facade Low-pitched gable roofs with flat roof tiles combine with materials of stucco painted brick and/or siding to create a clean look Colonial details such as a pedimented window and door openings embellish this style



National
Rectangular massing with covered porches Traditionally a two-story home with low-pitched gable roof and wrap-around porches at front and sides Porches may be supported by rows of columns with simple decorative trim at base and capital

Prairie Ranch
Lower-pitched roofs with wide overhanging eaves and detailing emphasizing horizontal lines create distinct angles for this style Horizontal massing with stone bases are further detailed with grouped articulated multi-paned windows

Seaside Bungalow

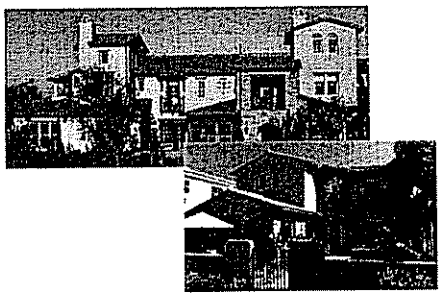
Shingle

Southern Italian
This style begins with formal box-like massing topped with low-pitched hip roofs with barrel shaped or flat roof tiles This roof line spills over with wide overhanging eaves supported by decorative brackets Facade treatment is generally symmetrical with arched windows and doors common on first floor The entry is often accentuated with clasical columns

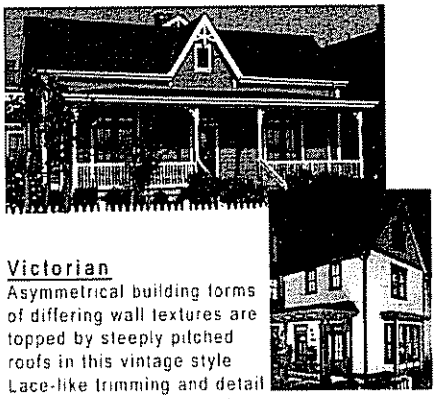
Spanish Colonial
This style is defined by fully round arch elements red barrel tile roofs and entry courtyard with gate Details of the facade include colonnaded arcades deep recessed primary windows or doors as well as wrought iron clay vents and ceramic tiles

Traditional Ranch
Building materials include brick stone siding shake or slate roofs. dormer windows shutters wide eaves and porches This style incorporates deeply recessed openings pot shelves and architectural pop-outs

The Panhandle
Planned Unit Development Guidelines



Tuscan
Informal arrangement of building forms with hipped rooof, accented by the occasional gable or cross-gable Red tile roofs above tall narrow shutters Use of fieldstone or other rustic material completes the rural appearance of this style



Victorian
Asymmetrical building forms of differing wall textures are topped by steeply pitched roofs in this vintage style Lace-like trimming and detail combined with front porches and dormers to define this style

Victorian Farmhouse

2.2. Architectural Guidelines

The City's Single-Family Residential Design Principles provide the underlying guidelines for this section and should be consulted when planning single-family neighborhoods within the Panhandle PUD.

Classic neighborhoods in Sacramento offer authentic places and home designs. Homes in the Panhandle will strive to create a similar sense of place and history, where generations of families might choose to live and grow.

Varied Street Scene and Floor Plan Variations

The same house plan of similar elevation may not be placed in two adjacent or consecutive lots unless they occur in medium density products such as the Greencourts or Villas.

In order to achieve variation in subdivisions, master home plans for each subdivision shall include a minimum number of floor plans and elevations based on the number of units in the subdivision as follows:

Table 2. Floor Plan and Elevation Mix.

Subdivision Units	Minimum Floor Plans	Minimum Elevation Styles
Less than 100	3	3
101 to 200	4	3
201 to 250	5	3
251 or more	Not permitted	Not permitted

Street Interface

Architecture is encouraged to have a street orientation with distinctive elements that create a human scale. Interactive elements inviting to the street scene may include, and are not limited to:

- Porches
- Verandas
- Porte-cochères
- Balconies
- Decks
- Porticos
- Trellises
- Arbors
- Courtyards

Quality design and careful orientation of pedestrian-scaled elements provide a sense of place, general activity and neighborhood socialization. All home plans shall contain at least one interactive element.

Building Massing and Proportion

Proportions and placement of each home's architectural elements shall be appropriately applied. Because the range of acceptable densities in low density residential (LDR) and medium density residential (MDR) areas are so broad, a wide variety of lot configurations and home types are available. While many

building massing and proportion design philosophies hold true across product types, some are product specific; they are outlined below

The following design techniques are encouraged for single-family detached homes:

- Massing organized as a whole; not a mixture of unrelated forms. Massing established by characteristics of the architectural style.
- Varying setbacks for different components of the home such as the garage, second floors, etc.
- Using wing walls and porches.
- Staggering offset wall planes when possible
- Massing characterized by a series of stepping forms
- Varying façade breaks at the building front elevations.
- Articulating street scenes vertically with a mix of one- or two-story homes.
- Using a minimum of one façade element break on the rear elevation. This may be accomplished by the use of cantilevers or other elements.
- Wrapping architecture on corner lots (i.e., corner porches, trim or siding that wraps around corner from front elevation)

Roof Forms and Configurations

Roof forms and their configurations significantly impact each home individually and the street scene as a whole. A street scene composed of homes with identical or very similar roof heights, pitches and textures results in a flat, monotonous or otherwise undesirable aesthetic. Conversely, an aesthetically pleasing "roof bounce" results from a street scene composed of homes with a variety of roof heights, pitches and textures.

The following techniques roof design techniques shall be considered:

- Conforming roof forms and configurations to the selected architectural style.
- Designing for a mixture of roof heights and pitches in the same home.
- Using primary roof forms of gables or hips in multiple combinations.
- Applying shed roofs to main roof forms at porches, garages, entrances and eyebrows over windows and bays.
- Ranging roof pitches from 4:12 to 12:12.
- Punctuating roof planes with windows or vented dormers.

- Blending second stories into a one-story roof plane.
- Using roof materials and colors appropriate to the selected architectural style.
- Using fascia, rake and eave detailing per the selected architectural style.
- Using a combination of one- or two-story roof planes

Roof Vents

- Coloring all vent stacks and pipes to match adjacent roof or wall material
- Placing vent stacks on the roof where least visible from view
- Keeping vents from extending above the ridge line unless otherwise restricted by code

Solar

- Integrating solar panels, where used, into roof design. Solar panel frames shall be of quality design, material and color to match roof. Unfinished aluminum frames are discouraged
- Matching photovoltaic solar tile roofing to adjacent roofing materials to the extent currently practical

Flashing and Sheet Metal

- Coloring all flashing and sheet metal to match adjacent materials.

Building Exterior Treatment

Authentic use of exterior materials enhances the richness of a home's character. As they are appropriate to selected architectural styles, the following techniques shall be considered when designing buildings for the Panhandle:

- Using combinations of various finish materials on each elevation
- Changing materials (vertically and/or horizontally) to break up building form and create movement along the façade.
- Applying architectural treatments and trims on all building façades.
- Wrapping finishes must not terminate on outside corners; minimum wrap-back at sideyard is 12 inches.
- Using wrap-around porches and porches combined with entry elements.
- Using a wide variety of column details and materials.
- Using entry elements with varied heights and proportions.
- Detailing, sizing and positioning windows and doors appropriately and in the context of the selected architectural style.

Materials

The use of appropriate building materials for a selected architectural style is important for maintaining the integrity of the style However, imaginative combinations of building materials create unique designs and simultaneously provide individual identity and character to each home Combinations of building materials on each elevation could provide varied texture and the opportunity for graceful color transitions All of these unique variations, when used appropriately, enrich individual homes, streetscapes and neighborhoods

The following materials are allowed in the Panhandle:

- Stucco and/or cement plaster
- Horizontal wood or composite siding
- Board-and-batten wood or composite siding
- Wood shingle siding
- Railings of wood, wrought iron, tubular steel or other composite material of high quality
- Dimensional composition roof shingles
- Concrete flat roof tiles
- Concrete barrel or 'S' tile roofs
- Brick or high-quality simulated brick material
- Stone or high-quality simulated stone material (i e , Cultured Stone or El Dorado Stone)
- Wood shutters or shutters made of other composite materials of high quality
- Gable-end vents that complement the selected architectural style (i e , canales for Spanish styles)
- Wood or cement-plaster-over-foam brackets
- Wood, stucco, brick, or appropriate stone columns

High-quality fiber cement or other manufactured elements may be substituted for any architectural wood element as long as quality is maintained and no departures are made from style guidelines

Color Palettes

Rich color palettes authentic to selected architectural styles are encouraged Because some building materials are better suited to receive neutral colors, a combination of building materials is encouraged to provide a wider range of rich body colors The use of bright, vibrant exterior colors is encouraged on abstracted architectural style interpretations

A wide range of trim and accent colors shall be provided on homes to add variety and community character. Trims should be consistent with the historic context of the selected architectural styles.

Garage Mitigation

Garage mitigation is an important neighborhood design element. Reducing garage dominance and moving living space elements closer to the street create street scenes that are more inviting to pedestrians. Porches placed forward on a home put "eyes on the street" and create a better overall sense of community. This closeness encourages natural interaction between neighbors. Using design features that enhance a home's architectural style relegates the garage to a less visible position and directly conveys overall home style.

The following guidelines reinforce the Panhandle's community fabric by mitigating garage dominance and creating people-friendly, architecturally diverse street scenes. Homes in the Panhandle shall incorporate these types of mitigation measures:

- Avoiding three-car garages facing the street.
- Using turn-in, side-load garages where lot width allows and where appropriate.
- Using alley- or lane-loaded garages where appropriate.
- Detaching garages. See Figure 4 for example footprints.
- Using tandem-bay garages presenting a single-car garage door to the street.
- Using lot configurations with push-back garages at rear- or mid-lot.
- Cantilevering second-story elements above a garage for additional shadow line and detail is allowed.
- Using garage doors that closely tie to the selected architectural style (i.e., carriage doors).
- Using garage doors with windows appropriate to the selected architectural style (avoid the use of fans or sunbursts).
- Using innovative color blocking to help garage doors effectively integrate with architecture and style.

The Panhandle
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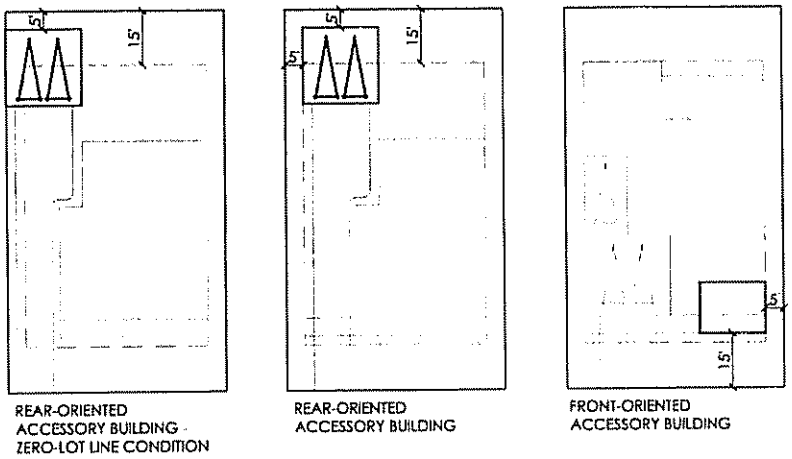


Figure 4. Detached Garage and Accessory Building Footprints.
Footprints do not represent actual home designs for the Panhandle: they are provided to illustrate setback and PUE conditions only

Screening

Builders shall screen the functional components of homes as follows:

Gas, Water and Electric Meters

- Meters located in enclosed cabinets, in recesses or behind screen walls as an integral part of the architecture are encouraged; they shall conform to utility company standards.
- Utility meters should be located in home side yards and away from direct street view where possible. Landscape screens are acceptable.

Trash Containers

- Trash containers should be screened from the ground view of all neighbors and streets.
- Trash containers should not be located in the front yard setback area except on trash collection days.

Mechanical Equipment

- Mechanical equipment includes elements such as heating, ventilation and air conditioning (HVAC) equipment, water softening or filtration tanks and pool equipment. Mechanical equipment should be screened from view.
- Roof- or window-mounted air conditioning units in single-family pitched roofs are prohibited.

2.3. Single-Family Residential Development Standards

60' by 105' Low Density Residential – Planning Areas 17 and 24

Table 3. 60' by 105' Low Density Residential Standards.

Criteria	Description
Main Building Setbacks	
Front	15' minimum to living or porch [2 3]
Interior Sideyard	5' minimum[1]
Corner Sideyard	10' minimum
Rear Yard	15' minimum. May be reduced to 10' if plan offsets to provide equal outdoor square footage to 15' rear yard
Garage	18' minimum to sectional overhead garage door
Accessory Building Setbacks	
Front Oriented Accessory Buildings	15' minimum front setback 5' minimum or zero-lot line interior side setback [5]
Rear Oriented Accessory Buildings	5' minimum front setback 5' minimum interior side setback [5]
Other Criteria	
Maximum Lot Coverage	55 percent[4 6]
Maximum Building Height	35'
Public Utility Easement (PUE)	10'

Footnotes
General: Eaves of patio roofs and shade structures may extend 50 percent onto the required interior side or rear yards
[1] Architectural features including fireplaces, chimneys, bay windows, wing walls, or media niches may encroach a maximum of 2' in any sideyard setback except PUE. No foundations are permitted in PUEs
[2] A minimum of 2' front yard stagger is required for one of every three contiguous units; or, provide a minimum of three wall plane breaks of 12 inches or more
[3] Provide a minimum 5' recess from living or porch to garage on a minimum of 50 percent of lots
[4] Lot coverage includes building footprint only (living area and garage) and expressly excludes driveways, porches, sidewalks and uncovered patios. Accessory structures such as attached and detached shade or patio roofs and other garden structures (gazebos, trellises, etc.) are allowed in addition to the lot coverage stated not to exceed 10 percent of the total lot area
[5] Two zero-lot line accessory building may not be built adjacent to each other. Garage may be detached. If garage is detached, accessory living space is allowed above
[6] Lot coverage percentage applies only if 67 percent or more homes in the Panhandle have features that comply with the City of Sacramento's *Single Family Residential Design Guidelines*. If the proposed subdivision does not meet the lot coverage regulation stated, an application for a special permit from the City's planning commission will be required

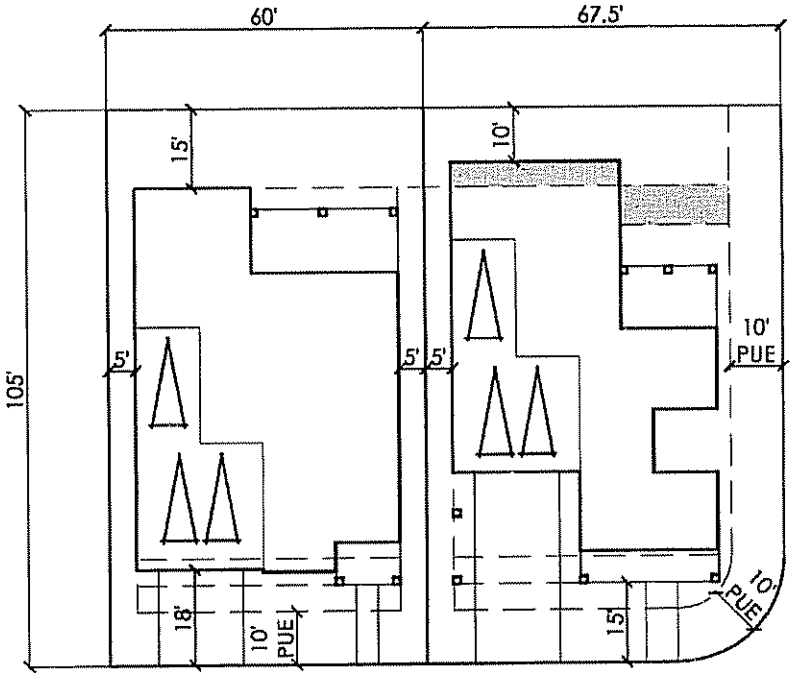


Figure 5. 60' by 105' Low Density Residential Footprint.
Footprints do not represent actual home designs for the Panhandle. they are provided to illustrate setback and PUE conditions only

60' by 90' Low Density Residential (Age-Restricted Lots) – Planning Area 21

Table 4. 60' by 90' Low Density Residential Standards.

Criteria	Description
Setbacks	
Front	15' minimum to living or porch[2, 3]
Interior Sideyard	5' minimum[1]
Corner Sideyard	10' minimum
Rear Yard	10' minimum
Garage	18' minimum to sectional overhead garage door Single car with 100 square feet of storage, minimum
Accessory Building Setbacks	
Front Oriented Accessory Buildings	Not applicable
Rear Oriented Accessory Buildings	Not applicable
Other Criteria	
Maximum Lot Coverage	65 percent[4, 5]
Maximum Building Height	35'
Parking	Minimum one-car garage with 100 square feet of storage
Public Utility Easement (PUE)	10'

Footnotes
General: Eaves of patio roofs and shade structures may extend 50 percent onto the required interior side or rear yards
[1] Architectural features including fireplaces, chimneys, bay windows, wing walls, or media niches may encroach a maximum of 2' in any sideyard setback except PUE No foundations are permitted in PUEs
[2] A minimum of 2' front yard stagger is required for one of every three contiguous units; or, provide a minimum of three wall plane breaks of 12 inches or more
[3] Provide a minimum 5' recess from living or porch to garage on a minimum of 50 percent of lots
[4] Lot coverage includes building footprint only (living area and garage) and expressly excludes driveways, porches, sidewalks and uncovered patios Accessory structures such as attached and detached shade or patio roofs and other garden structures (gazebos, trellises, etc) are allowed in addition to the lot coverage stated not to exceed 10 percent of the total lot area.
[5] Lot coverage percentage applies only if 67 percent or more homes in the Panhandle have features that comply with the City of Sacramento's *Single Family Residential Design Guidelines* If the proposed subdivision does not meet the lot coverage regulation stated, an application for a special permit from the City's planning commission will be required

The Low Density Residential area designated for an age-restricted community (Planning Area 21) is intended to be a closed community and may include gates and fences or walls along the perimeter A special permit will be required to evaluate the proposed project in Planning Area 21.

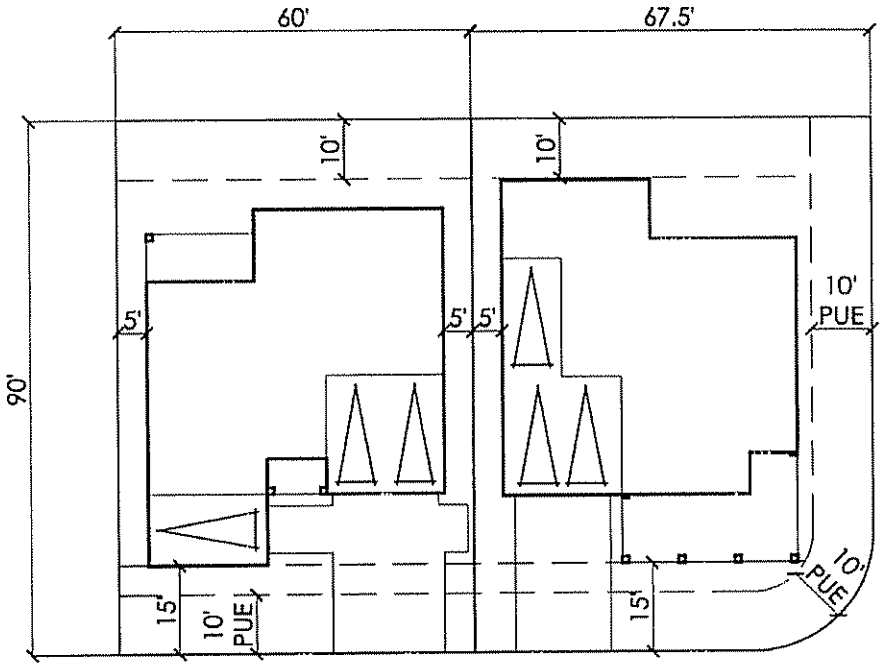


Figure 6. 60' by 90' Low Density Residential (Age-Restricted Lots) Footprint.
Footprints do not represent actual home designs for the Panhandle; they are provided to illustrate setback and PUE conditions only

The Panhandle
Planned Unit Development Guidelines

55' by 95' Low Density Residential – Planning Areas 7, 14 and 18

Table 5. 55' by 95' Low Density Residential Standards.

Criteria	Description
Main Building Setbacks	
Front	15' minimum to living or porch[2] [3]
Interior Sideyard	5' minimum[1]
Corner Sideyard	10' minimum
Rear Yard	15' minimum; may reduce to 10' if plan offsets provide equal outdoor square footage area to 15' rear yard
Garage	18' minimum to sectional overhead garage door
Accessory Building Setbacks	
Front Oriented Accessory Buildings	15' minimum front setback 5' minimum interior side setback[5]
Rear Oriented Accessory Buildings	5' minimum front setback 5' minimum interior side setback.[5]
Other Criteria	
Maximum Lot Coverage	55 percent[4] [6]
Maximum Building Height	35'
Public Utility Easement (PUE)	10'

Footnotes
General: Eaves of patio roofs and shade structures may extend 50 percent onto the required interior side or rear yards
[1] Architectural features including fireplaces, chimneys, bay windows, wing walls, or media niches may encroach a maximum of 2 feet in any sideyard setback. No foundations are permitted in PUEs
[2] A minimum of 2' front yard stagger is required for one of every three contiguous units or provide a minimum of three wall plane breaks of 12 inches or more
[3] Provide a minimum 5' recess from living or porch to garage
[4] Lot coverage includes building footprint only (living area and garage) and expressly excludes driveways, porches, sidewalks and uncovered patios. Accessory structures such as attached and detached shade or patio roofs and other garden structures (gazebos, trellises, etc.) are allowed in addition to the lot coverage stated not to exceed 10 percent of the total lot area
[5] Two zero-lot line accessory buildings may not be built adjacent to each other. Garage may be detached. If garage is detached, accessory living space is allowed above.
[6] Lot coverage percentage applies only if 67 percent or more homes in the Panhandle have features that comply with the City of Sacramento's *Single Family Residential Design Guidelines*. If the proposed subdivision does not meet the lot coverage regulation stated, an application for a special permit from the City's planning commission will be required

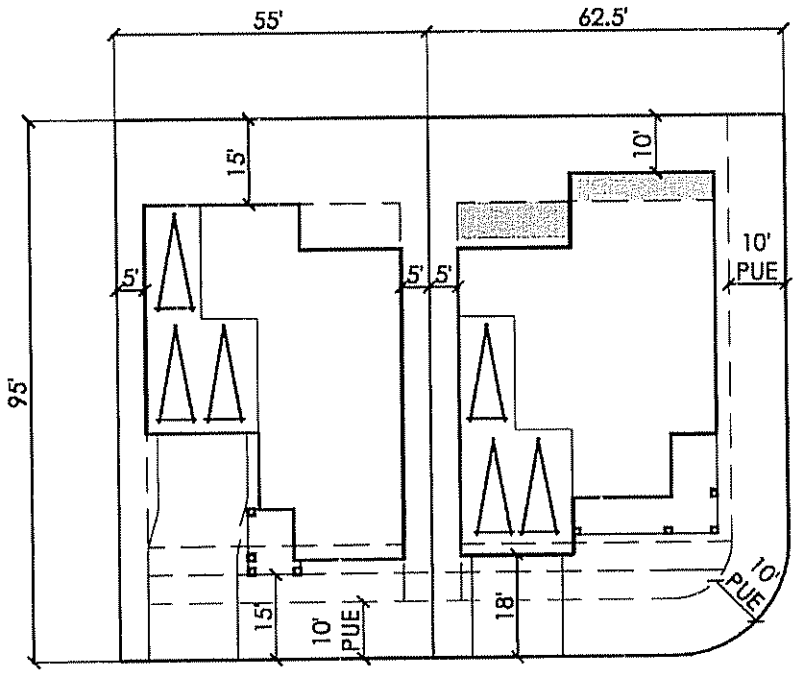


Figure 7. 55' by 95' Low Density Residential Footprint.
Footprints do not represent actual home designs for the Panhandle; they are provided to illustrate setback and PUE conditions only.

50' by 100' Low Density Residential – Planning Area 4

Table 6. 50' by 100' Low Density Residential Standards.

Criteria	Description
Main Building Setbacks	
Front	15' minimum to living or porch[2, 3]
Interior Sideyard	5' minimum[1]
Corner Sideyard	10' minimum
Rear Yard	15' minimum; may reduce to 10' if plan offsets provide equal outdoor square footage area to 15' rear yard
Garage	18' minimum to sectional overhead garage door
Accessory Building Setbacks	
Front Oriented Accessory Buildings	15' minimum front setback 5' minimum interior side setback[5]
Rear Oriented Accessory Buildings	5' minimum front setback 5' minimum or zero-lot line interior side setback[5]
Other Criteria	
Maximum Lot Coverage	55 percent[4, 6]
Maximum Building Height	35'
Public Utility Easement (PUE)	10'

Footnotes
General: Eaves of patio roofs and shade structures may extend 50 percent onto the required interior side or rear yards
[1] Architectural features including fireplaces, chimneys, bay windows, wing walls, or media niches may encroach a maximum of 2 feet in any sideyard setback except PUE. No foundations are permitted in PUEs
[2] A minimum of 2 feet front yard stagger is required for one of every three contiguous units or provide a minimum of three wall plane breaks of 12 inches or more
[3] Provide a minimum 5 feet recess from living or porch to garage on at least 50 percent of lots
[4] Lot coverage includes building footprint only (living area and garage) and expressly excludes driveways, porches. sidewalks and uncovered patios. Accessory structures such as attached and detached shade or patio roofs and other garden structures (gazebos, trellises. etc) are allowed in addition to the lot coverage stated not to exceed 10 percent of the total lot area
[5] Two zero-lot line accessory buildings may not be built adjacent to each other Garage may be detached If garage is detached. accessory living space is allowed above
[6] Lot coverage percentage applies only if 67 percent or more homes in the Panhandle have features that comply with the City of Sacramento's *Single Family Residential Design Guidelines* If the proposed subdivision does not meet the lot coverage regulation stated, an application for a special permit from the City's planning commission will be required

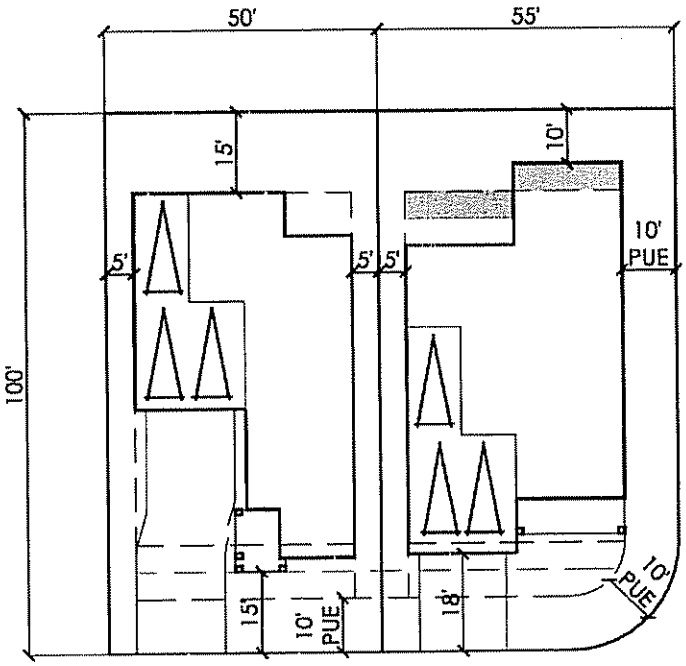


Figure 8. 50' by 100' Low Density Residential Footprint.
Footprints do not represent actual home designs for the Panhandle, they are provided to illustrate setback and PUE conditions only

45' by 100' Low Density Residential – Planning Area 3

Table 7. 45' by 100' Low Density Residential Standards.

Criteria	Description
Setbacks	
Front	15' minimum to living or porch [2, 3]
Interior Sideyard	5' minimum[1]
Corner Sideyard	10' minimum
Rear Yard	15' minimum; may reduce to 10' if plan offsets provide equal outdoor square footage area to 15' rear yard
Garage	18' minimum to sectional overhead garage door
Accessory Building Setbacks	
Front Oriented Accessory Buildings	Not applicable
Rear Oriented Accessory Buildings	Not applicable
Other Criteria	
Maximum Lot Coverage	55 percent[4, 5]
Maximum Building Height	35'
Public Utility Easement (PUE)	10'

Footnotes
General: Eaves of patio roofs and shade structures may extend 50 percent onto the required interior side or rear yards
[1] Architectural features including fireplaces, chimneys, bay windows, wing walls, or media niches may encroach a maximum of 2 feet in any sideyard setback except PUE. No foundations are permitted in PUEs
[2] A minimum of 2 feet front yard stagger is required for one of every three contiguous units or provide a minimum of two wall plane breaks of 12 inches or more
[3] Provide a minimum 5 feet recess from living room or porch to garage on at least 50 percent of lots
[4] Lot coverage includes building footprint only (living area and garage) and expressly excludes driveways, porches, sidewalks and uncovered patios. Accessory structures such as attached and detached shade or patio roofs and other garden structures (gazebos, trellises, etc.) are allowed in addition to the lot coverage stated not to exceed 10 percent of the total lot area.
[5] Lot coverage percentage applies only if 67 percent or more homes in the Panhandle have features that comply with the City of Sacramento's *Single Family Residential Design Guidelines*. If the proposed subdivision does not meet the lot coverage regulation stated, an application for a special permit from the City's planning commission will be required

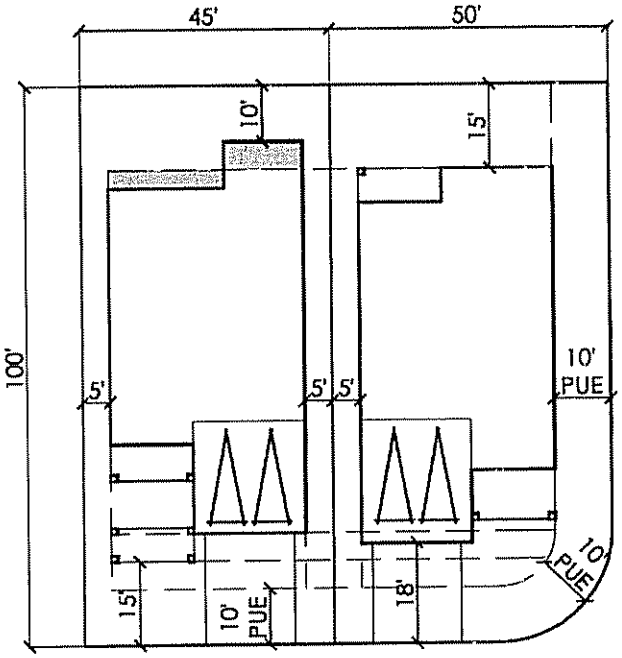


Figure 9. 45' by 100' Low Density Residential Footprint.
Footprints do not represent actual home designs for the Panhandle; they are provided to illustrate setback and PUE conditions only

The Panhandle
Planned Unit Development Guidelines

45' by 75' Low Density Residential (Alleys) – Planning Area 5B

Table 8. 45' by 75' Low Density Residential Alley-Loaded Standards.

Criteria	Description
Setbacks	
Front	7 5' minimum to living or porch[2]
Interior Sideyard	5' minimum [1]
Corner Sideyard	10' minimum
Rear Yard	10' minimum at living
Garage	2' minimum from alley to sectional overhead garage door[4]
Accessory Building Setbacks	
Front Oriented Accessory Buildings	Not applicable [4]
Rear Oriented Accessory Buildings	Not applicable [4]
Other Criteria	
Maximum Lot Coverage	60 percent[3] [5]
Maximum Building Height	35'
Public Utility Easement (PUE)	7 5'

Footnotes
General: Eaves of patio roofs and shade structures may extend 50 percent onto the required interior side or rear yards
[1] Architectural features including fireplaces, chimneys, bay windows, wing walls, or media niches may encroach a maximum of 2 feet in any sideyard setback except PUE. No foundations are permitted in PUEs
[2] A minimum of 2 feet front yard stagger is required for one of every three contiguous units or provide a minimum of two wall plane breaks of 12 inches or more
[3] Lot coverage includes building footprint only (living area and garage) and expressly excludes driveways porches. sidewalks and uncovered patios
[4] Garage may be detached If garage is detached, accessory living space is allowed above Accessory structures such as attached and detached shade or patio roofs and other garden structures (gazebos. trellises. etc) are allowed in addition to the lot coverage stated not to exceed 5 percent of the total lot area.
[5] Lot coverage percentage applies only if 67 percent or more homes in the Panhandle have features that comply with the City of Sacramento's *Single Family Residential Design Guidelines*. If the proposed subdivision does not meet the lot coverage regulation stated, an application for a special permit from the City's planning commission will be required

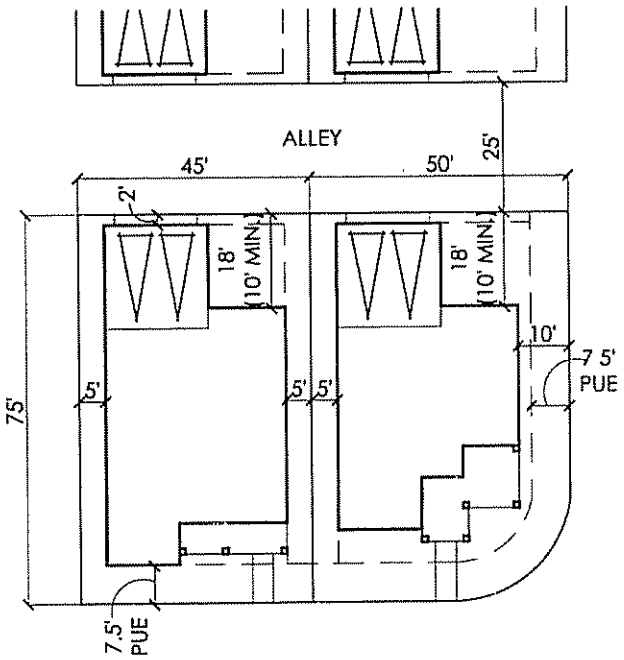


Figure 10. 45' by 75' Low Density Residential (Alleys) Footprint.
Footprints do not represent actual home designs for the Panhandle, they are provided to illustrate setback and PUE conditions only

The Panhandle
Planned Unit Development Guidelines

40' by 80' Low Density Residential – Planning Areas 5A, 8 and 20

Table 9. 40' by 80' Low Density Residential Standards.

Criteria	Description
Setbacks	
Front Setback	10' minimum to porch or living [2]
Interior Sideyard	5' minimum or zero-lot conditions [1]
Corner Sideyard	10' minimum
Rear Yard	10' minimum
Garage	18' minimum to sectional overhead garage door
Accessory Building Setbacks	
Front Oriented Accessory Buildings	Not applicable
Rear Oriented Accessory Buildings	Not applicable
Other Criteria	
Maximum Lot Coverage	55 percent [4] [5]
Maximum Building Height	35'
Public Utility Easement (PUE)	10'

Footnotes
General: Eaves of patio roofs and shade structures may extend 50 percent onto the required interior side or rear yards.
[1] Architectural features including fireplaces, chimneys, bay windows, wing walls, or media niches may encroach a maximum of 2 feet in any sideyard setback except PUE. No foundations are permitted in PUEs
[2] A minimum of 2 feet front yard stagger is required for one of every three contiguous units or provide a minimum of three wall plane breaks of 12 inches or more
[3] Provide a minimum 5 feet recess from living or porch to garage on at least 50 percent of lots
[4] Lot coverage includes building footprint only (living area and garage) and expressly excludes driveways, porches, sidewalks and uncovered patios. Accessory structures such as attached and detached shade or patio roofs and other garden structures (gazebos, trellises, etc.) are allowed in addition to the lot coverage stated not to exceed 5 percent of the total lot area
[5] Lot coverage percentage applies only if 67 percent or more homes in the Panhandle have features that comply with the City of Sacramento's *Single Family Residential Design Guidelines*. If the proposed subdivision does not meet the lot coverage regulation stated, an application for a special permit from the City's planning commission will be required

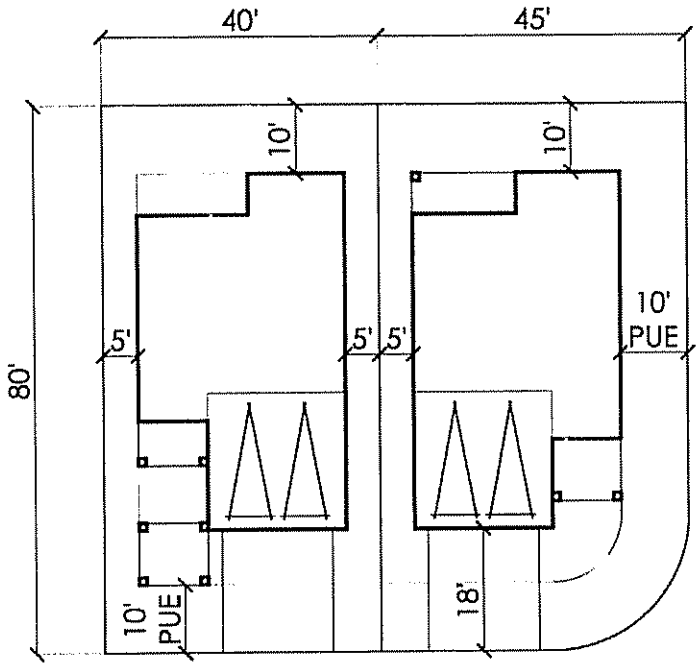


Figure 11. 40' by 80' Low Density Residential Footprints.
Footprints do not represent actual home designs for the Panhandle; they are provided to illustrate setback and PUE conditions only

The Panhandle
Planned Unit Development Guidelines

DUNMORE HOMES

40' by 60' Low Density Residential (Alley) – Planning Areas 19A, 19B and 25

Table 10. 40' by 60' Low Density Residential Alley-Loaded Standards.

Criteria	Description
Setbacks	
Front	7 5' minimum to living or porch
Interior Sideyard	5' minimum or zero-lot conditions
Corner Sideyard	10' minimum
Rear Yard	7 5' minimum to living
Garage	2' from alley to sectional overhead garage door
Accessory Building Setbacks	
Front Oriented Accessory Buildings	Not applicable [1]
Rear Oriented Accessory Buildings	Not applicable [1]
Other Criteria	
Maximum Lot Coverage	60 percent[2] [4]
Maximum Building Height	35'
Public Utility Easement (PUE)	7 5

Footnotes
General: Eaves of patio roofs and shade structures may extend 50 percent onto the required interior side or rear yards
[1] Garage may be detached. If garage is detached, accessory living space is allowed above
[2] Lot coverage includes building footprint only (living area and garage) and expressly excludes driveways, porches, sidewalks and uncovered patios. Accessory structures such as attached and detached shade or patio roofs and other garden structures (gazebos, trellises, etc) are allowed in addition to the lot coverage stated not to exceed 5 percent of the total lot area
[4] Lot coverage percentage applies only if 67 percent or more homes in the Panhandle have features that comply with the City of Sacramento's *Single Family Residential Design Guidelines*. If the proposed subdivision does not meet the lot coverage regulation stated, an application for a special permit from the City's planning commission will be required

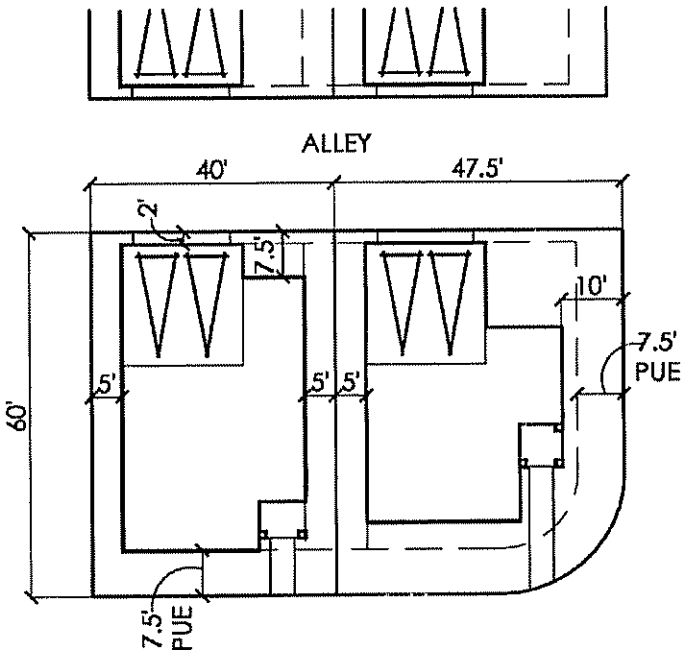


Figure 12. 40' by 60' Low Density Residential (Alley) Footprint.
Footprints do not represent actual home designs for the Panhandle: they are provided to illustrate setback and PUE conditions only

Medium Density Residential (Villas) – Planning Areas 2, 10, 11 and 27

Table 11. The Villas, Medium Density Residential Standards.

Criteria	Description
Setbacks	
Front	Single-car garage, 18' minimum to sectional overhead garage door; Two-car garage. 18' street. 5' at alley minimum Private drive, 5' minimum Street, 10' minimum Paseo offset, no minimum
Interior Sideyard	3'-3" minimum See Figure 13
Corner Sideyard	10' if on public street, 5' if on private alley See Figure 13
Rear Yard	3'-3' minimum
Garage	See Figure 13
Accessory Building Setbacks	
Front Oriented Accessory Buildings	Not applicable
Rear Oriented Accessory Buildings	Not applicable
Other Criteria	
Maximum Lot Coverage	60 percent cumulative total coverage based on a "10-pack" configuration. not on any individual lot.
Maximum Building Height	35'
Public Utility Easement (PUE)	10'

Table 12. The Villas, Square Footage by Home Plan.

Home Plan	Width (Feet)	Depth (Feet)	Approximate Lot Size (Square Feet)
1	34	45	2,431
2	22-8"	38	1,827
3	54	22-4"	1,965
4	32	40	2,025
5	22	68	2,060
6	34	45	2,431
		Totals	12,739

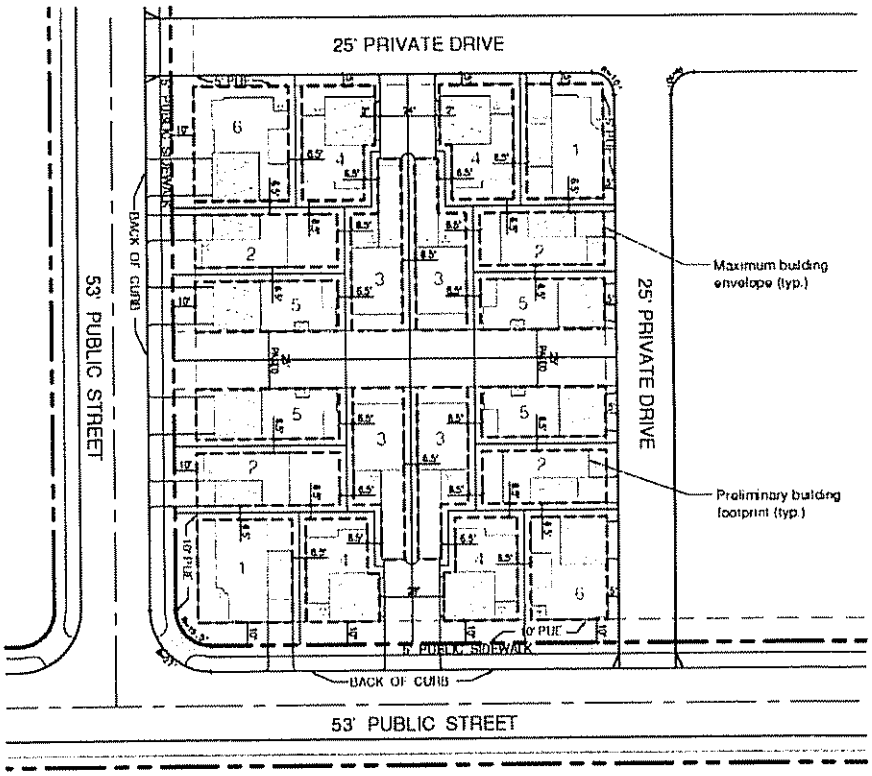


Figure 13. Villas Diagram and Typical Villas Configuration.
Footprints do not represent actual home designs for the Panhandle. they are provided to illustrate setback and PUE conditions only

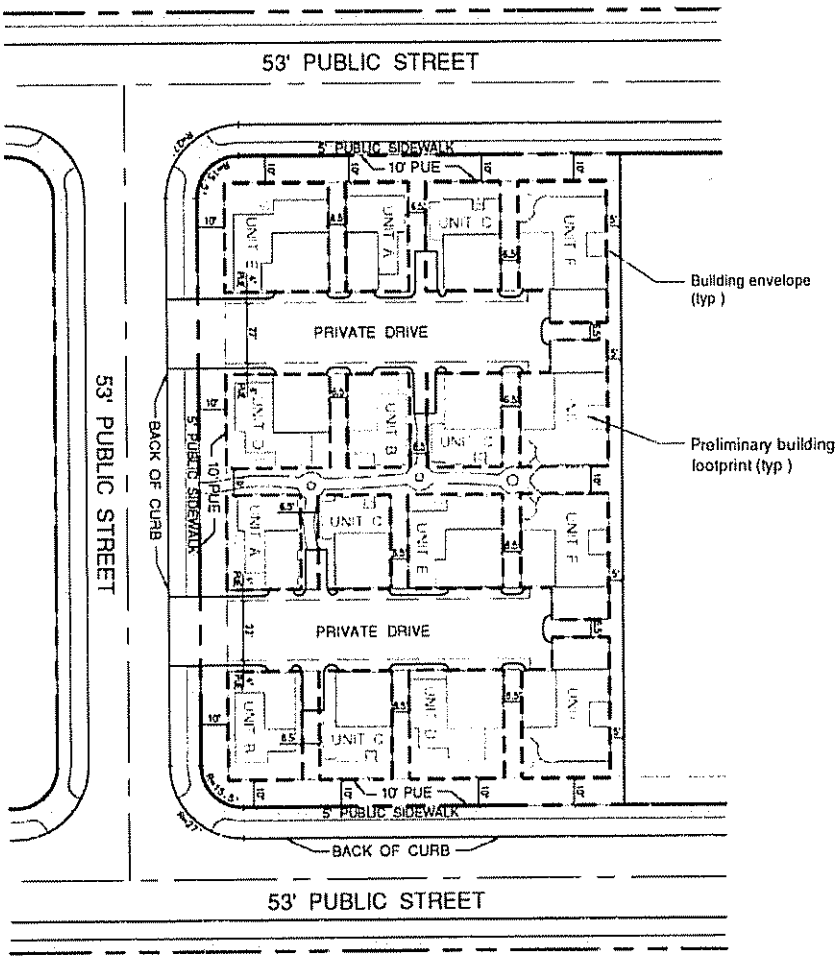
Medium Density Residential (Greencourts) – Planning Areas 12, 13 and 23

Table 13. Greencourts, Medium Density Residential Standards.

Criteria	Description
Setbacks	
Front	Varies. See Figure 14
Interior Sideyard	Varies. See Figure 14
Corner Sideyard	Varies. See Figure 14
Rear Yard	Varies. See Figure 14
Garage	Varies. See Figure 14
Accessory Building Setbacks	
Front Oriented Accessory Buildings	Not applicable
Rear Oriented Accessory Buildings	Not applicable
Other Criteria	
Maximum Lot Coverage	Not applicable due to condominium subdivision proposed for this housing product type
Maximum Building Height	35'
Parking	Two spaces per unit, one of which must be covered
Public Utility Easement (PUE)	10'

Table 14. Greencourt Option Detailed Standards.

Plan	Option 1-A Unit Footprint (Square Feet)	Option 1-B Unit Footprint (Square Feet)	Option 2-A Unit Footprint (Square Feet)	Option 2-B Unit Footprint (Square Feet)
Plan A	650	650	650	650
Plan B	660	660	660	660
Plan C	749	1,498	749	749
Plan D	946	946	946	946
Plan E	1,082	1,082	1,082	1,082
Plan F	1,207	1,207	1,207	1,207
Total	5,294	5,294	5,294	5,294



Note Greencourt lot configurations displayed for illustrative purposes only Panhandle tentative map proposes to subdivide the Greencourt units via a condominium subdivision with no fee simple lots created

Figure 14 Greencourt Options 1-A , 1-B, 2-A and 2-B Typical Greencourt Configuration

Footprints do not represent actual home designs for the Panhandle, they are provided to illustrate minimum setback and PUE conditions only

Section 3.0 Attached Residential (Medium and High Density)

Multi-family residences can take different forms in the Panhandle depending on where and how they are integrated into the project Allowable uses include condominiums, apartments, live-work, mixed-use and residential with commercial Buildings shall be designed with distinct entrances articulated along the public right-of-way, street or community common pathways Building façades could offer a combination of one-, two- or three-story elements with balconies and porches, reflecting the feel of a collection of smaller structures and an overall articulated façade Building materials for exterior finishes should be durable and low maintenance All common drainage areas within the project should be aesthetically landscaped

Garages shall be articulated in the overall architectural style of the façade, and garage doors shall be recessed into walls Detached trash enclosures should be aesthetically pleasing and screened with landscaping in keeping with the Panhandle's overall landscape design Utility meters and other outdoor equipment shall be screened from view Structural screening devices, where used, shall be compatible with adjacent architecture Amenities such as recreational areas, swimming pools, or clubhouses shall be provided in proportion to the size of the particular multi-family development

The City of Sacramento's Multi-Family Residential Design Principles provide the underlying guidelines for this section and should be consulted when planning and designing high density housing in the Panhandle PUD

3.1. General

- All visible elevations shall be made interesting by means of articulation of façades, varied roof lines, window placement and shape and the use of a variety of exterior colors, finishes and details
- Architectural styles may depart from that of single-family development

3.2. Massing and Layout

- Open space amenities shall be created as a means of creating communities within the greater North Natomas community
- Patios and courtyards are encouraged between buildings
- Entries shall be prominent from the street

3.3. Elevations

- Elevations visible from streets shall include articulation of building planes, a variety of colors, doors, entries and interesting roof lines Roof lines may be varied or may follow a parapet line

- Elements such as windows treatments, rooflines and materials for rear and side elevations shall match or be stylistically related to front elevation

3.4. Materials

The use of appropriate building materials for a selected architectural style is important for maintaining the style's integrity. However, imaginative combinations of building materials create unique designs and simultaneously provide individual identity and character to each home. Combinations of building materials on each elevation could provide varied texture and the opportunity for graceful color transitions When used appropriately, all of these unique variations enrich individual homes, streetscapes and neighborhoods. The following materials are encouraged in the Panhandle:

- Stucco and/or cement plaster
- Horizontal wood or composite siding.
- Board-and-batten wood or composite siding
- Wood shingle siding.
- Railings of wood, wrought iron, tubular steel or other composite material of high quality
- Dimensional composition roof shingles.
- Concrete flat roof tiles.
- Concrete barrel or 'S' tile roofs.
- Standing seam or corrugated metal roof.
- Brick or high-quality simulated brick material
- Stone or high-quality simulated stone material (i e., Cultured Stone or El Dorado Stone).
- Wood shutters or shutters made of other composite materials of high quality.
- Enhanced gable-end vents
- Wood or cement-plaster-over-foam brackets
- Wood, stucco, brick, or appropriate stone columns

Any architectural wood element may be substituted for high-quality fiber cement or other manufactured elements as long as quality is maintained and no departures are made from style guidelines.

3.5. Color Palettes

Rich color palettes authentic to selected architectural styles are required. Because some building materials are better suited to receive neutral colors, a combination of building materials is encouraged to provide a

wider range of rich body colors The use of bright, vibrant exterior colors is encouraged on abstracted architectural style interpretations

A wide range of trim and accent colors are encouraged on homes to add variety and community character Trims shall be consistent with the historic context of the selected architectural styles

3.6. Garage/Parking

- Either structured or surface parking is permitted Enclosed parking in the form of free-standing or integral garages are encouraged Tandem parking is permitted

3.7. Enclosed Yards

- On street-facing elevations where walls are proposed, they shall be approved by special permit
- Each dwelling unit shall have a usable outdoor space designed for the exclusive use of that dwelling unit The outdoor space may be at grade or provided as a balcony Patios and balconies should be directly accessible from the unit
- Patios and balconies shall not be used for permanent storage; temporary storage must be screened from view
- No vehicle parking is permitted between rear of sidewalk and front of structure

3.8. Landscaping

- All non-paved areas shall have a landscape treatment

3.9. Storage, Loading, Service and Trash Storage and Collection Areas

- Storage, loading, service and refuse areas shall be screened from view of the surrounding streets
- Trash enclosures shall not be permitted in set-back areas

3.10. Utility Screening

- All ground-mounted utilities shall be screened through the use of walls, plant materials or berms Specific clearances as imposed by utility providers shall be observed

3.11. Parcel 28 and 29: Specific Guidelines

The intent of these guidelines are to create a separation and distinction between two adjacent apartment sites (Parcels 28 and 29) planned along Del Paso Road

- No habitable structure shall abut the western property line of Parcel 28 The only uses permitted adjacent to the property line are parking, circulation, landscape, recreation, storage and open space

- A driveway or street shall separate Parcels 28 and 29. If a driveway is the separation, then additional landscaping is required
- Entries or front doors shall face the driveway or street separating Parcels 28 and 29.
- Building elevations facing the driveway or street separating Parcels 28 and 29 shall be limited to two stories.
- Buildings facing Del Paso Road or the first public street north of Del Paso Road may be three levels in height if the third level building face is set back a minimum of five feet from the street. A third-floor patio may extend to the setback line of the first and second stories
- Interior buildings may be three stories in height without third-floor setbacks
- The architectural styles must differ between Parcels 28 and 29.
- Refer to Figure 15 for a graphic representation of these guidelines

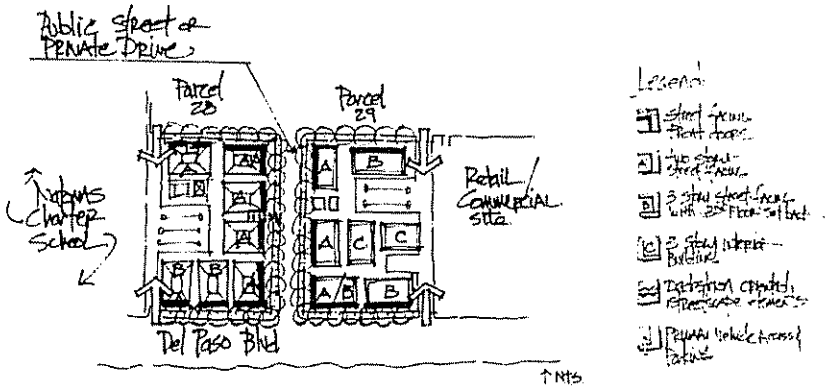


Figure 15. Parcel 28 and 29 Conceptual Sketch.

3.12. Condominiums

Condominiums provide a medium density for-sale housing alternative to a single-family detached home and are designed with integral community amenities like recreation facilities and clubhouses Condominium buildings are well maintained and have their own distinct architectural style to complement single-family homes in the neighborhood and the overall community Condominiums are designed to suit active, semi-urban lifestyles; building aesthetics should match the quality of a traditional single-family detached home

Table 15. Multi-Family Residential Standards, Medium Density Residential Condominiums.

Criteria	Description
Front Setbacks to Parcel Edge[1, 2]	
Living space	10' minimum
Garden wall	0'
Side Setbacks to Parcel Edge[1, 2]	
Living space	10'
Garden wall	0'
Other Criteria	
Parking	Per zoning ordinance
Public Utility Easement (PUE)	10'
Maximum Building Height	3-story

Footnotes
[1] No encroachments may interfere with the PUE.
[2] Architectural features including fireplaces, chimneys, bay windows, wing walls, media niches, etc. may encroach a maximum of 2 feet in any sideyard setback except PUE

3.13. Apartments

Apartments provide high density, attached, for-rent housing designed to suit various life stages with an emphasis on common recreation areas Designs should be aesthetically pleasing; they should both complement and blend with the selected architectural styles of the Panhandle community as well as the immediate surrounding traditional single-family homes The following techniques should be used for multi-family condominium or apartment product types:

- Multi-family buildings may be designed with sufficient building articulation (roof dormers, hips, gables, balconies, wall projections and porches).
- End units may have articulation, like windows and doors facing sidewalks and public ways

Table 16. High Density Residential Standards for Apartments.

Criteria	Description
Front Setbacks to Parcel Edge[1, 2]	
Living space	10'
Garden wall	0'
Side Setbacks to Parcel Edge[1, 2]	
Living space	10'
Garden wall	10'
Other Criteria	
Parking	Per zoning ordinance
Public Utility Easement (PUE)	10'
Maximum Building Height	3-story

Footnotes
[1] No encroachments may interfere with the PUE.
[2] Architectural features including fireplaces, chimneys, bay windows, wing walls, media niches, etc. may encroach a maximum of 2 feet in any sideyard setback except PUE.
[3] In fee-simple townhome conditions side setbacks between interior units. May be reduced to a zero-lot line condition

3.14. Live-Work

Live-work homes use provide medium to high density attached for-sale single-family housing designed to suit lifestyles with an emphasis on home office space. These buildings may mix use horizontally or vertically in two- or three-story configurations. The first floor should be designed for use as a home office or other commercial uses. Use of this home office space shall be limited to the owner of the residential unit and business uses shall comply with the City of Sacramento's zoning code. The following techniques apply to fee-simple single-family attached rowhomes/townhomes:

- Live-work units may be designed as individual units or as a "big house," where the façade appears as a single large unit
- Because rowhome/townhome units may be narrow in nature, most will be two to three stories tall. Some vertical articulation is necessary to avoid dominating unbroken three-story planes.
- Massing characterized by a series of stepping forms and staggered offset wall planes
- Varied setbacks for different components of the home, such as garages, second floors, etc

It is assumed that approximately 500 square feet of each unit will be devoted to office/commercial use. As an alternative, this site could accommodate residential units above commercial space (maximum of

14,000 square feet in 28 units). Live-work units will be located in plan areas designated in the PUD as commercial.

Figure 16 illustrates a schematic plan for live-work units (envisioned for Planning Area 22). A comprehensive site development plan will be submitted to the City as a part of the Special Permit Application.

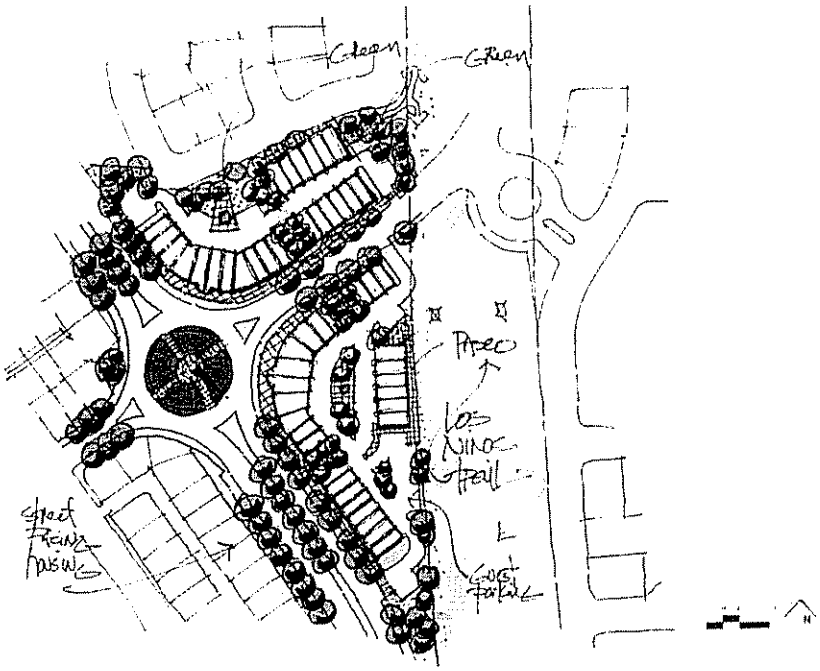


Figure 16. Schematic Live-Work Development Plan (Planning Area 22).

Table 17. Commercial Live-Work Standards.

Criteria	**Description**
Front Setbacks to Parcel Edge[1, 2]	
Living space	10'
Garden wall	0'
Side Setbacks to Parcel Edge[1, 2]	
Living space	10'
Garden wall	0'
Setbacks on Community Paseos to Parcel Edge	
Living space	15'
Garden Wall	0'
Other Criteria	
Parking	Per zoning ordinance
Public Utility Easement (PUE)	10'
Maximum Building Height	3-story

Footnotes
[1] No encroachments may interfere with the PUE.
[2] Architectural features including fireplaces, chimneys, bay windows, wing walls, media niches, etc. may encroach a maximum of 2 feet in any sideyard setback except PUE. No foundations in the PUE.
[3] In fee-simple townhome conditions side setbacks between interior units. May be reduced to a zero-lot line condition

Section 4.0 Commercial Uses

4.1. Commercial Guidelines

In the Panhandle, commercial uses include traditional commercial and retail centers as well as the commercial portions of mixed-use and live-work complexes

Commercial projects shall be compatible with the Panhandle community's design and reflect the character and richness of the project's homes, parks, landscape and monumentation Although there are certain elements of signage and corporate identity inherent to most anchor tenants, building design shall incorporate a variety of scale, massing, materials and colors to minimize the undesirable effects of the typical "big box" commercial architecture. The retail anchor building will likely be the single largest retail building within the project It is important to divide the building into separate and distinct elements. Areas of the building shall be divided into forms using basic architectural techniques: varying color, scale, and material to avoid the "mega-store" appearance predominantly found in these typical retail outlets.

High-end retail buildings included in this project have the most potential for individuality and variation. Individual tenant spaces should vary in scale and height as well as style and color. Intermediate open spaces should be included and relate to pedestrian walkways and open space view corridors each site may afford Building massing shall relate to the street and pedestrian walkways and be inviting to pedestrians

Design guidelines are included for the development of the Panhandle's commercial area as the structure upon which all future submittals can be based in Special Permits.

Commercial areas of the Panhandle will become primary, people-active places and building design should support a "Main Street" feel in all its diversity, contradiction and charm Interest and complexity in building design is encouraged Contemporary and more traditional approaches to building form and articulation will provide variety, interest and vitality appropriate for these commercial activity areas.

There are four parcels with commercial uses in the Panhandle: parcels 30 and 31 (commercial), parcel 22 (live-work) and parcel 15 (mixed use)

Figure 17 presents a schematic commercial illustration only. A comprehensive site development plan will be submitted to the City as a part of the Special Permit Application.

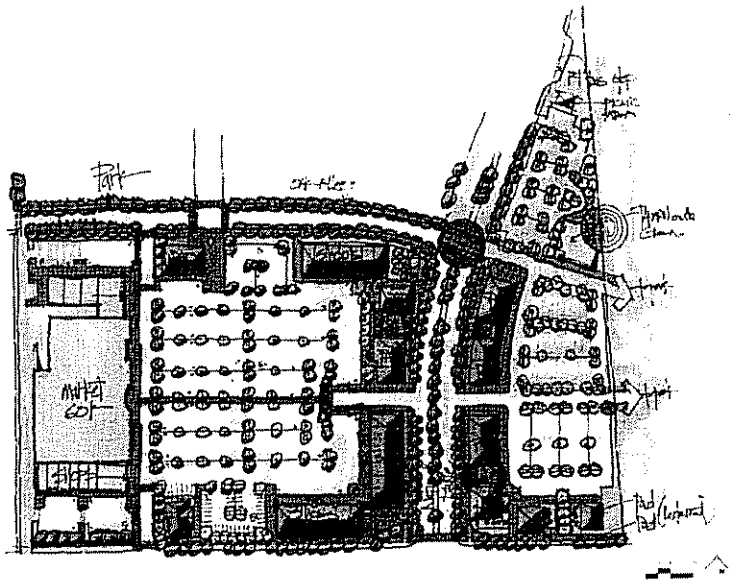


Figure 17. Schematic Commercial Development Plan (Planning Areas 30 and 31).

4.2. Commercial Planning Elements

Retail buildings along National Drive should include a variety of significant planning elements creating a vibrant, interactive area that draws not only the residents of the Panhandle, but also provides a destination for residents of North Natomas as well Elements of National Drive should include:

- Plazas integrated into building design and placement that allow for outdoor seating adjacent to cafés and restaurants
- Wide sidewalks that allow for outdoor seating and outdoor sales associated with retail activity.
- Street trees that buffer between pedestrians and traffic without obscuring or separating National Drive's connectivity.
- Pedestrian crosswalks at the intersections along National Drive that ensure easy access, safety and traffic calming, with careful thought toward their design and treatment.

4.3. Commercial Style

The overall style of the Panhandle's commercial location reflects an eclectic use of traditional materials and forms to create unique architectural flavor. Forms, proportions and materials should create visually pleasing buildings that bridge the gap between residential housing and the more modernistic buildings surrounding the site

Commercial buildings should have varying materials and styles. Focal points and view corridors throughout the project should invite pedestrians from one point to another.

Roofs

Roofs and roof forms should be consistent with the overall architectural theme of the Panhandle Pedestrian areas should be enhanced by shed and gable roof elements extending into walkways and plazas for cover and shade Dormer elements are also encouraged for an added layer of detail and shadow

Cornices

Cornice elements should be applied sparingly and should appropriately articulate basic building forms while providing differential between individual tenants. Varied cornice elements are encouraged. When used, cornices should provide contrast of color and material to wall areas beneath Cornice elements should not be of such size or quantity that they become a dominant repetitive or overwhelming architectural feature.

Wall Transitions

A variety of elements should be used to create wall transitions between buildings and tenant spaces, and careful consideration should be given to walls adjacent to and oriented toward open spaces Color and texture are basic elements of interest while towers and other details may be used in some cases to frame transition areas. Simple, intermediate elements that book-end an area of wall are encouraged Whenever possible, color and simple traditional material changes are encouraged to break up wall areas.

Building Corners

Building corners present an opportunity to simply enhance the visual anchoring of individual structures Presenting building corners as focal points to surrounding areas within the project is encouraged Thoughtful treatment of building corners provides change in scale, color and material, as well as an opportunity to introduce windows as a simple focal detail.

Canopies and Awnings

Judicious use of canopies and awnings is encouraged These classic architectural details add an additional layer of interest to building façades A variety of materials may be used including canvas, corrugated metal, wood trellises and shed or gable roof forms Canopy and awning elements should also provide cover at pedestrian walkways wherever possible These covered elements should also be placed to encourage the play of shadows against buildings

Towers

Tower elements may be considered appropriate to the style of these buildings When situated and massed properly, towers can enhance visual interest These elements can serve as a connection between individual buildings, as focal points and as transition spaces Towers should provide a change in scale, color and material and use windows as well Vertical elements should not be limited to towers The appropriate and tasteful use of chimney elements and finials is also encouraged

Windows

Shape, size and placement of windows are important elements that lend positive, yet simple character to the overall theme of the project Window size and proportion should be appropriate to individual building style Window forms that vary between individual tenant spaces and buildings are encouraged Windows, especially at a pedestrian level, are encouraged in overall building design Consideration of design elements like shutters, canopies, recesses, iron and other elements should be used to enhance windows and add variety

4.4. Building Materials

While selected styles are rooted in history, there is room for some appropriate level of abstraction More dense commercial areas may bear more abstract, urban interpretations Encouraged materials include:

- Smooth stucco finishes
- Style-appropriate stone
- Wrought iron
- Complimentary-colored canvas awnings
- Wood trellises
- Tile roof elements
- Wood columns and beams in key location
- Pre-cast stone trims, heads and sills
- Metal roof elements

- Decorative sheet metal gutters and downspouts, collectors if and where appropriate
- Wood shutters
- Individually articulated window elements
- Tilt-up construction that utilizes imaginative forming techniques to add texture and shadow to otherwise unarticulated walls

Prohibited Materials Guidelines

- Heavy "knock-down" or "Spanish Lace" stucco finishes.
- Inauthentic stone veneers used or applied in ways that are not in keeping with the selected architectural style.
- Unfinished tilt-up wall panels
- Large unbroken window walls.
- Exposed concrete block walls
- Exposed aggregate walls.

High-quality fiber cement or other manufactured elements may be substituted for any architectural wood element as long as quality is maintained and no departures are made from style guidelines.

Color Palettes

Colors should be consistent within the Panhandle's commercial area and simultaneously offer distinction and individuality to different buildings and tenants in larger buildings. Bold colors are encouraged as long as they are not garish or obtrusive. Colors should bring together selected project materials throughout. Colors should be selected to complement stone, concrete, wood, fabrics and other materials.

4.5. Commercial Site Guidelines

There are four commercial parcels in the Panhandle's plan area are at the intersection of National Drive and Del Paso Road. These include two commercial sites: one live-work and one mixed-use. The parcels are intended to be mixed-use destinations for both Panhandle residents and those in surrounding neighborhoods.

The commercial site west of National Drive is sized to accommodate a large-format anchor retailer as well as smaller in-line shops and restaurants. The large-format anchor retailer should be sited nearest the western edge of the parcel leaving the frontage along National Drive available for varied architectural façades of in-line shops and restaurants.

The commercial site east of National Drive is envisioned to include neighborhood-serving retail shops Buildings should be sited nearest National Drive with parking behind the buildings

Site planning of both planning areas should result in a varied commercial street scene along National Drive that will be interesting for both pedestrians and motorists Varied façade treatments for each individual tenant are encouraged but all should be complementary in sum

4.6. Mixed-Use Commercial Site Guidelines

A mixed-use commercial parcel is located at the intersection of Club Center and National Drives Its central location and proximity to high density housing types make this parcel an ideal walkable destination for nearby residents Mixed-use may include a full range of commercial shops (books stores, coffee shops) and professional services in a plaza-like setting placed along the edges of Club Center and National Drives facing the street

While vertical mixed-use (residential over retail or office) is preferred and encouraged, horizontal mixed-use is permitted on this site Regardless of configuration, these retail shops and office uses should be sited along National Drive with parking behind

Figure 18 presents a schematic mixed-use illustration envisioned for Planning Area 15 A comprehensive site development plan will be submitted to the City as a part of the Special Permit Application

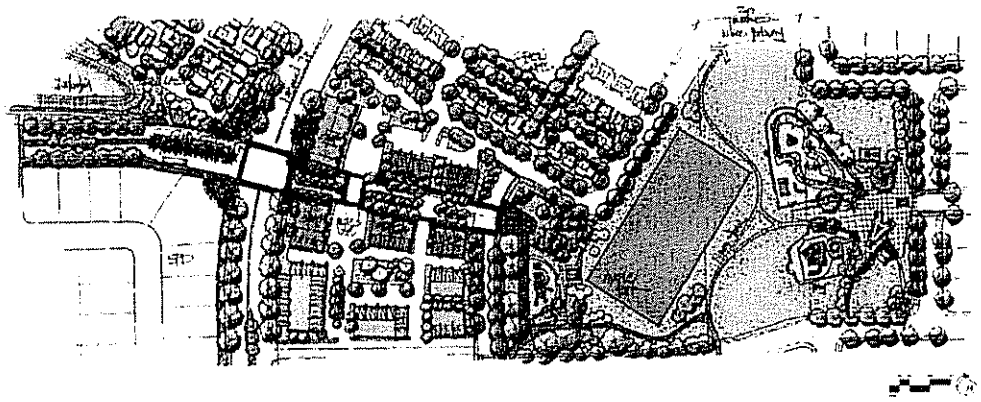


Figure 18. Schematic Mixed-Use Development Plan (Planning Area 15).

Section 5.0 Park and Open Space Uses

5.1. Open Space Network

The public open space network in the Panhandle is composed of parks, a significant regional open-space parkway situated beneath a major power line easement (Niños Parkway), detention basins, trails and pathways and paseos Figure 19 illustrates the open space elements

There is interconnection among open space elements All residents of the Panhandle are less than one quarter mile away from a park, with most substantially closer The Panhandle's nine parks are arrayed along both sides of the Niños Parkway A stormwater detention basin is on the west side of the property Approximately 65 percent of the Panhandle streets abut or terminate into parks, schools or other dedicated open space

5.2. Niños Parkway

Niños Parkway is also part of the larger regional parkway, and traverses the north/south length of the site under existing power lines Niños Parkway provides a rich variety of passive and active recreation spaces and experiences for the Panhandle community The parkway is designed for safety and utility; it also contributes to pedestrian and bicycle mobility in the Panhandle The Niños Parkway was specifically designed to provide a superior north-south park/trail experience while simultaneously making numerous connections to the neighborhoods east and west of the Niños Parkway These ample opportunities for access create a highly connected, mobile and walkable community

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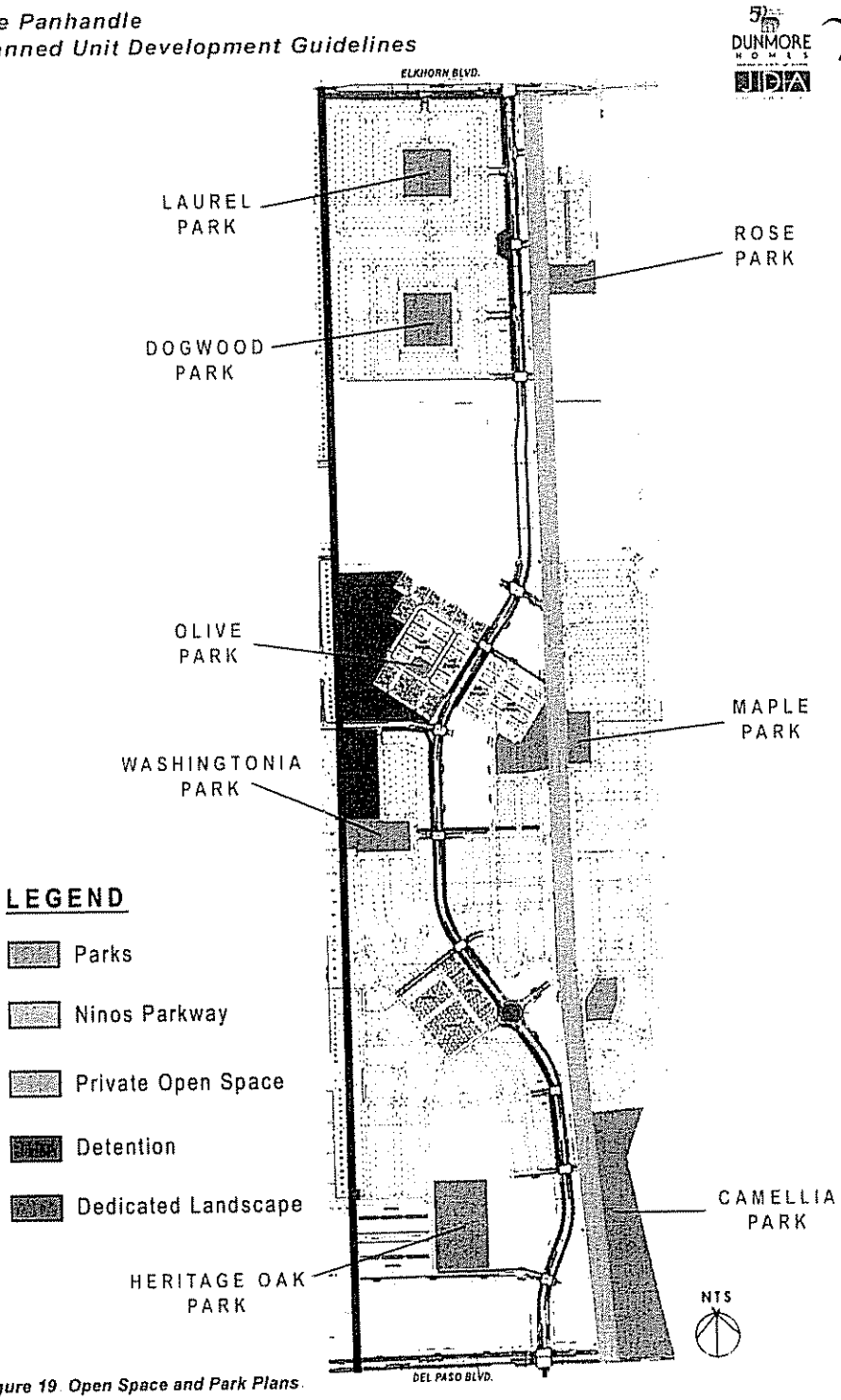

Figure 19 Open Space and Park Plans

5.3. Parks

In keeping with the theme of recalling Sacramento's gracious older neighborhoods, the Panhandle landscape plan evokes the best of Sacramento's most gracious park, Capitol Park The Panhandle Parks are named after the most beloved of the trees and representative species are found throughout the Panhandle.

Public parks are located throughout the Panhandle community These eight public parks range in size from 0 4 acres to 13 5 acres. Neighborhood-serving parks or urban plazas are used by people who live, work or visit nearby and are generally appropriate for areas of denser or mixed-used development. Elements may include small-scale features such as community gardens, children's play areas, sitting or picnic areas and walkways, landscaping or fountains and plazas Niños Parkway is approximately 40 acres in size and will also be dedicated to the City as open space.

Neighborhood parks are located adjacent to schools whenever possible to provide continuity of space. These facilities may include tot lots, an adventure playground, landscaping, water fountains or unlighted sports fields/courts.

Community parks offer recreation opportunities for several neighborhoods and serve an area of two to three miles. These parks have all the services of neighborhood parks and may include a water feature, lighted sports fields or courts, a sports complex, restrooms, an amphitheater, parking lot(s) and nature areas

5.4. Trails

Figure 20 illustrates the project-wide trail system. A system of pedestrian and bicycle trails provide transportation alternatives to a sole reliance on motorized vehicles The City and County of Sacramento's trail proposals have been incorporated into this plan.

A Class I trail similar in nature to the American River trail follows the two-mile Niños Parkway and along the south side of Elkhorn Boulevard. A Class II bicycle trail follows the length of National Drive. Class II bicycle trails will be incorporated into road sections of Del Paso Road, Elkhorn Boulevard and Club Center Drive that abut the Panhandle. Access to the neighboring Ueda trail is also convenient

Bicycle and pedestrian circulation within the Panhandle is accommodated on sidewalks and Class III bicycle routes on most streets.

Elkhorn Boulevard Trail

A Class I trail is proposed for the landscape corridor along the south side of Elkhorn Boulevard. This Class I trail is adjacent to bicycle lanes on Elkhorn Boulevard.

Safe School Route

A safe school route has been designated between Del Paso Road to the High School/Middle School north of Club Center Drive. This safe school route provides a marked route for students and a safer path of travel than along National Drive. This route is marked on Figure 20.

5.5. Detention Basin

Stormwater detention basins are at the western edge of the property near Club Center Drive. The basins are designed with primarily 4:1 side slopes. Typically these facilities have meandering top banks with landscaped (native and/or drought tolerant) plant material. A multi-purpose trail/service road is adjacent to the basins providing access in and out of this open space.

The detention basins will be fenced with a post-and-cable system in locations where there is an abutting street. Where back-on lots are planned, they are typically fenced with open metal fencing.

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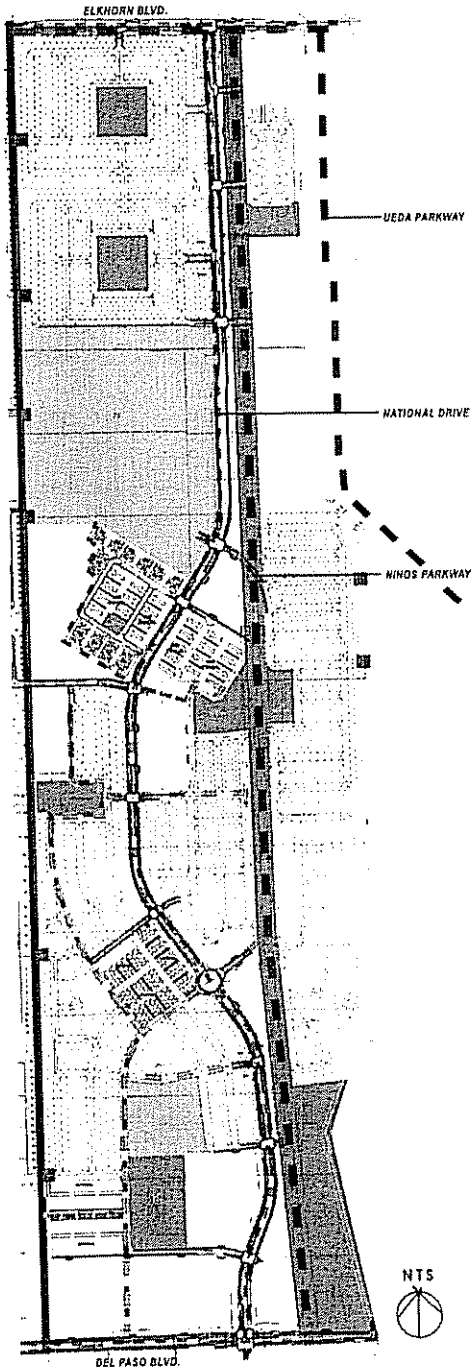

LEGEND

- Class I Trail
- Class II Bike Route
- Class III Bike Route
- School Safe Route
- Enhanced Section
- Dedicated O S
- School Site
- Connection Point

Figure 20 Trails

Section 6.0 Landscape Design Guidelines

The Panhandle's Landscape Master Plan complies with the guiding principles found in the Sacramento Tree Foundation's region-wide *Greenprint Initiative* These PUD guidelines recognize and affirm the importance of tree canopies and their contributions to clean air and water, stormwater runoff reduction, energy conservation, improved public health and increased property values These guidelines also support urban forest best management practices. Coordination with the City of Sacramento to achieve these goals is crucial for a healthy community and advances the City's goal of doubling its tree canopy Figure 19 illustrates the open space network within the Panhandle, which in turn reflects the community-wide landscape program for the Panhandle

6.1. Landscape Design Concept/Master Plan

The Landscape Master Plan has a six-fold purpose:

- Contribute visual identity to the Panhandle
- Provide visual continuity throughout the community.
- Identify important public places and mark them appropriately
- Establish high level amenities for the community.
- Institute sustainable practices for the conservation of resources
- Contribute to the identification of individual neighborhoods

This plan offers planning and design guidance for public open space, parks, trails and streetscapes. This guidance also directs future, more detailed design efforts for these project elements

6.2. Streetscapes

Streetscape plans take inspiration from Capitol Park and the nearby traditional neighborhoods of Midtown, East Sacramento, Land Park and Curtis Park. The Panhandle's streetscapes use strong sight lines, masses and planes of seasonal color as well as variations in height and texture to create interesting, noteworthy edges between neighborhoods and streets Figure 21 illustrates typical plant materials proposed for public areas

Street trees serve as place markers Throughout the Panhandle, the street edge and tree canopy are primary visual features and help provide a sense of place. Streets, neighborhoods and parks are all defined by their trees All three area tree treatments work together and have interlocking relationships in the Panhandle. Figure 22 presents the Panhandle's streetscape zones Figure 23 and Figure 24 illustrate selected street sections as marked in Figure 22 Figure 25 through Figure 37 illustrate selected Panhandle street streetscape zones

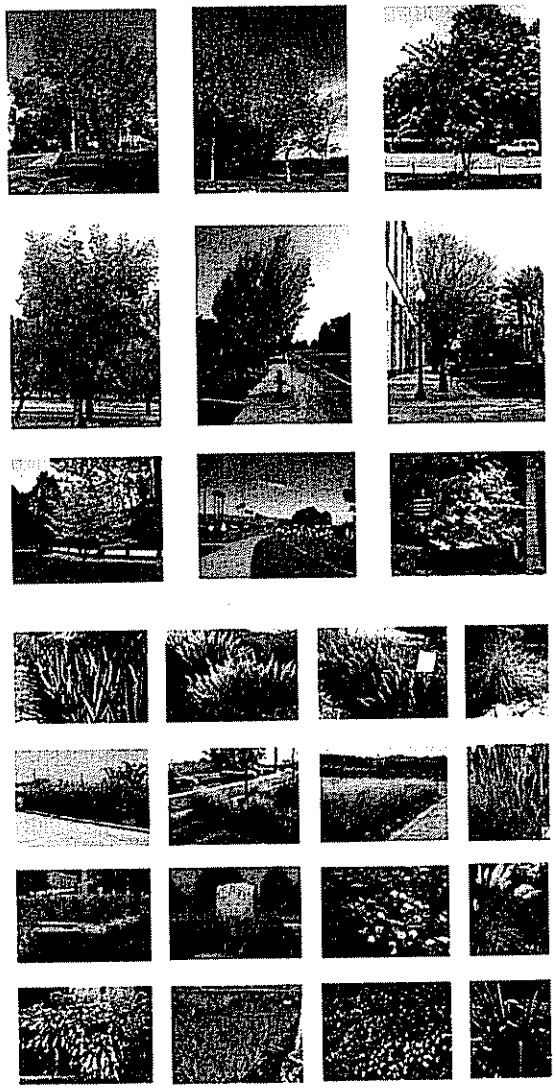

Figure 21. Typical Plant Materials.

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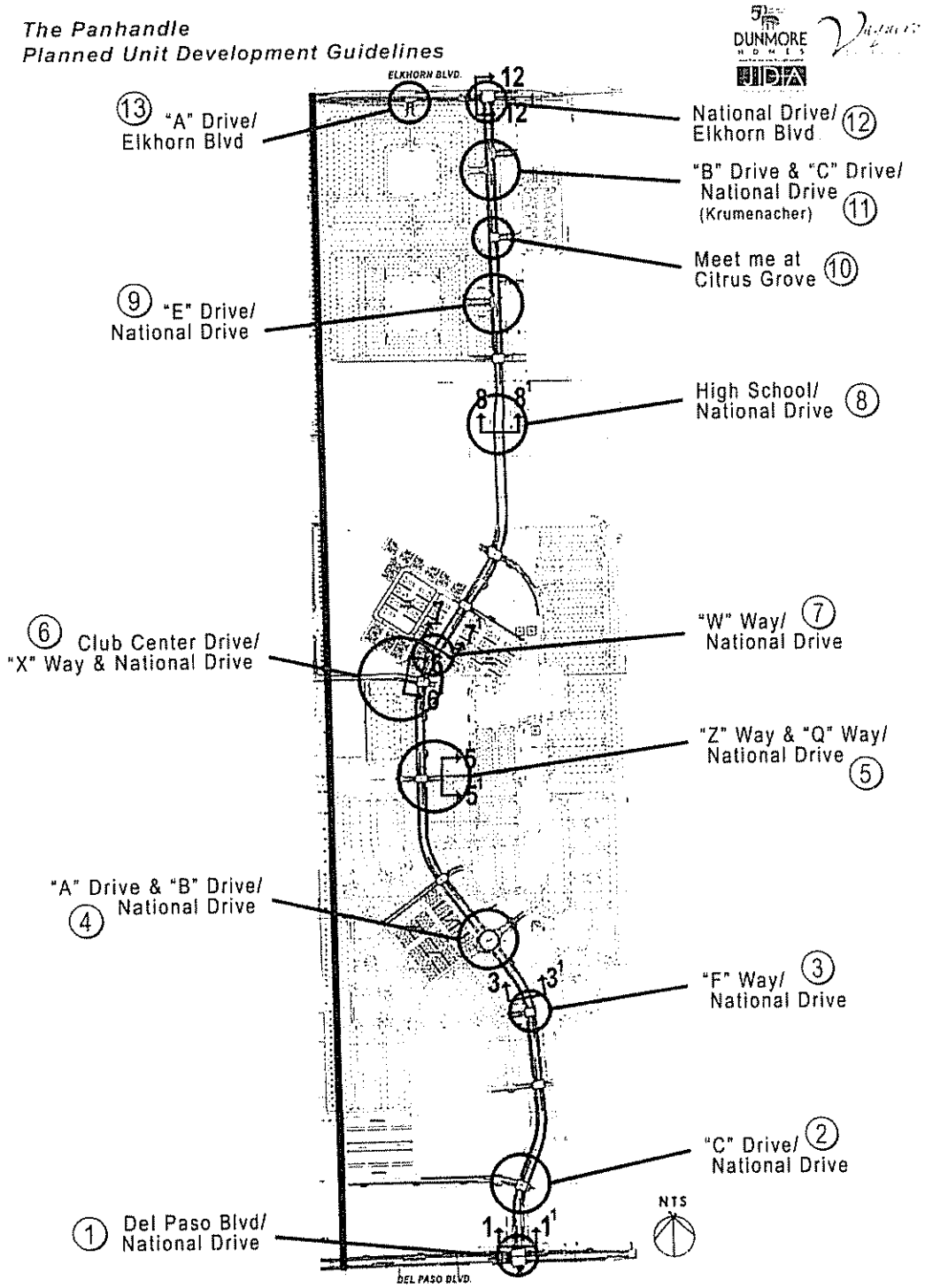

Figure 22 Landscape Locations

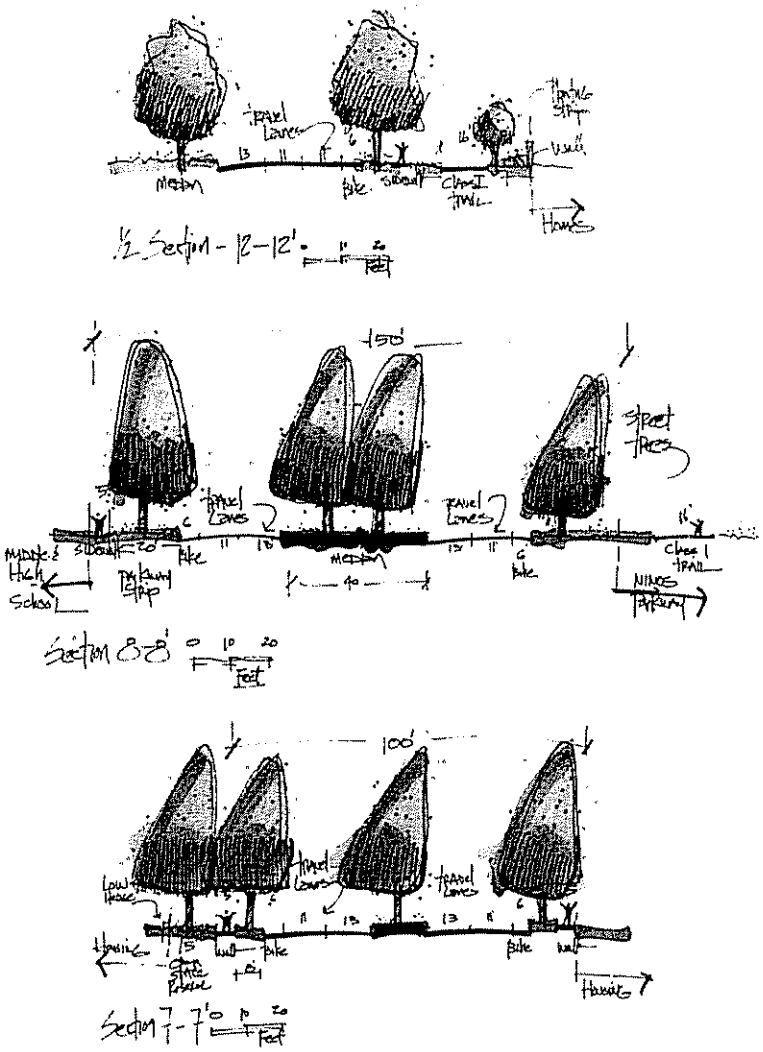

Figure 23. Street Sections.

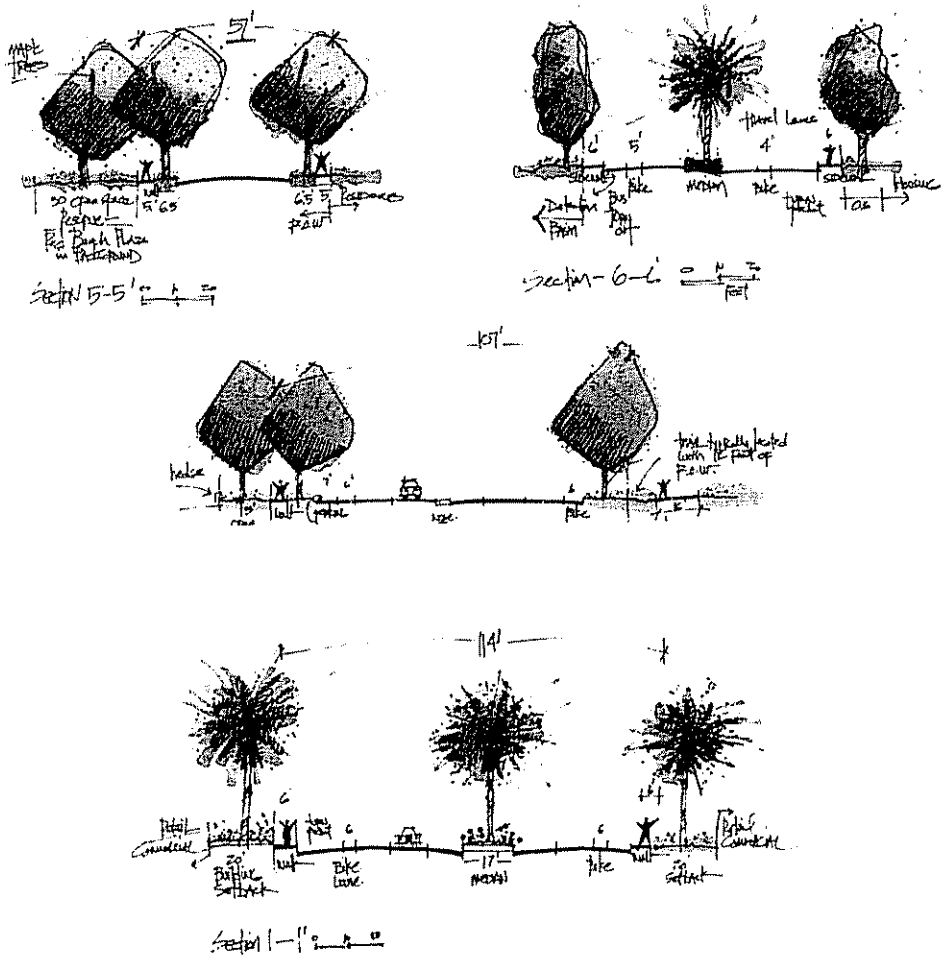

Figure 24. Street Sections.

National Drive Streetscapes

Figure 25 through Figure 37 illustrate schematic landscape plans for segments along National Drive using plant materials selected from Table 18 below.

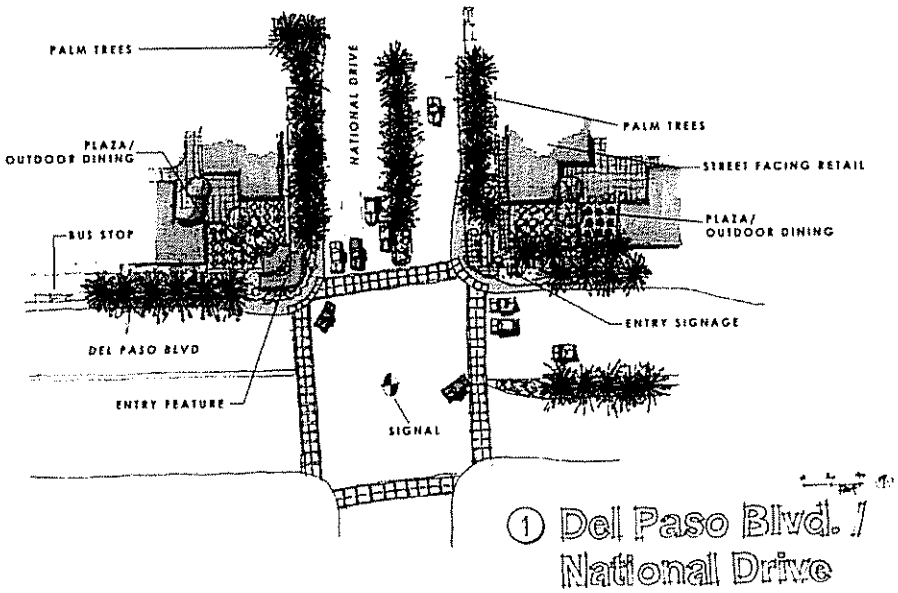

Figure 25. Schematic Landscape Plan 1. Del Paso Road and National Drive.

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Planned Unit Development Guidelines

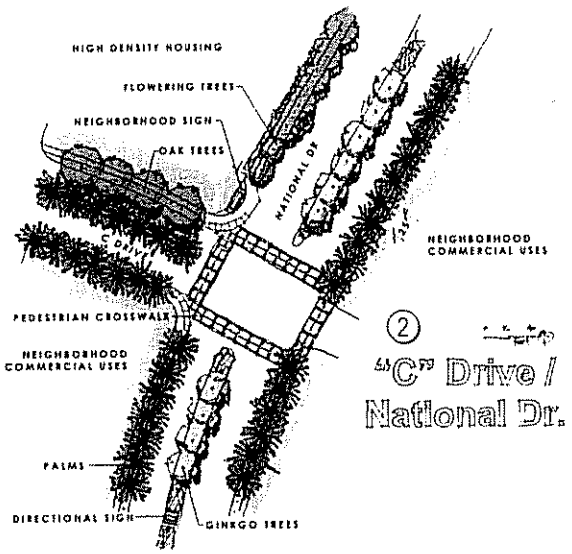

Figure 26. Schematic Landscape Plan 2. C Drive and National Drive.

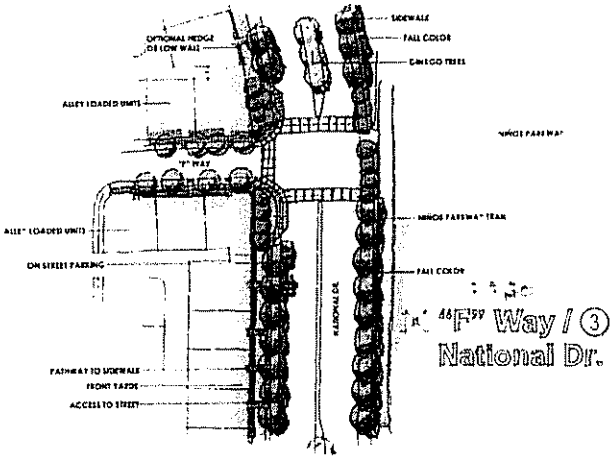

Figure 27. Schematic Landscape Plan 3. F Way and National Drive.

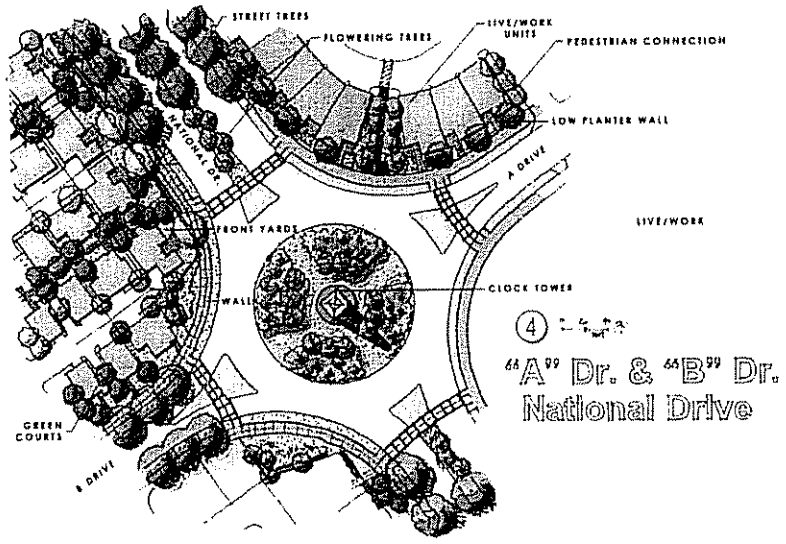

Figure 28. Schematic Landscape Plan 4. A and B Drives at National Drive.

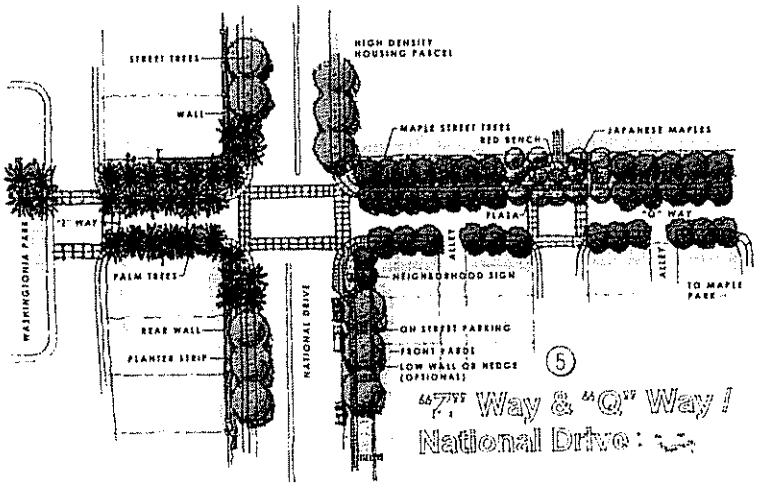

Figure 29. Schematic Landscape Plan 5. Z and Q Ways at National Drive.

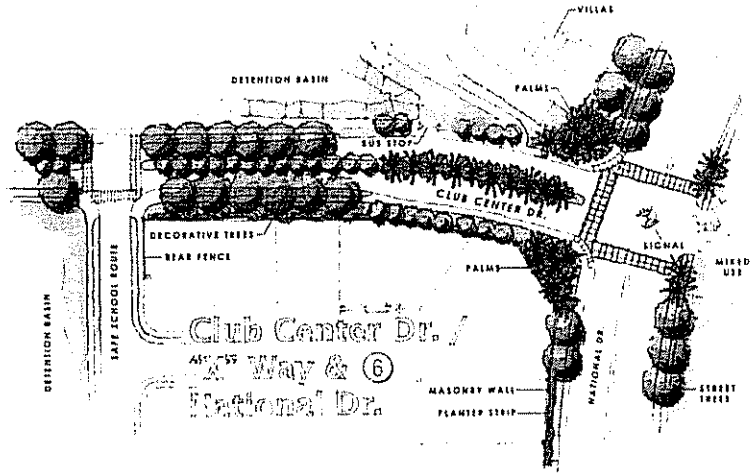

Figure 30. Schematic Landscape Plan 6. Club Center Drive and A Way at National Drive.

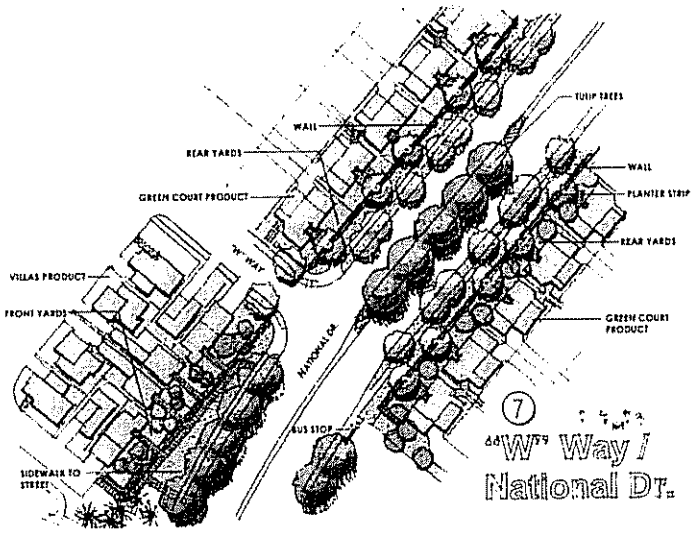

Figure 31. Schematic Landscape Plan 7. W Way at National Drive.

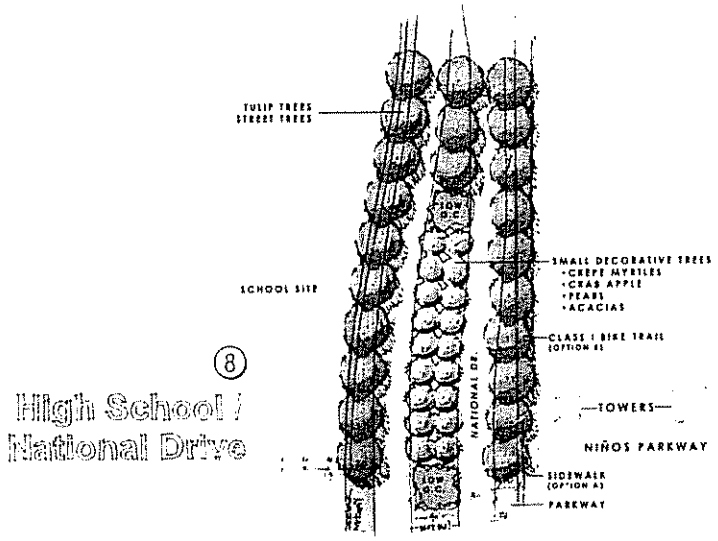

Figure 32. Schematic Landscape Plan 8. High School at National Drive.

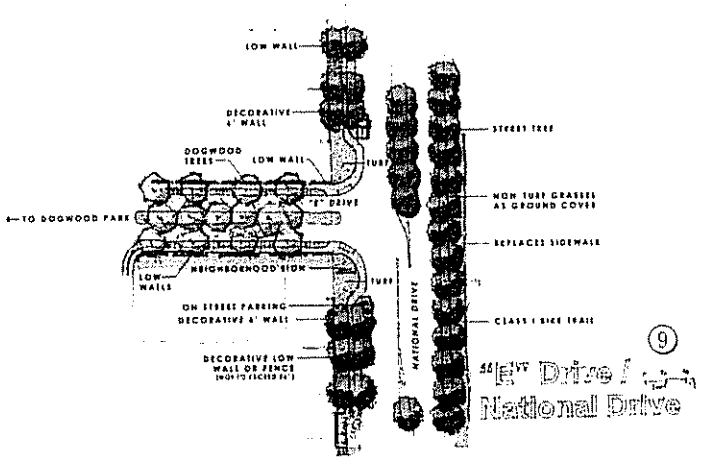

Figure 33. Schematic Landscape Plan 9. E Drive at National Drive

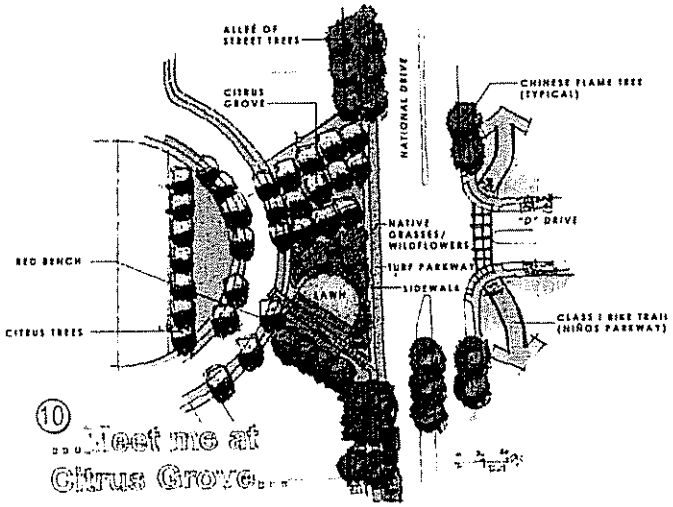

Figure 34. Schematic Landscape Plan 10. Citrus Grove.

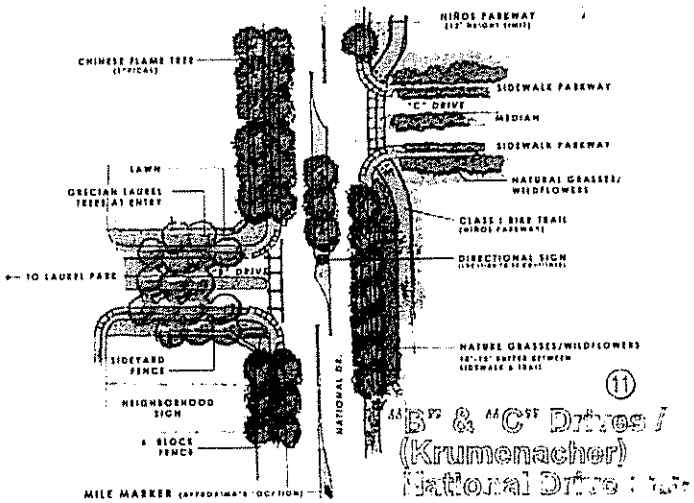

Figure 35. Schematic Landscape Plan 11. B and C Drives at National Drive.

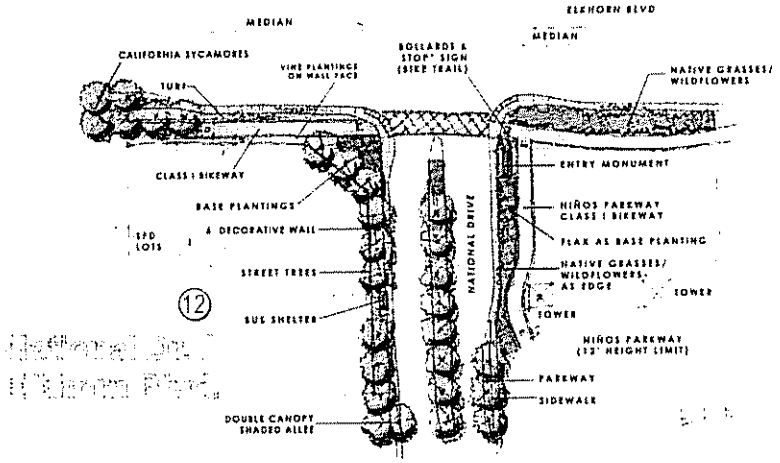

Figure 36. Schematic Landscape Plan 12. National Drive and Elkhorn Boulevard.

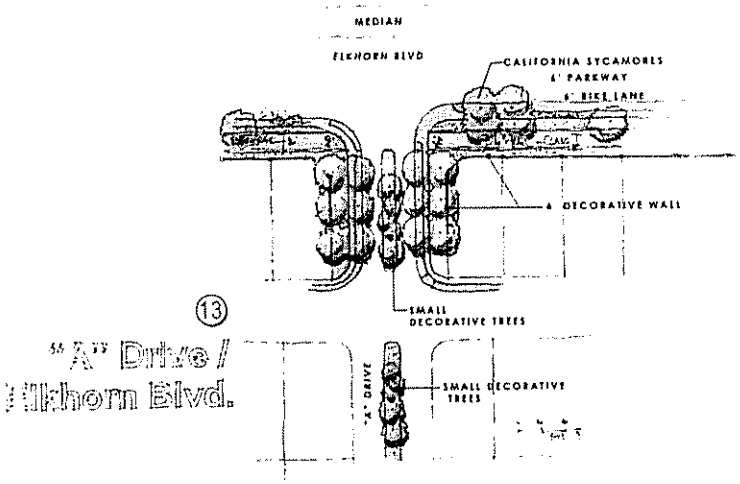

Figure 37. Schematic Landscape Plan 13. A Drive at Elkhorn Boulevard.

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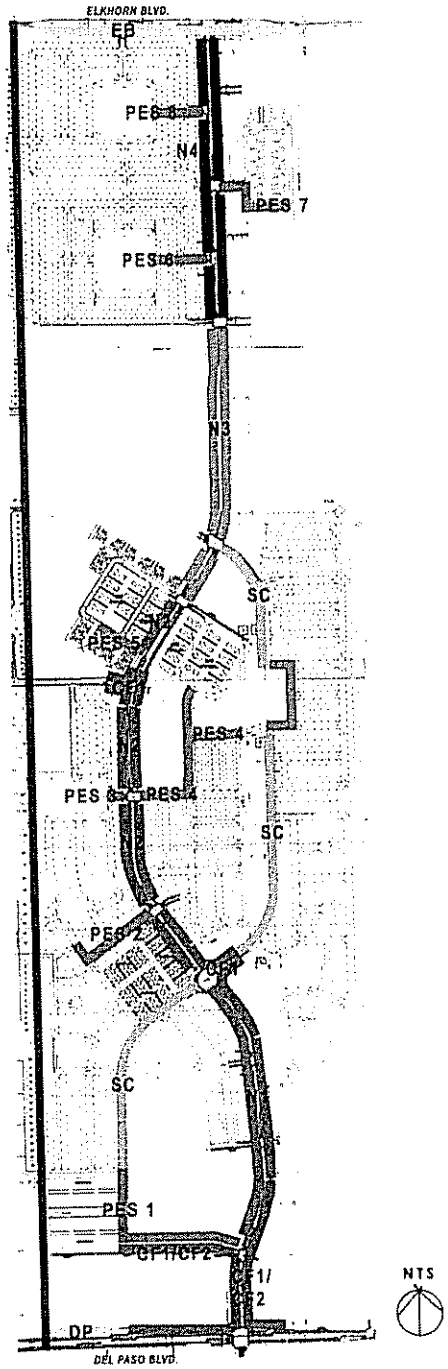

LEGEND

CF1 Commercial Frontage
- *Palms*

CF2 Commercial Frontage
- *Palms & Flowering Trees*

PES 1 Park Entry Sequence 1
- *Oak Trees*

PES 2 Park Entry Sequence 2
- *Cherry Trees*

PES 3 Park Entry Sequence 3
- *Palms*

PES 4 Park Entry Sequence 4
- *Maples*

PES 5 Park Entry Sequence 5
- *Olives*

PES 6 Park Entry Sequence 6
- *Dogwoods*

PES 7 Park Entry Sequence 7
- *Roses*

PES 8 Park Entry Sequence 8
- *Laurels*

N1 National Drive - South
- *Fall Leaf Color*

N2 National Drive - Central
- *Spring Flowering Trees*

N3 National Drive - School
- *Spring Color*
- *Tulip Trees*

N4 National Drive - North
- *Chinese Plane Trees*
- *Allee of Trees*

SC Secondary N/S Corridor
- *Oak Trees*

EB Elkhorn Blvd
- *Sycamores*

DP Del Paso Rd
- *Sycamores*

Figure 38. Streetscape Zone Locations.

Plant Palette

Table 18. Streetscape Planting Plan.

Streetscape	Segment	Primary Species	Locations or Location Portion	Purpose	Other Attributes
Commercial Frontage	CF1 (Palm)	*Washingtonia robusta. Washingtonia filifera*	Del Paso Road, National Drive. Club Center Drive	Commercial marker. skyline tree	Evergreen. tall and upright fan palm
Commercial Frontage	CF2 (Palm and pear trees)	*Washingtonia robusta. Washingtonia filifera. Pyrus calleryana*	National Drive (East side)	Commercial marker	Combination of height and street level trees
Park Entry Sequence 1	PES1 (Oak)	*Quercus rubra, Quercus ilex*	C Drive D Drive	Park entry sequence	Deciduous/evergreen
Park Entry Sequence 2	PES2	*Prunus serrulata*	W Way	Park entry sequence; skyline tree	Evergreen
Park Entry Sequence 3	PES3 (Washingtonia)	*Washingtonia filifera, Washingtonia robusta*	Z Way	Park entry sequence	Striking spring flowers. deciduous
Park Entry Sequence 4	PES4 (Maple)	*Acer spp.*	Q Way. P Way .J Way	Park entry sequence; skyline tree	Evergreen. large. stately
Park Entry Sequence 5	PES5 (Sycamore)	*Platanus racemosa spp . Liriodenron tulipfera*	A and B Drives; H Way	Park entry sequence	Deciduous
Park Entry Sequence 6	PES6 (Dogwood)	*Cornus nuttallii or Cornus florida*	E Drive	Parke entry sequence	Spring color
Park Entry Sequence 5	PES5 (Olive)	*Olea europaea*	V and W Ways	Park entry sequence	Fruitless varieties preferred
Park Entry Sequence 7	PES7 (Rose)	*Rosa spp.*	D Drive	Park entry sequence	Trellises under power lines
Park Entry Sequence 8	PES8 (Laurel)	*Laurelis nobilis*	B Drive	Park entry sequence	Skyline tree
National Drive South	N1 (south)	*Gingko biloba; Liquidambar styraciflua "Palo Alto" (Sweet Gum). Pistacia chinensis (Chinese Pistache)*	National Drive	Indicating distinctive segment of main drive	Deciduous street trees with good fall leaf display

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Streetscape	Segment	Primary Species	Locations or Location Portion	Purpose	Other Attributes
National Drive Central	N2	*Lagerstroemia indica (Crape Myrtle), Malus spp (Crabapple); Prunus spp. (Pear); Acadia spp. (Acacia); Liriodendron tulipifera (Tulip Tree)*	National Drive	Indicating distinctive segment of main drive	Flowering. deciduous street trees
National Drive School	N3	*Lagerstroemia indica (Crape Myrtle), Malus spp. (Crabapple); Prunus spp. (Pear); Acadia spp. (Acacia), Liriodendron tulipifera (Tulip Tree)*	National Drive along school frontage	Indicating distinctive segment of main drive	Spring/Summer color and strong line created by tulip tree
The Arches; National Drive North	N4	*Koelreutria bipinnata (Chinese Flame Tree), Zelkova serrata, Pistacia chinensis*	National Drive between High School/Middle School and Elkhorn Boulevard	Indicating distinctive segment of main drive	Canopy has flowers and colorful leaves to walk under
Secondary North/South Corridor	SC	*Quercus spp. (Oaks)*	Drives A and B	Marking the important secondary north/south route	Strong sense of corridor created by rows of oaks
Elkhorn Boulevard	EB	*Platanus racemosa (California Sycamore). Liriodendron tulipfera*	Elkhorn Boulevard, the length of the property	Indicating the limits of the Panhandle	Reflective of the more rural and agricultural parts of the Central Valley
Residential Streets	RS	*Ulmus parviflora (Chinese Elm); Zelkova serrata (Zelkova); Ceratonia siliqua (Carob); Nyssa sylvatica (Tupelo); Morus alba (Mulberry); Magnolia spp. (Magnolias); Sapium sebiferum (Chinaberry); Koelreutria bipinnata (Chinese Flame Tree)*	Throughout the Panhandle	Street tree	Good. sturdy proven street trees
Del Paso Non-Commercial	DP	*Platanus racemosa (California Sycamore). Liriodendron tulipfera*	Del Paso Road, the length of the property	Indicating the limits of the Panhandle	Reflective of the more rural and agricultural parts of the Central Valley

6.3. Entry Landscapes

Two primary entrances are proposed for the Panhandle at the intersection of Del Paso Road and National Drive and at Elkhorn Boulevard and National Drive Previous Figure 25 represents a configuration of the Del Paso/National Drive intersection Previous Figure 36 represents a conceptualization of the entry at Elkhorn Boulevard and National Drive

6.4. Street Furniture

Figure 39 presents selected examples of proposed street furniture for the Panhandle

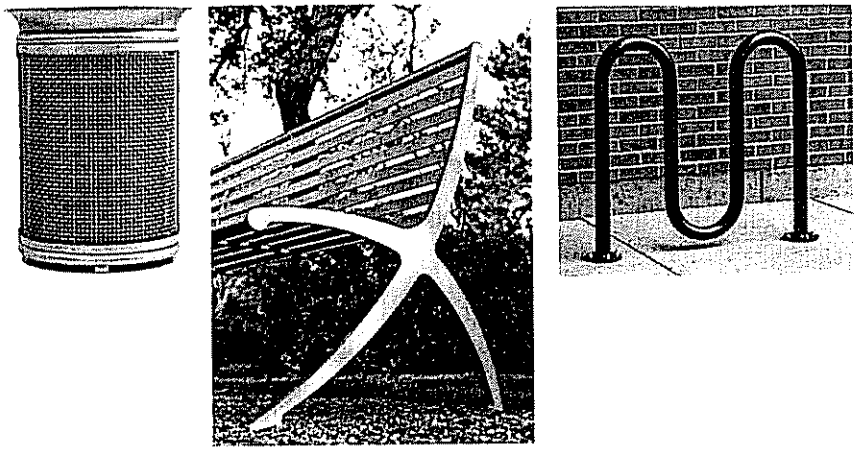

Figure 39. Proposed Street Furniture.

6.5. Sorento Road Landscape Treatment

Sorento Road is the eastern edge of the Panhandle project beginning at Del Paso Road and extending north approximately one mile. The Panhandle's property boundary generally occurs along the centerline of Sorento Road, with the western (Panhandle) side of Sorento Road being proposed for drainage and landscape improvements. Along the Panhandle's eastern boundary, Camellia Park is on the south. The walled and gated age-restricted community is further north and single family homes are located even further north along Sorento Road.

Grading and drainage conditions in the Panhandle requires a small slope between back of lot line (Panhandle) and existing street paving for Sorento Road. Figure 40 illustrates a typical cross section.

The landscape treatment consists of a decorative fence or wall depending on the particular neighborhood backing up to Sorento Road. Treatments may include vine trellis located at intervals, plantings of trees and shrubs and a ground cover treatment along the edge of Sorento Road. All installed landscaping will be irrigated and maintained by either the Panhandle Homeowners Association or by the City's landscape maintenance crews. Figure 41 illustrates an elevation and plan view of the typical landscape treatment.

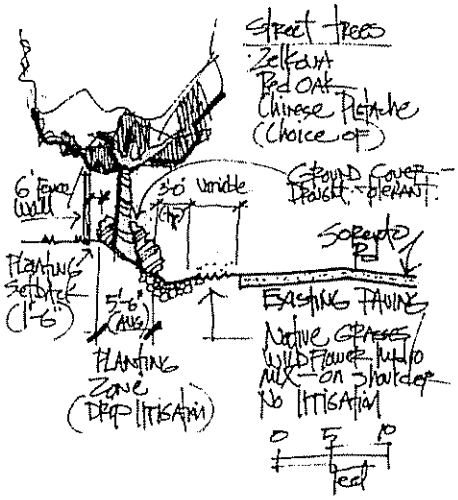

Figure 40. Sorento Road Cross Section.

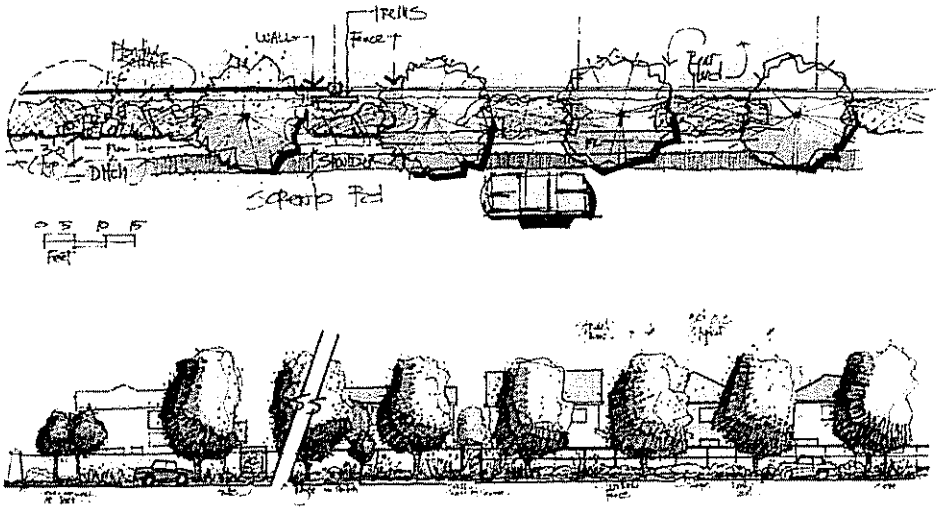

Figure 41. Sorento Road Streetscape.

Section 7.0 Signage

Two major categories of signs are anticipated: Panhandle-wide signs and project signs. Signage for individual projects such as parks, the senior complex, commercial sites and high and medium density housing projects will be reviewed on a project-by-project basis as part of that project's entitlement process.

7.1. Panhandle-Wide Signage

Four types of signs are envisioned as developer-provided Panhandle-wide signs. All of these signs shall be designed as a family of signs. All of these four sign types are found primarily along National Drive. The four sign types are:

- Entry Monuments
- Neighborhood Signs
- Directional Signs
- Mile-Markers (Optional at Discretion of Developer)

Other types of signage, as stated below, are permitted. Figure 42 illustrates proposed locations for these four sign types. Figure 43 illustrates a potential Panhandle-wide signage family. Note that these figures are schematic only and a comprehensive signage program will be submitted to the City as part of a Special Permit Application.

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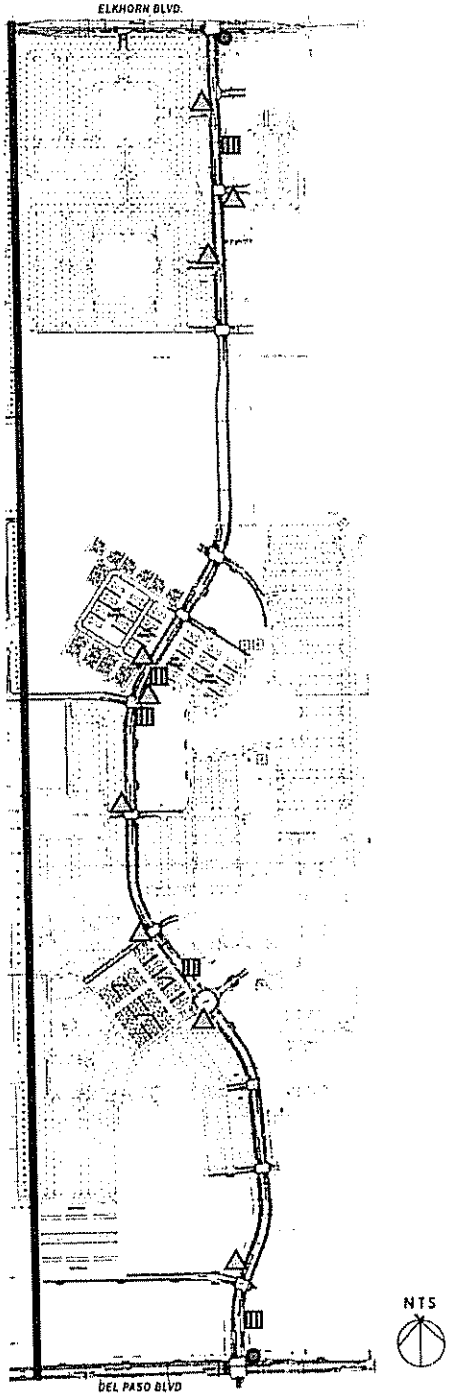
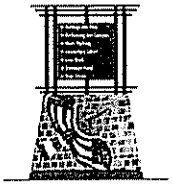


LEGEND

Entry Signage

Neighborhood



Directional

1/10 Mile
Marker (Optional)

Figure 42. Project Signage.

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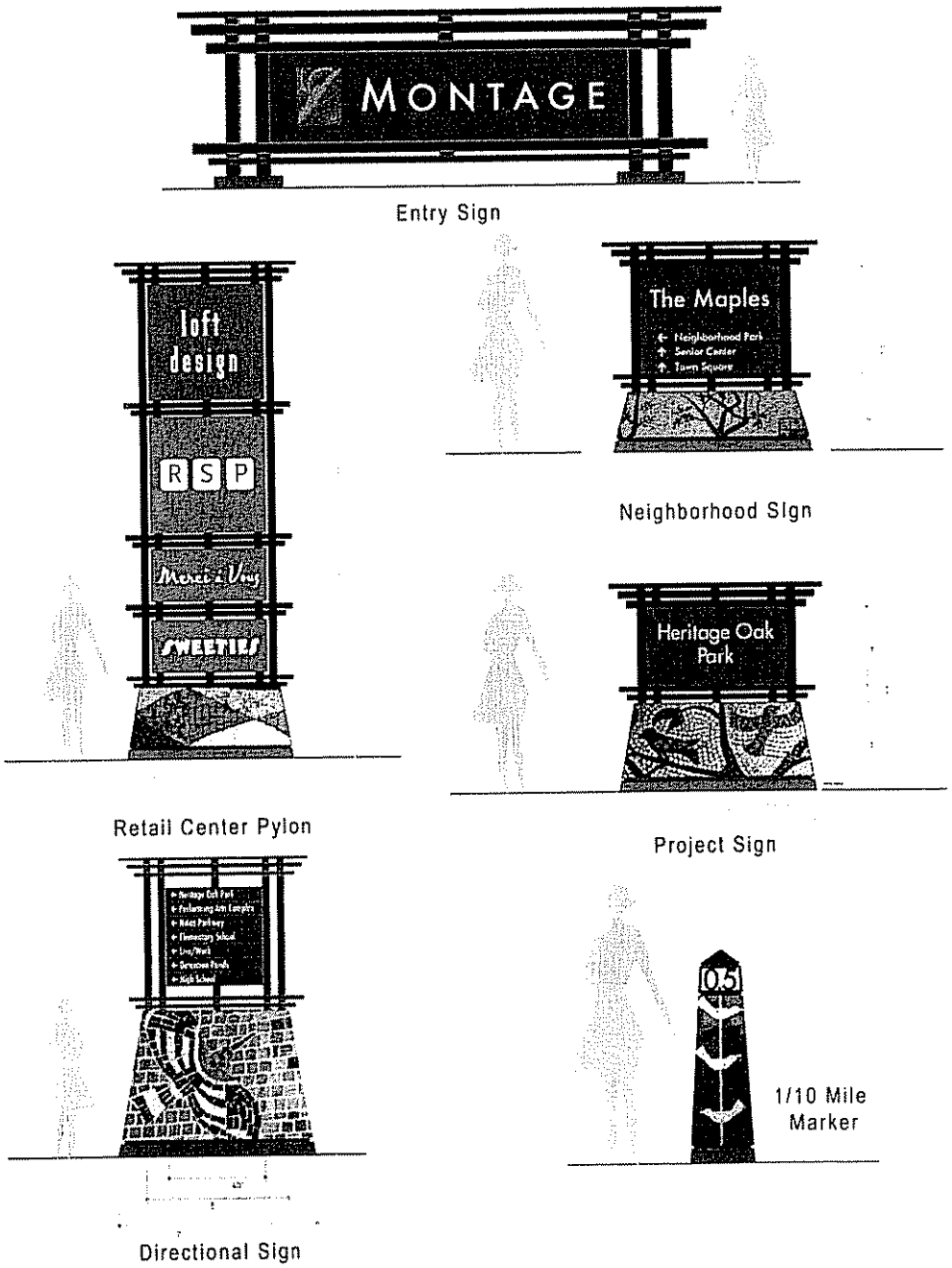

Figure 43 Sign Family.

Entry Monuments

Entry monuments will be located at two intersections: Del Paso Road at National Drive and Elkhorn Boulevard at National Drive. Entry monument frames shall be no longer than 25 feet in length and no higher than 8 feet. The signage face itself shall not exceed 16 feet in length and 3 feet in height. Entry monuments may be double-faced and/or located on two sides of the above intersections.

Neighborhood Signs

Neighborhoods may or may not be identified with signage. If neighborhoods are identified by signage, these signs shall be located at prominent places along National Drive, generally at streets leading to the parks. Each neighborhood is allowed up to two signs along National Drive although a single sign is preferred.

Directional Signs

Directional signs are permitted wherever the need for directions is critical. Whenever possible, these signs should be located in the median of National Drive. Directional signs shall not exceed 12 feet in height and seven feet in length.

Mile-Markers

Mile-markers are intended to provide markers that help identify the project and provide way-finding information. These markers are optional and at the discretion of the developer.

7.2. Project Signage

Ground-mounted project monuments announce the name of a park, a prominent commercial site, the senior complex or a medium or high density residential project. Ground-mounted is permitted. One sign per intersection per project is permitted. If a project is bounded by three streets then two signs are permitted. It is at the discretion of the project as to where these signs are located.

Project signage shall reflect the architectural character of the project. Project signage shall not exceed six feet in height and six feet in length. Project signage may be lighted.

7.3. Commercial/Retail Signage

A comprehensive signage program shall be developed for each commercial site in the Panhandle as part of final design.

Retail Center Pylon

One identification sign shall be installed for the retail center. Maximum sign height shall be 15 feet high by four feet wide on National Drive and identify retail centers on both the west and east sides of National

Drive The exact location of the identification sign is yet to be determined; however, the sign will be set back approximately 500 feet from Del Paso Road and will not conflict with the main entry signage (please see Figure 43). Guidelines for commercial/retail signage are as follows:

Major Tenant Building Signage Guidelines

For spaces over 35,000 square feet in size:

- Total size of all signage should not exceed 400 square feet.
- Letter height on fascia shall not exceed 60 inches in height, although one letter may be up to 72 inches in height.
- Subtext letters shall not exceed 24 inches in height.
- Subtext letters shall not exceed 24 percent of lease width.
- Signage should be internally illuminated

Medium Tenant Building Signage Guidelines

For spaces between 15,000 and 35,000 square feet in size:

- Total size of all signage should not exceed 250 square feet.
- Letter height should not exceed 54 inches in height although one letter may be up to 60 inches in height.
- Subtext letters should not exceed 18 inches in height.
- Length of signage not to exceed 65 percent of lease width.
- Shop tenants should be permitted two signs per tenant and three if in a corner location.
- Signage should be internally illuminated.

Minor Tenant Building Signage Criteria

For spaces between to 3,000 and 15,000 square feet in size:

- Total size of all signage should not exceed 250 square feet.
- A variety of signage types are encouraged.
- Tenants may have one identification sign; two on a corner location is allowed
- Letter height should not exceed 36 inches in height.
- Length of signage should not exceed 65 percent of lease width
- Signage should be internally illuminated

- Pedestrian blade signs are permitted

Shop Tenant Signage Guidelines

- A variety of signage types are encouraged
- Shop tenants should be permitted two signs per tenant and three if in a corner location
- Aggregate signage should not exceed fifty feet in size.
- Length of signage should not exceed 65 percent of lease width.
- Letters should not exceed 30 inches in height.
- Logos should not exceed 36 inches in height.
- Shop tenant signs should be internally illuminated, lighted from an outside source or be exposed tubing such as neon
- Shingle signs, in lieu of window signage, are permitted.
- Architectural shutters, awnings or arcades along store fronts are encouraged. Awning signage with a business name is permitted in lieu of building face signage. Maximum size should not exceed that of building-mounted signage.
- Tenant signage may be applied with paint to background materials such as decorative metals or to the building face directly.

Live-Work Signage Guidelines

- Live-work units are permitted a shingle-style pedestrian blade sign
- Shingle signs should be hung perpendicular to building face
- Shingle signs should be hung from a supporting rod that matches the architectural style of the building façade
- Supporting rod for the shingle sign should be located nine feet above sidewalk level.
- Shingle sign should not exceed four feet in length and two feet in height.
- Tenants are encouraged to use creativity in signage
- Shingle sign materials may be wood, metal, plastic or glass
- Signs should be externally illuminated by ground- or building-mounted light fixtures
- Window or door signage expressing the name of business is permitted. Signage face should not exceed 2.25 square feet in size. Other than business name, logo, hours of operation and website address, no other signage should be permitted

Section 8.0 Walls and Fences

8.1. Walls and Fences

Figure 44 illustrates the locations of walls and fences within the Panhandle. Perimeter walls within the Panhandle are minimized by design. Low walls, fences and hedges along the frontages of alley-loaded homes provide both openness and a margin of privacy from the street.

Masonry Perimeter Walls

Two types of perimeter walls are envisioned for the Panhandle: a solid masonry wall and a masonry base wall with tubular steel pickets above. Both walls shall be capped with a wall cap and total height of wall with cap shall not exceed six feet eight inches in height. Figure 45 and Figure 46 illustrate schematic perimeter wall designs. Guidelines for perimeter walls include:

- Column, pilaster and base materials may be concrete or masonry block. Split-face or other decorative block walls are permitted. Walls of non-decorative block or concrete shall be faced in stucco or other decorative facing material. Concrete bases do not need decorative facing material.
- Perimeter walls may have a decorative cap.
- Height of perimeter walls (including cap) are six feet eight inches maximum.
- Pilasters and visible support columns are permitted.
- Columns and pilasters may exceed the six-foot height limit.
- Corner and entry columns should be larger than interior columns and/or pilasters.
- Inserts of steel pickets are permitted.
- Walls may be covered in vines.
- Graffiti abatement steps such as landscaping or the application of a sacrificial coating may be applied.
- With the exception of the age-restricted project, park-abutting walls shall be a semi-transparent fence made of painted tubular steel. The steel fence (four feet in height) shall be mounted on a low concrete wall (two feet in height), for a total height of six feet. No opaque surfaces other than columns and landscaping may block visibility through the fence. The age-restricted south shall be the standard perimeter wall.
- Walls may have semi-circular bump-outs sized to accommodate a tree.

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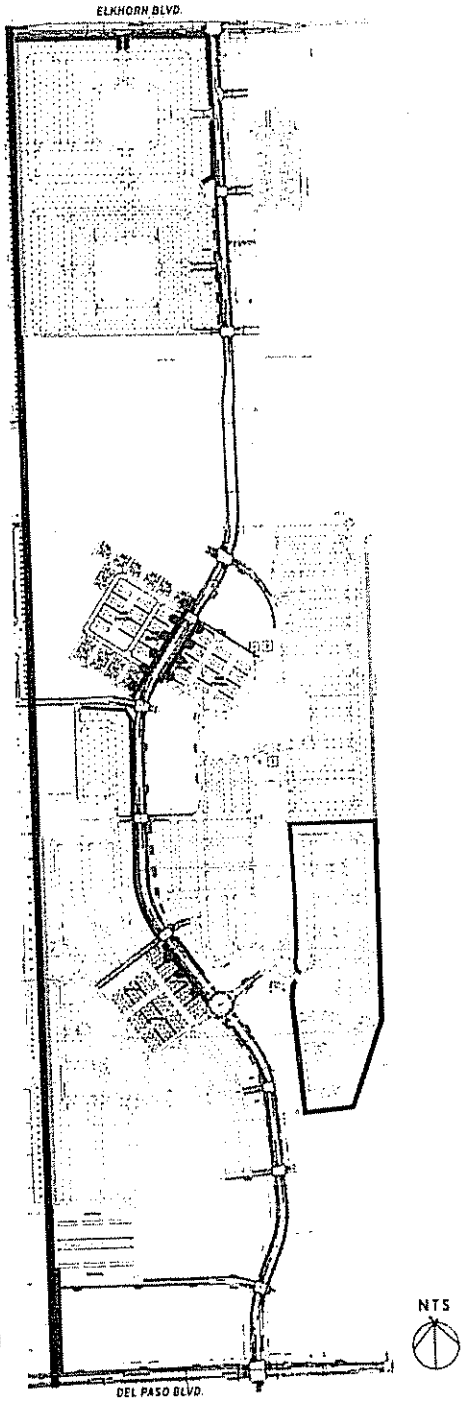


LEGEND

- 6' Masonry & Steel Picket Wall
- 6' Masonry Wall
- Optional Low Wall/ Fence or Hedge
- Rear Privacy Fence Along Perimeter

Please refer to figures 45 and 46 for detailed conceptual wall elevations

Figure 44. Walls and Fences

Low Decorative Walls and Fencing

Low decorative walls are permitted on the front of all alley-loaded lots. These walls are intended to provide a strong edge along pedestrian-oriented streets (please see Figure 44 through Figure 46). Guidelines for low decorative walls include:

- Low decorative walls and fencing shall not exceed 28 inches in height
- Decorative features such as trellises and arches are permitted where front door sidewalks intersect the wall. These features shall not exceed eight feet six inches in height
- Style, color and wall materials shall be standardized for the length of each separate product frontage. Style, color and wall materials may be unique for each product frontage.
- Low walls are to be located within 12 inches of the back of the sidewalk. Walls abutting the rear edge of the sidewalk are permitted
- Low wall materials may be concrete or masonry block. Split-face or other decorative block walls are permitted. Walls of non-decorative block or concrete shall be faced in stucco or other decorative facing material
- Low fencing shall be wood or wood-simulated material.
- Low fencing should be placed 12 inches from the edge of the sidewalk allowing a planter space.

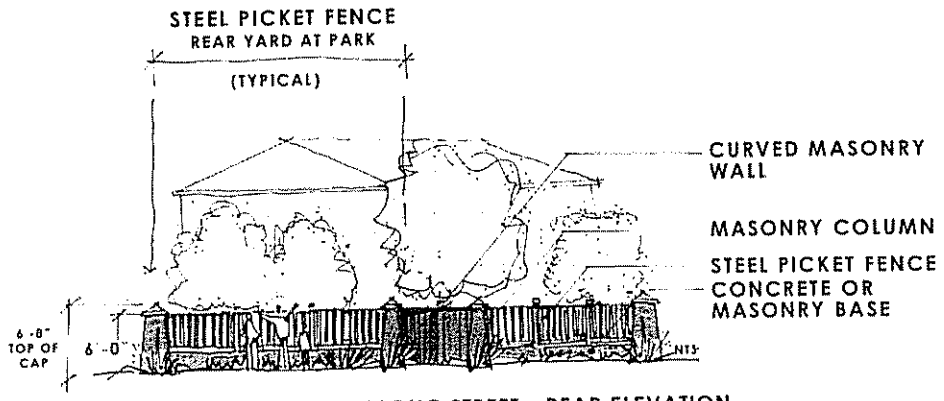
Park Fencing

Park Fencing consists of the City of Sacramento's standard post-and-cable detail. This fencing will be placed around the detention basins and portions of the parks, including Niños Parkway, at the discretion of the City of Sacramento.

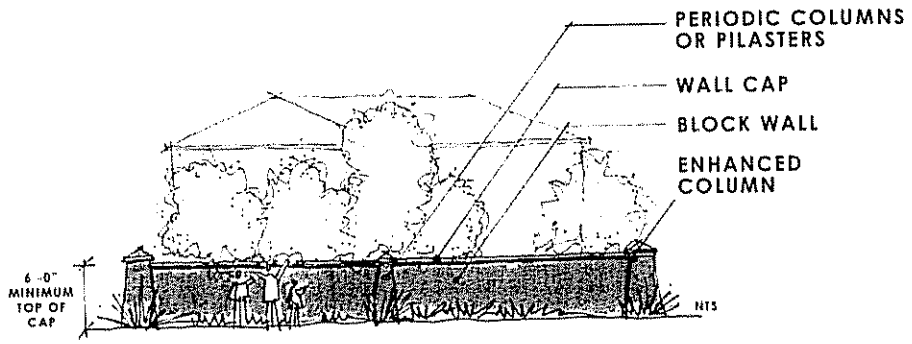
Fencing at High Density Housing

Fencing is discouraged around high density housing. If fencing is desired, a transparent fencing such as steel picket fencing is recommended. Fencing for high density housing will be subject to design review at time of project submittal.

BIG WALLS



- STEEL PICKET FENCE ALONG STREET - REAR ELEVATION
- STEEL PICKET FENCE - REAR YARDS AT PARKS
  (ELIMINATE CURVED MASONRY WALL)



- PERIMETER BLOCK WALL
- WALL ALONG STREET

Figure 45. Conceptual Examples. Big Walls.

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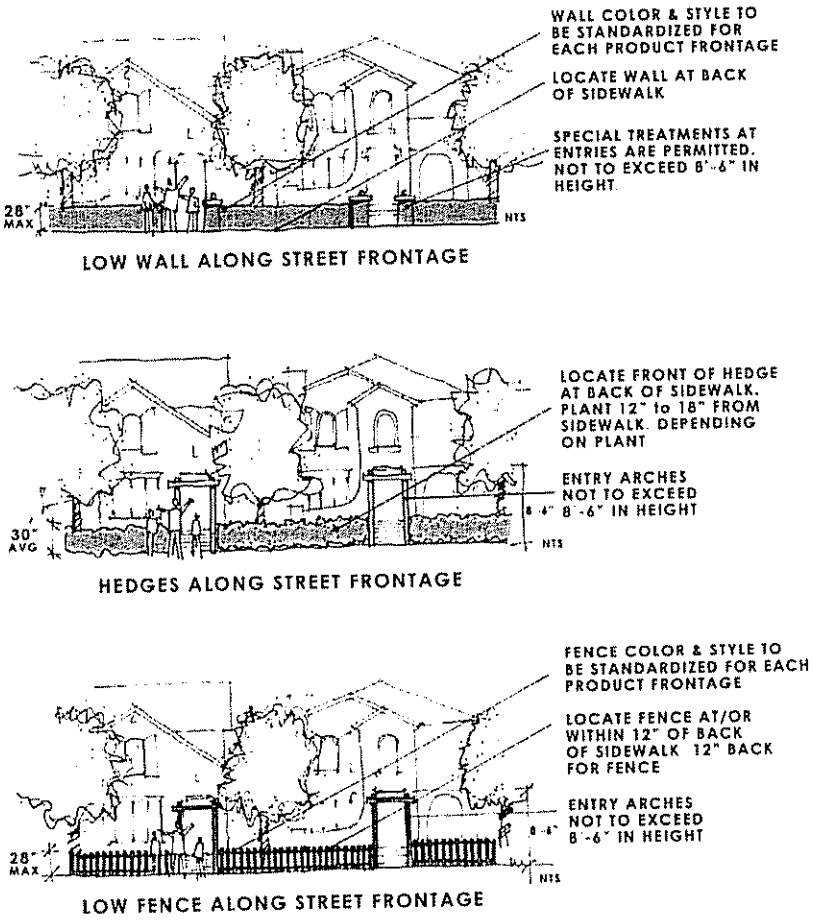

Figure 46 Conceptual Examples. Little Walls.

Section 9.0 Lighting Guidelines

- A lighting plan shall be developed and provided with special use permits and/or development plan review for the Panhandle PUD to ensure that all lights are low-intensity, fully-hooded, back-shielded and directed away from residential areas to reduce light "spillage" and glare, and to prohibit illumination from breaking the horizontal plane.
- Outdoor lighting for commercial uses and community parks/sports facilities in the Panhandle PUD shall be designed to be turned off when not in use where security and safety is not a concern. This requirement shall be included in lighting plans submitted to the City as part of the improvement plans
- Light fixtures for sports fields that are planned to be lighted in the Panhandle PUD shall be directed away from residential areas to reduce light "spillage" and glare. Light fixtures shall be designed to limit illumination to the sports fields only and shall demonstrate the illumination of adjacent residential properties will not exceed one foot-candle.
- Architectural lighting should articulate building design as well as provide functional lighting for pedestrian movement. Lighting should also enhance architectural forms, landscape features, public art or other site elements.
- Hanging or suspended overhead pendant lights are encouraged.
- Bollard lighting in pedestrian areas is allowed and encouraged
- Exterior lighting may be building- or ground-mounted.
- Entry signage may be illuminated by ground-mounted fixtures, internally illuminated or by fixtures installed directly on the given entry monument or sign
- Placement of lights should limit glare, obtrusive light, light trespass and upward-directed, wasted light.
- Metal halide parking lot lighting is encouraged
- Light fixtures and standards should be consistent throughout the Panhandle project. Column and standard color may vary between projects.
- Light standards in parking lots should not exceed 25 feet in height.
- Light standards for pedestrian ways should not exceed 15 feet in height.
- Service area lighting should be contained within that area. Service area lighting should avoid direct visibility from surrounding streets or internal drives.
- Security lighting fixtures should not be substituted for parking lot or walkway lighting fixtures unless adequate safety allows for dual use.

Appendix A. Recommended Plant List.

The following plant materials are subject to confirmation from site specific soils analysis that plant species shall survive

Type	Water Usage	Botanical Name	Common Name	Plant Function
Large Trees (50' – 100')	High	*Acer spp*	Maples	Shade/Color
Large Trees (50' – 100')	High	*Alnus rhombifolia*	White Alder	Shade
Large Trees (50' – 100')	Medium	*Araucaria heterophylla*	Norfolk Island Pine	Shade
Large Trees (50' – 100')	Medium	*Calocedrus decurrens*	Incense Cedar	Shade
Large Trees (50' – 100')	Medium	*Catalpa speciosa*	Western Catalpa	Shade
Large Trees (50' – 100')	Low	*Cedrus deodar*	Deodar Cedar	Shade
Large Trees (50' – 100')	Low	*Celtis australis*	European Hackberry	Shade
Large Trees (50' – 100')	Medium	*Cinnamomum camphora*	Camphor	Shade
Large Trees (50' – 100')	Medium	*Gingko biloba*	Maidenhair	Shade
Large Trees (50' – 100')	Medium	*Gleditsia triacanthos*	Honeylocust	Shade
Large Trees (50' – 100')	High	*Liriodendrum tulipifera*	Tulip	Shade
Large Trees (50' – 100')	Medium	*Magnolia spp*	Magnolia	Shade
Large Trees (50' – 100')	Low	*Phoenix canariensis*	Date Palm	Shade
Large Trees (50' – 100')	High	*Picea ables*	Norway Spruce	Shade
Large Trees (50' – 100')	High	*Picea pungens*	Colorado Spruce	Screening
Large Trees (50' – 100')	Medium	*Pinus canariensis*	Canary Island Pine	Screening

Type	Water Usage	Botanical Name	Common Name	Plant Function
Large Trees (50' – 100')	Low	*Pistacia chinensis*	Chinese Pistache	Shade
Large Trees (50' – 100')	Medium	*Platanus acerifolia*	London Plane	Shade
Large Trees (50' – 100')	Medium	*Platanus racemosa*	California Sycamore	Shade
Large Trees (50' – 100')	Medium	*Populus nigra* 'Italica'	Lombardy Poplar	Shade
Large Trees (50' – 100')	Low	*Quercus spp*	Oaks	Shade
Large Trees (50' – 100')	Low	*Sequoia sempervirens*	Coast Redwood	Shade
Large Trees (50' – 100')	Medium	*Ulmus spp*	Elms	Shade
Large Trees (50' – 100')	Low	*Washingtonia filifera*	California Fan Palm	Skyline tree
Large Trees (50' – 100')	Low	*Washingtonia robusta*	Mexican Fan Palm	Skyline tree
Large Trees (50' – 100')	Medium	*Zelkova serrata*	Green Vase Zelkova	Shade
Medium Trees (30' – 50')	Medium	*Alnus cordata*	Italian Alder	Shade
Medium Trees (30' – 50')	High	*Betula jacquemonti*	Himalayan Birch	Shade
Medium Trees (30' – 50')	Medium	*Carpinus betulus*	European Hornbeam	Shade
Medium Trees (30' – 50')	Low	*Celtis sinensis*	Chinese Hackberry	Shade
Medium Trees (30' – 50')	Low	*Ceratonia siliqua*	Carob	Shade
Medium Trees (30' – 50')	Low	*Cercidium floridum*	Blue Palo Verde	Shade
Medium Trees (30' – 50')	Low	*Cercis spp*	Red Bud	Shade/Color
Medium Trees (30' – 50')	Medium	*Koelreutria bipinnata*	Chinese Flame Tree	Shade. Flowers. Leaves
Medium Trees (30' – 50')	Medium	*Liquidambar styraciflua*	American Sweet Gum	Shade

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Type	Water Usage	Botanical Name	Common Name	Plant Function
Medium Trees (30' – 50')	Medium	*Magnolia spp*	Magnolias	Shade/Flowers
Medium Trees (30' – 50')	Medium	*Maytenus boaria*	Mayten Tree	Shade
Medium Trees (30' – 50')	Medium	*Morus alba* 'Fruitless'	White Fruitless Mulberry	Shade
Medium Trees (30' – 50')	High	*Nyssa sylvatica*	Sour Gum	Shade
Medium Trees (30' – 50')	Low	*Pinus eldarica*	Afghan Pine	Screening
Medium Trees (30' – 50')	Low	*Pinus halepensis*	Allepo Pine	Screening
Medium Trees (30' – 50')	Medium	*Pinus sylvestris*	Scotch Pine	Screening
Medium Trees (30' – 50')	High	*Populus fremontii*	Fremont Cottonwood	Shade
Medium Trees (30' – 50')	Medium	*Sapium sebiferum*	Chinaberry	Shade
Small Trees (15' – 30')	Low	*Acacia baileycma*	Bailey Acacia	Shade
Small Trees (15' – 30')	High	*Acer*	Maples	Accent
Small Trees (15' – 30')	High	*Acer palmatum*	Japanese Maple	Accent
Small Trees (15' – 30')	Low	*Albizia julibrissin*	Silk Tree	Shade. Accent
Small Trees (15' – 30')	Medium	*Arbutus unedo*	Strawberry	Screening. Shade
Small Trees (15' – 30')	High	*Cornus florida*	White Eastern Dogwood	Accent
Small Trees (15' – 30')	Low	*Cercis occidentalis*	Western Redbud	Accent
Small Trees (15' – 30')	Low	*Citrus spp*	Citrus	Accent
Small Trees (15' – 30')	Medium	*Crataegus laevigata*	English Hawthorn	Accent
Small Trees (15' – 30')	Medium	*Crataegus phaenopyrun*	Washington Hawthorn	Accent

Type	Water Usage	Botanical Name	Common Name	Plant Function
Small Trees (15' – 30')	Low	*Eleagnus angustifolia*	Russian Olive	Accent
Small Trees (15' – 30')	Medium	*Eriobotrya deflexa*	Bronze Loquat	Accent
Small Trees (15' – 30')	Medium	*Fraxinus spp.*	Ash	Shade
Small Trees (15' – 30')	Medium	*Geijera parviflora*	Australian Willow	Shade
Small Trees (15' – 30')	Medium	*Koelreuteria paniculata*	Goldenrain	Shade
Small Trees (15' – 30')	Low	*Lagerstroemia indica*	Crape Myrtle	Accent
Small Trees (15' – 30')	High	*Ligistrum lucidum*	Glossy Privet	Shade
Small Trees (15' – 30')	High	*Magnolia soulangiana*	Saucer Magnolia	Accent
Small Trees (15' – 30')	High	*Magnolia stellata*	Star Magnolia	Accent
Small Trees (15' – 30')	High	*Malus spp.*	Crabapple	Accent
Small Trees (15' – 30')	Low	*Olea europaea*	Olive	Accent
Small Trees (15' – 30')	High	*Podocarpus gracilior*	Fern Pine	Screening
Small Trees (15' – 30')	Medium	*Prunus blireiana*	Flowering Plum	Accent
Small Trees (15' – 30')	Medium	*Prunus carolinia*	Carolina Laurel Cherry	Accent
Small Trees (15' – 30')	Medium	*Prunus cerasifera* 'Atropurpurea'	Purple Leaf Plum	Accent
Small Trees (15' – 30')	Low	*Prunus lyonii*	Catalina Cherry	Accent
Small Trees (15' – 30')	High	*Prunus serrulata*	Flowering Cherry	Accent
Small Trees (15' – 30')	Medium	*Pyrus spp*	Pear	Accent. Street tree
Small Trees (15' – 30')	Low	*Raphiolepis* 'Majestic Beauty'	(No common name)	Accent. Screening

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Type	Water Usage	Botanical Name	Common Name	Plant Function
Small Trees (15' – 30')	Low	*Rhus lancea*	African Sumac	Screening
Large Shrubs (6' – 15')	High	*Abelia grandiflora*	Glossy Abelia	Screening. Massing
Large Shrubs (6' – 15')	Low	*Acacia 'Baileyana'*	Bailey Acacia	Screening. Massing
Large Shrubs (6' – 15')	High	*Aucuba japonica*	Japanese Aucuba	Accent
Large Shrubs (6' – 15')	Low	*Berberis thunbergii*	Barberry	Massing. Accent
Large Shrubs (6' – 15')	Low	*Callistemon citrinus*	Lemon Bottlebrush	Screening. Massing
Large Shrubs (6' – 15')	High	*Camellia spp.*	Camellia	Accent. Screening. Massing
Large Shrubs (6' – 15')	Low	*Ceanothus spp.*	Blue Blossom	Accent. Massing. Screeningc
Large Shrubs (6' – 15')	High	*Cocculus laurifolius*	Laurel-Leaf Snailseed	Massing
Large Shrubs (6' – 15')	High	*Cornus stolonifera*	Red Twig Dogwood	Screening. Accent
Large Shrubs (6' – 15')	Low	*Cotoneaster lacteus (c. pameyi)*	Parney Cotoneaster	Screening. Massing
Large Shrubs (6' – 15')	High	*Cyperus papyrus*	Umbrella Plant	Accent
Large Shrubs (6' – 15')	Low	*Diosma album*	White Breath of Heaven	Accent. Massing
Large Shrubs (6' – 15')	Low	*Diosma pulchrum*	Pink Breath of Heaven	Accent. Massing
Large Shrubs (6' – 15')	Low	*Dodoneo viscosa*	Hopseed	Massing. Screening. Accent
Large Shrubs (6' – 15')	Medium	*Escallonia rubra*	Escallonia	Massing
Large Shrubs (6' – 15')	Low	*Euonymus alata*	Burning Bush	Massing. Accent
Large Shrubs (6' – 15')	Medium	*Feijoa sellowiana*	Pineapple Guava	Screening
Large Shrubs (6' – 15')	Medium	*Forsythia intermedia*	Golden Bells	Massing. Accent

Type	Water Usage	Botanical Name	Common Name	Plant Function
Large Shrubs (6' – 15')	Medium	*Grevillea* 'Canberra'	Canberra Grevillea	Screening, Massing
Large Shrubs (6' – 15')	Low	*Heteromeles arbutifolia*	Toyon, Christmas Berry	Screening, Massing
Large Shrubs (6' – 15')	High	*Ilex altacarensis spp.*	Holly	Screening
Large Shrubs (6' – 15')	Low	*Lagerstroemia indica*	Crape Myrtle	Accent, Massing
Large Shrubs (6' – 15')	Medium	*Laurus* 'Saratoga'	Saratoga Laurel	Screening
Large Shrubs (6' – 15')	Low	*Laurus nobilis*	Grecian Laurel	Screening
Large Shrubs (6' – 15')	High	*Ligustrum japonicum*	Waxleaf Privet	Screening
Large Shrubs (6' – 15')	High	*Magnolia spp*	Magnolia	Accent
Large Shrubs (6' – 15')	Low	*Mahonia lomarifolia*	Burmese Grape	Screening, Massing
Large Shrubs (6' – 15')	Low	*Nerium oleander* 'Little White'	Oleander	Screening, Massing
Large Shrubs (6' – 15')	Low	*Nerium oleander* 'Mrs. Roeding'	Oleander	Screening, Massing
Large Shrubs (6' – 15')	Low	*Nerium oleander*	Oleander	Screening, Massing
Large Shrubs (6' – 15')	Medium	*Osmanthus fragrans*	Sweet Olive	Massing, Accent
Large Shrubs (6' – 15')	Medium	*Phormium tenax*	New Zealand Flax	Accent
Large Shrubs (6' – 15')	Medium	*Photinia fraseri*	Red-Leaf Photinia	Screening, Massing
Large Shrubs (6' – 15')	Medium	*Photinia serrulata*	Chinese Photinia	Screening, Massing
Large Shrubs (6' – 15')	Medium	*Pittosponrm tenuifolium*	Tawhiwhi	Screening
Large Shrubs (6' – 15')	Medium	*Pittosporum crassifolium*	(No common name)	Screening
Large Shrubs (6' – 15')	Medium	*Pittosporum eugenioides*	Tarata	Screening

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Type	Water Usage	Botanical Name	Common Name	Plant Function
Large Shrubs (6' – 15')	Medium	*Pittosporum tobira*	Tobira	Screening
Large Shrubs (6' – 15')	Medium	*Pittosporum undulatum*	Victorian Box	Screening
Large Shrubs (6' – 15')	Medium	*Podocarpus macrophyllus*	Yew Pine	Screening. Massing
Large Shrubs (6' – 15')	Medium	*Prunus caroliniana* 'Bright-N-Tight'	Carolina Cherry	Screening. Massing
Large Shrubs (6' – 15')	Medium	*Prunus caroliniana* 'Compacta'	Carolina Cherry	Screening. Massing
Large Shrubs (6' – 15')	Medium	*Prunus cistena*	Sandcherry	Accent. Massing
Large Shrubs (6' – 15')	Low	*Pyracantha coccinea*	Pyracantha	Screening. Massing
Large Shrubs (6' – 15')	Low	*Rhamnus alternus*	Italian Buckthorn	Screening. Accent
Large Shrubs (6' – 15')	Low	*Rosmarinus officinalis* 'Miss Jessop's Upright'	Rosemary	Massing
Large Shrubs (6' – 15')	Medium	*Syzgium paniculatum*	Brush Cherry	Massing
Medium Shrubs (3' – 6')	High	*Abelia grandiflora* 'Sherwoodi'	Glossy Abelia	Screening. Massing
Medium Shrubs (3' – 6')	Low	*Agapanthus orientalis* 'Alba'	Lily-of-the-Nile	Massing
Medium Shrubs (3' – 6')	Low	*Arbutus unedo* 'Compacta	Dwarf Strawberry Tree	Screening. Massing
Medium Shrubs (3' – 6')	Low	*Berberis thunbergii* 'Atrapurpurea'	Red-Leaf Japanese Barberry	Massing, Accent Screening
Medium Shrubs (3' – 6')	Medium	*Buxus microphylla japonica*	Japanese Boxwood	Massing, Accent. Screening
Medium Shrubs (3' – 6')	Medium	*Chaenomeles spp.*	Flowering Quince	Massing
Medium Shrubs (3' – 6')	High	*Choisya ternata*	Mexican Orange	Massing. Screening
Medium Shrubs (3' – 6')	Low	*Cistus purpureus*	Orchid Rockrose	Accent
Medium Shrubs (3' – 6')	Low	*Citrus limon*	Lemon	Accent

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Type	Water Usage	Botanical Name	Common Name	Plant Function
Large Shrubs (6' – 15')	Medium	*Pittosporum tobira*	Tobira	Screening
Large Shrubs (6' – 15')	Medium	*Pittosporum undulatum*	Victorian Box	Screening
Large Shrubs (6' – 15')	Medium	*Podocarpus macrophyllus*	Yew Pine	Screening. Massing
Large Shrubs (6' – 15')	Medium	*Prunus caroliniana* 'Bright-N-Tight'	Carolina Cherry	Screening. Massing
Large Shrubs (6' – 15')	Medium	*Prunus caroliniana* 'Compacta'	Carolina Cherry	Screening. Massing
Large Shrubs (6' – 15')	Medium	*Prunus cistena*	Sandcherry	Accent. Massing
Large Shrubs (6' – 15')	Low	*Pyracantha coccinea*	Pyracantha	Screening. Massing
Large Shrubs (6' – 15')	Low	*Rhamnus alternus*	Italian Buckthorn	Screening. Accent
Large Shrubs (6' – 15')	Low	*Rosmarinus officinalis* 'Miss Jessop's Upright'	Rosemary	Massing
Large Shrubs (6' – 15')	Medium	*Syzgium paniculatum*	Brush Cherry	Massing
Medium Shrubs (3' – 6')	High	*Abelia grandiflora* 'Sherwoodi'	Glossy Abelia	Screening. Massing
Medium Shrubs (3' – 6')	Low	*Agapanthus orientalis* 'Alba'	Lily-of-the-Nile	Massing
Medium Shrubs (3' – 6')	Low	*Arbutus unedo* 'Compacta'	Dwarf Strawberry Tree	Screening. Massing
Medium Shrubs (3' – 6')	Low	*Berberis thunbergii* 'Atrapurpurea'	Red-Leaf Japanese Barberry	Massing, Accent. Screening
Medium Shrubs (3' – 6')	Medium	*Buxus microphylla japonica*	Japanese Boxwood	Massing, Accent. Screening
Medium Shrubs (3' – 6')	Medium	*Chaenomeles spp*	Flowering Quince	Massing
Medium Shrubs (3' – 6')	High	*Choisya ternata*	Mexican Orange	Massing. Screening
Medium Shrubs (3' – 6')	Low	*Cistus purpureus*	Orchid Rockrose	Accent
Medium Shrubs (3' – 6')	Low	*Citrus limon*	Lemon	Accent

Type	Water Usage	Botanical Name	Common Name	Plant Function
Medium Shrubs (3' – 6')	Low	*Echium fastuosum*	Pride of Madeira	Massing Screening
Medium Shrubs (3' – 6')	Medium	*Escallonia 'Fradesii'*	Escallonia	Massing. Screening
Medium Shrubs (3' – 6')	Medium	*Euonymous alata* 'Compacta'	Compact Winged Euonymus	Massing
Medium Shrubs (3' – 6')	High	*Gardenia jasminoides*	Mystery Gardenia	Massing. Screening
Medium Shrubs (3' – 6')	Medium	*Grevillea* 'Noelli'	(No common name)	Massing
Medium Shrubs (3' – 6')	Medium	*Pittosporum tobira* 'Variegata'	Tobira	Screening Massing
Medium Shrubs (3' – 6')	Medium	*Hydrangea macrophylla*	Bigleaf Hydrangea	Massing Accent
Medium Shrubs (3' – 6')	High	*Ilex crenta*	Japanese Holly	Massing. Screening
Medium Shrubs (3' – 6')	Low	*Lavendula angustifolia* 'Munstead'	English Lavender	Accent. Massing
Medium Shrubs (3' – 6')	Low	*Lavendula dentata*	French Lavender	Accent. Massing
Medium Shrubs (3' – 6')	Low	*Lavendula stoechas*	Spanish Lavender	Accent. Massing
Medium Shrubs (3' – 6')	High	*Ligistrum vulgare* 'Lodense'	Lodense Privet	Screening. Massing
Medium Shrubs (3' – 6')	Low	*Mahonia aquifolium*	Oregon Grape	Massing Screening
Medium Shrubs (3' – 6')	Medium	*Myrsine Africana* 'African'	Boxwood	Massing. Screening
Medium Shrubs (3' – 6')	Low	*Nandina domestica*	Heavenly Bamboo	Massing Screening
Medium Shrubs (3' – 6')	Low	*Nandina domestica* 'Compacta'	Dwarf Heavenly Bamboo	Massing. Screening
Medium Shrubs (3' – 6')	Low	*Nerium oleander* 'Petite'	Oleander	Screening. Massing
Medium Shrubs (3' – 6')	Medium	*Phormium tenax* 'Maori Chief'	New Zealand Flax	Accent
Medium Shrubs (3' – 6')	High	*Polystichum munitum*	Sword Fern	Accent

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Type	Water Usage	Botanical Name	Common Name	Plant Function
Medium Shrubs (3' – 6')	High	*Potentilla fruticosum*	Cinquefoil	Massing. Screening
Medium Shrubs (3' – 6')	Medium	*Prunus glandulosa*	Flowering Almond	Accent. Massing. Screening
Medium Shrubs (3' – 6')	High	*Prunus laurocerausus* 'Zabeliana'	Zabel's Cherry Laurel	Massing. Screning
Medium Shrubs (3' – 6')	Low	*Raphiolepsis indica*	India Hawthorn	Massing. Screening
Medium Shrubs (3' – 6')	High	*Rosa spp.*	Roses	Accent
Medium Shrubs (3' – 6')	High	*Rosa californica*	California Wild Rose	Accent. Massing
Medium Shrubs (3' – 6')	Low	*Rosmarinus officinalis*	Rosemary	Massing
Medium Shrubs (3' – 6')	Low	*Salvia clevelandii*	(No common name)	Accent
Medium Shrubs (3' – 6')	Low	*Salvia greggii*	(No common name)	Accent
Medium Shrubs (3' – 6')	Low	*Salvia leucantha*	Mexican Bush Sage	Accent
Medium Shrubs (3' – 6')	Medium	*Sarcococca ruscifolia*	(No common name)	Massing
Medium Shrubs (3' – 6')	Medium	*Spirea bumalda*	(No common name)	Massing. Screening. Accent
Medium Shrubs (3' – 6')	Medium	*Spirea thunbergii*	(No common name)	Massing. Screening
Medium Shrubs (3' – 6')	Medium	*Spirea vanhouttei*	(No common name)	Massing. Screening. Accent
Medium Shrubs (3' – 6')	Medium	*Strelitzia nicolai*	Giant Bird of Paradise	Accent
Medium Shrubs (3' – 6')	Medium	*Strelitzia reginae*	Bird of Paradise	Accent
Medium Shrubs (3' – 6')	Low	*Viburnum tinus* 'Spring Bouquet'	(No common name)	Massing. Screening
Medium Shrubs (3' – 6')	Low	*Xylosma congestum* 'Compacta'	Shiny Xylosma	Massing. Screening
Small Shrubs (Under 3')	High	*Abelia grandiflora* 'Prostrata'	White Abelia	Massing

Type	Water Usage	Botanical Name	Common Name	Plant Function
Small Shrubs (Under 3')	Low	*Agapanthus orientalis* 'Peter Pan'	Dwarf Lily-of-the-Nile	Massing
Small Shrubs (Under 3')	High	*Azalea indica*	Azalea	Massing. Accent
Small Shrubs (Under 3')	Low	*Berberis thunbergii* 'Crimson Pygmy'	Crimson Pygmy Barberry	Massing. Accent
Small Shrubs (Under 3')	Low	*Eriogonum fasciculatum*	California Buckwheat	Massing
Small Shrubs (Under 3')	High	*Gardenia jasminoides* 'Little Gem'	(No common name)	Massing
Small Shrubs (Under 3')	High	*Iris douglasiana*	(No common name)	Massing. Accent
Small Shrubs (Under 3')	Medium	*Limonium perezii*	Statice	Massing. Accent
Small Shrubs (Under 3')	Low	*Mahonia aquifolium* 'Compacta'	Dwarf Oregon Grape	Massing
Small Shrubs (Under 3')	Low	*Myrtus communis* 'Compacta'	Dwarf Roman Myrtle	Massing
Small Shrubs (Under 3')	Low	*Nandina domestica* 'Harbor Dwarf'	Dwarf Heavenly Bamboo	Massing. Screening
Small Shrubs (Under 3')	Medium	*Phormium tenax* 'Jack Spratt'	New Zealand Flax	Accent. Massing
Small Shrubs (Under 3')	Medium	*Pittosporum tobira* 'Wheeler's Dwarf'	(No common name)	Massing
Small Shrubs (Under 3')	Medium	*Spirea nipponica*	(No common name)	Massing. Screening
Small Shrubs (Under 3')	Low	*Teucrium chamaedrys*	(No common name)	Massing
Small Shrubs (Under 3')	Low	*Tulbaghia violacea* 'Variegata'	Society Garlic	Massing. Accent
Ground Covers	Low	*Arctostaphylos* 'Emerald Carpet'	(No common name)	Massing
Ground Covers	Medium	*Arctotheca calendula*	Cape Weed	Massing
Ground Covers	High	*Campanula poscharskyana*	(No common name)	Massing
Ground Covers	Low	*Cerastium tomentosa*	Snow-In-Summer	Massing
Ground Covers	Medium	*Ceratostigma plumbaginoides*	(No common name)	Massing
Ground Covers	Low	*Cotoneaster apiculatus*	(No common name)	Massing

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Type	Water Usage	Botanical Name	Common Name	Plant Function
Ground Covers	Low	*Cotoneaster horizontalis*	Rock Cotoneaster	Massing
Ground Covers	Medium	*Euonymous fortunei* 'Minima'	(No common name)	Massing
Ground Covers	Medium	*Euonymus fortunei*	(No common name)	Massing
Ground Covers	Low	*Festuca spp*	Fescue	Massing, Accent
Ground Covers	Low	*Festuca californica*	(No common name)	Massing, Accent
Ground Covers	High	*Fragoria chiloensis*	Ornamental Strawberry	Massing
Ground Covers	Low	*Gazania*	(No common name)	Massing
Ground Covers	Medium	*Glechoma hederacea*	Ground Ivy	Massing
Ground Covers	Medium	*Hedera helix* 'Hahnii'	English Ivy	Massing, Accent
Ground Covers	Medium	*Hemerocallis sp.*	Daylily	Massing, Accent
Ground Covers	Low	*Hyepricum calycinum*	Creeping St. John's Wort	Massing
Ground Covers	Medium	*Lantana montevidensis*	Trailing Lantana	Massing, Accent
Ground Covers	High	*Liriope muscari*	Blue Lily Turf	Massing, Accent
Ground Covers	Medium	*Liriope spicata*	Creeping Lily Turf	Massing
Ground Covers	Medium	*Lonicera japonica* 'Halliana'	Hall's Honeysuckle	Massing
Ground Covers	Low	*Lysimachia nummularia*	Moneywort	Massing
Ground Covers	Low	*Nandina domestica* 'Harbor Dwarf'	Dwarf Heavenly Bamboo	Massing. Screening
Ground Covers	High	*Ophiopogon japonicus*	Mondo Grass	Massing
Ground Covers	Medium	*Osteospermum frutlcosum*	African Daisy	Massing
Ground Covers	High	*Potentilla verna*	Spring Cinquefoil	Massing
Ground Covers	Low	*Rosmarinus officinalis*	Rosemary	Massing
Ground Covers	Low	*Santolina chamaecyparissus*	Lavender Cotton	Massing
Ground Covers	Low	*Santolina virens*	(No common name)	Massing, Accent
Ground Covers	Low	*Thymus citriodorus*	(No common name)	Massing, Accent
Ground Covers	Medium	*Trachelospermum asiaticum*	Asian jasmine	Massing
Ground Covers	Medium	*Trachelospermum jasminoides*	Star Jasmine	Massing
Ground Covers	Medium	*Verbena*	(No common name)	Massing, Accent
Ground Covers	High	*Veronica spicata* 'Red Fox'	(No common name)	Massing
Ground Covers	Low	*Vinca minor* 'Bowles'	(No common name)	Massing

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Type	Water Usage	Botanical Name	Common Name	Plant Function
Ground Covers	Low/Medium	*Androgon spp.*	Bluestem, Beardgrass	Prairie Grass
Ground Covers	Low	*Aristida purpurea*	Purple Bawn	Prairie Grass
Ground Covers	Low	*Bortelova spp.*	Bogiamma Grass	Prairie Grass
Ground Covers	Low	*Calamagrostis spp.*	Feather Reed Grass	Prairie Grass
Ground Covers	Low	*Carex spp.*	Sedge	Prairie Grass
Ground Covers	Low	*Cortaderia selloana*	Pampas Grass	Flowers
Ground Covers	Low	*Elymus spp.*	Wild Rye	Flowers
Ground Covers	Low	*Eragrostis spp*	Love Grass	Flowers
Ground Covers	Low	*Koeleria spp.*	Hair Grass	Flowers
Ground Covers	Low	*Melka spp.*	Melic	Flowers
Ground Covers	Low	*Miscanthus spp.*	Miscanthus	Flowers
Ground Covers	Low	*Muhlenbergia spp.*	Muhly Grass	Flowers
Ground Covers	Low	*Orysopsis spp.*	Rice Grass	Flowers
Ground Covers	Low	*Panicum spp.*	Switch Grass	Flowers
Ground Covers	Low	*Pennisetum spp.*	Fountain Grass	Flowers
Ground Covers	Low	*Pychelytrum spp.*	Ruby Grass	Flowers
Ground Covers	Low	*Schizachyrium spp.*	Little Bluestem	Flowers
Ground Covers	Low	*Stipa spp.*	Feather Grass	Flowers
Vines	High	*Ficus pumila*	Creeping Fig	Screening
Vines	Medium	*Gelsemium sempervirens*	Carolina Jessamine	Screening

ATTACHMENT 22 – NOD AND FOF RESOLUTION

RESOLUTION NO.

Adopted by the Sacramento City Council

DENYING APPEAL, ADOPTING FINDINGS OF FACT, AND APPROVING THE NORTHGATE 880 / PANHANDLE TENTATIVE SUBDIVISION MAPS AND SUBDIVISION MODIFICATIONS (M05-031 / P05-077)

BACKGROUND

A. On **June 28, 2007**, the City Planning Commission conducted a public hearing on and approved with conditions the tentative subdivision maps and subdivision modifications related to the Northgate 880 / Panhandle project.

B. On **July 5, 2007**, the Planning Commission's approval of the tentative subdivision maps and subdivision modifications related to the Northgate 880 / Panhandle project were called up for review and action by the City Council pursuant to Sacramento City Code section 17.200.040.

C. On **July 6, 2007**, an appeal of the Planning Commission's approval of the tentative subdivision maps and subdivision modifications related to the Northgate 880 / Panhandle project was filed.

D. On **July 31, 2007**, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2)(d) and received and considered evidence concerning the Northgate 880 / Panhandle project.

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

Section 1. Based on the verbal and documentary evidence received at the hearing on the Northgate 880 / Panhandle project, the City Council **denies the appeal and approves the Project tentative subdivision maps and subdivision modifications based on the findings of fact and subject to the conditions of approval as set forth below**.

Section 2. The City Council **APPROVES** the Project tentative subdivision maps and subdivision modifications based on the following findings of fact:

A. Environmental Determination: The Environmental Impact Report **and Mitigation Monitoring Program** for the Project have been adopted by Resolution No. _____.

B. Project Tentative Subdivision Maps and Subdivision Modifications-Findings Required by Section III of Exhibit C Special Conditions of the North Natomas Development Agreement:

1. The approval of the proposed project is consistent with the policies, goals, standards and objectives of the NNCP and other relevant factors and circumstances, including but not limited to:

a. The adequacy of the required interim and permanent Infrastructure needed to support the project planned for the Property;

b. The extent of participation required of LANDOWNER under the Panhandle Finance Plan has been secured;

c. The extent to which LANDOWNER has complied with the provisions of the PLAP;

d. The extent to which LANDOWNER has complied with the provisions of the Policy.

2. The Panhandle Finance Plan has been adopted by the City Council.

3. All transfers of land, owned by or under control of LANDOWNER, which are specified in the PLAP as being necessary for public purposes, will be transferred to CITY or to the appropriate public agency. For this purpose, a transfer will be deemed to occur upon delivery to CITY of an Irrevocable Offer of Dedication in form and manner approved by the City Department of Public Works and the City Attorney. These dedications include, but are not limited to streets, utilities, drainage facilities and public transit.

4. LANDOWNER has, where applicable, demonstrated that the proposed project as designed meets or exceeds the jobs to housing ratio of the NNCP, either actually or through the medium of the Housing Trust Fund, or through assisting housing starts in North Sacramento, or a combination thereof.

5. LANDOWNER has entered into all agreements required to sections IIA, IIB, and IIC, of the Development Agreement.

6. Appropriate environmental review of the proposed project has been completed, and any suggested mitigation measures resulting therefrom have been included in the approval of the project to the extent feasible.

B. Tentative Master Parcel Map/Krumenacher: The Tentative Master Parcel Map (Panhandle North - Krumenacher) to subdivide 129.2± acres into 17 master parcels is approved based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision as follows:

a. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, all applicable community and specific plans, and Title 16 of the City Code, which is a specific plan of the City;

b. The site is physically suitable for the type of development proposed and suited for the proposed density;

c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;

d. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;

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

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

C. Tentative Subdivision Map/Krumenacher: The **Tentative Subdivision Map (Panhandle North - Krumenacher)** to subdivide 129.2± acres into single family, condominium, medium density residential, common area, park, open space, and landscape lots is approved based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision as follows:

a. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, all applicable community and specific plans, and Title 16 of the City Code, which is a specific plan of the City;

b. The site is physically suitable for the type of development proposed and suited for the proposed density;

c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;

d. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;

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

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

D. Subdivision Modification/Krumenacher: The **Subdivision Modifications (Panhandle North – Krumenacher)** to modify radius, tangent length, alley width, street sections, exclude sidewalk along one side of a roadway, rolled curb and gutter, and to allow asphalt surface on private alleys is approved based on the following findings of fact:

1. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;

2. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;

3. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;

4. That granting the modification is in accord with the intent and purposes of the provisions of Title 16 of the Sacramento City Code (the Subdivision Ordinance) and is consistent with the general plan and with all other applicable specific plans of the city.

E. Tentative Master Parcel Map/Dunmore: The Tentative Master Parcel Map (Dunmore) to subdivide 389.2± acres into 38 master parcels is approved based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision as follows:

a. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, all applicable community and specific plans, and Title 16 of the City Code, which is a specific plan of the City;

b. The site is physically suitable for the type of development proposed and suited for the proposed density;

c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;

d. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;

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

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

F. Tentative Subdivision Map/Dunmore Central: The Tentative Subdivision Map – (Dunmore Central) to subdivide 136.4± acres into single family, high density residential, medium density residential, commercial, condominium, park, detention basin, open space, and landscape lots is approved based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision as follows:

a. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, all applicable community and specific plans, and Title 16 of the City Code, which is a specific plan of the City;

b. The site is physically suitable for the type of development proposed and suited for the proposed density;

c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;

d. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;

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

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

G. Subdivision Modification/Dunmore Central: The Subdivision Modifications (Panhandle Central - Dunmore) to modify alley width, street intersection tangent, street sections, exclude sidewalk along one side of a roadway, rolled curb and gutter, and to allow asphalt surface on private alleys is approved based on the following findings of fact:

1. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;

2. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;

3. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;

4. That granting the modification is in accord with the intent and purposes of the provisions of Title 16 of the Sacramento City Code (the Subdivision Ordinance) and is consistent with the general plan and with all other applicable specific plans of the city.

H. Tentative Subdivision Map/Dunmore South: The Tentative Subdivision Map (Dunmore South) to subdivide 252.7± acres into single family, commercial, high density residential, medium density residential, school, park, landscape/paseo, private landscape, and private recreation center lots is approved based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision as follows:

a. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, all applicable community and specific plans, and Title 16 of the City Code, which is a specific plan of the City;

b. The site is physically suitable for the type of development proposed and suited for the proposed density;

c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;

d. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;

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

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

I. Subdivision Modification/Dunmore South: The Subdivision Modifications (Panhandle South – Dunmore) to modify radius, intersection offset, tangent length, modified grid pattern, alley width, street sections, rolled curb and gutter, and to allow asphalt surface of private alleys is approved based on the following findings of fact:

1. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;

2. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;

3. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;

4. That granting the modification is in accord with the intent and purposes of the provisions of Title 16 of the Sacramento City Code (the Subdivision Ordinance) and is consistent with the general plan and with all other applicable specific plans of the city.

Section 3. The City Council approves the Project tentative subdivision maps and subdivision modifications subject to the following conditions of approval:

B. The **Tentative Master Parcel Map (Panhandle North - Krumenacher)** to subdivide 129.2± acres into 17 master parcels is hereby approved subject to the following conditions:

NOTE: **These conditions shall supersede any contradictory information shown on the Tentative Master Parcel Map or any contradictory provisions in the PUD guidelines approved for this project (P05-077). The design of any improvement not covered by these conditions or the PUD Guidelines shall be to City standard.**

The applicant shall satisfy each of the following conditions prior to filing the Final Master Parcel 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:

GENERAL: All Projects

B1. a) In accordance with City Code Section 16.24.090(c)(1), approval of this map by the Planning Commission is contingent upon approval by the City Council of all required Plan Amendments (if any), Zoning changes, and the Development Agreement. The Final Map may not be recorded unless and until such time as the City Council approves such required Plan Amendments (if any), Zoning changes, and the Development Agreement.

b) Pursuant to Government Code section 66454, approval of this tentative map is conditioned on annexation of the property to the City of Sacramento within three years of the date of final action on the tentative map. The approval shall not be effective until annexation has been completed. If annexation is not completed within three years, then the approval shall be null and void.

Note: The consequences of not getting the required approvals at City Council could be detrimental to the timely recordation of this map. A new map would have to be generated showing the revised areas and it would have to be evaluated by the City's technical staff. If it is determined that previous conditions are not adequate to address the change the map will have to be reconditioned and reheard at SRC.

B2. Execute a Development Agreement to the satisfaction of the City of Sacramento and comply with and meet all the requirements of the Agreement.

B3. Comply with the North Natomas Development Guidelines and the PUD guidelines approved for this project (P05-077) to the satisfaction of the Planning Division and the Development Engineering Division. In the case of conflict PUD Guidelines shall prevail over Development Guidelines.

B4. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P05-077).

B5. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments, in accordance with the Development Agreement.

B6. With the exception of the Nino's Parkway the title to any property required to be dedicated to the City in fee shall be conveyed free and clear of all rights, restrictions, easements, impediments, encumbrances, liens, taxes,

assessments or other security interests of any kind (hereafter collectively referred to as "Encumbrances"), except as provided herein. The applicant shall take all actions necessary to remove any and all Encumbrances prior to approval of the Final Map and acceptance of the dedication by City, except that the applicant shall not be required to remove Encumbrances of record, including but not limited to easements or rights-of-way for public roads or public utilities, which, in the sole and exclusive judgment of the City, cannot be removed and/or would not interfere with the City's future use of the property. The applicant shall provide title insurance with the City as the named beneficiary assuring the conveyance of such title to City.

B7. Place the following note prominently on the master parcel map:

"THIS MASTER PARCEL MAP DOES NOT AUTHORIZE CONSTRUCTION OF ANY IMPROVEMENT ON THE LAND SUBJECT TO THE MAP; PRIOR TO ANY IMPROVEMENT OR CONSTRUCTION, ALL REQUIRED LAND USE ENTITLEMENTS, INCLUDING BUT NOT LIMITED TO A SPECIAL PERMIT, MUST BE APPLIED FOR AND APPROVED, AND ALL APPLICABLE CONDITIONS OF APPROVAL MUST BE SATISFIED"

B8. Show all existing and proposed/required easements on the Final Master Parcel Map.

B9. Multiple Final Maps may be recorded. Prior to recordation of any Final Map all infrastructure/improvements necessary for the respective Final Map must be in place or appropriately secured to the satisfaction of the Departments of Utilities, the Planning Division, and the Development Engineering Division.

DEVELOPMENT ENGINEERING: Streets

B10. Streets shall be sized, dedicated, and constructed (if necessary to support commercial use) as follows (the PUD Guidelines shall be revised to be consistent with these requirements):

Street	***from***	***to***	***Lanes***	***R/W***	***Min. Face Face/curb***
Elkhorn Boulevard	Western property	Eastern property	6	136	108
National Drive	Elkhorn Boulevard	Southern property	4	100'	74'

NOTES: Dedication and construction of all streets shall be as required elsewhere in these conditions. Sidewalks may be omitted adjacent to

parks and schools, as determined by the City. The minimum right-of-way for any street not mentioned above shall be 53'. The City will determine off-site improvement requirements prior to filing each subsequent map or phase. All roadways may require additional dedication at intersections for turn lanes.

B11. The applicant shall provide, in the form of an Irrevocable Offer of Dedication (IOD) all internal street right-of-ways necessary for each Master Parcel to be developed independently. (i.e. no landlocked parcels can be created)

B12. Provide, without cost to the City, in the form of an Irrevocable Offer of Dedication (IOD), all public land covered in the North Natomas Financing Plan Land Acquisition Program.

SMUD:

B13. Dedicate a 20'-foot Public Utility Easement (PUE) for underground facilities and appurtenances adjacent to Elkhorn Boulevard.

B14. **Dedicate any private drive, ingress and egress easement and 12.5' adjacent to any Irrevocable Offer of Dedication as a PUE for underground facilities and appurtenances. To the satisfaction of SMUD's Facility Coordinator.**

B15. Label SMUD's and WAPA's transmission line easements as a "Restricted Building and Use Area".

B16. The owner/developer must disclose to future/potential owners the existing or proposed 69kV electrical facilities.

B17. Dedicate a 60-foot wide easement to the Sacramento Municipal Utility District for overhead 69kV electrical and communications lines, the center line of which generally follows an alignment, 100-feet west of the east line of the Parcels 13, 14, 15, & 16. SMUD has reviewed the developers proposed subdivision improvements as shown on the approved tentative maps, and the Ninos Parkway Master Plan, dated May 2, 2007, and has worked with the Developers to resolve any conflicts within the proposed 69kV electrical and communication lines. Prior to issuance of any grading and building permits within the Transmission Line corridor, the Developers and/or the City of Sacramento shall apply for a joint-use agreement from SMUD consenting to the proposed improvements within the Transmission Line corridor. SMUD has agreed to enter into said agreement so long as the proposed improvements are in substantial conformance with the approved tentative maps and proposed Ninos Parkway Master Plan. Please contact SMUD's Property Administrator Mr. Blandon Granger at

(916) 732-5016. SMUD has agreed to coordinate with the applicant and the City of Sacramento's Parks Department on the location of poles and underground facilities and appurtenances within the park improvements and subdivision improvements. Please contact Mr. Gary Bakulich at (916) 732-7076.

CSD-1

B18. CSD-1 shall require an approved sewer study prior to the approval of Final Map or submittal of improvement plans for plan check to CSD-1, which ever comes first. The sewer study shall demonstrate the quantity of discharge and any "flow through sewage" along with appropriate pipe sizes and related appurtenances from this subject and other upstream areas and shall be done in accordance with the Districts' most recent "Minimum Sewer Study Requirements". The study shall be done on a no "Shed-Shift" basis unless approved by the District in advance and in compliance with Sacramento County Improvement Standards.

B19. In order to obtain sewer service, construction of CSD-1 sewer infrastructure will be required.

B20. Certain areas of commercial and multiple residential housing (owner occupied) will require onsite collector systems and attendant requirements. On such properties, all sewer lines carrying waste from two or more buildings shall be 8-inch (minimum) collectors in public easements maintained by the District.

SRCSD:

B21. Applicant shall verify that the easement shown on the Final Map matches the plat and legal descriptions on the attached exhibits A and B.

CITY UTILITIES:

B22. An assessment district, community facilities district or other financing mechanism approved in writing by the City must be formed for the purpose of constructing all common drainage facilities within the project area and any additional drainage capacity or facilities required to accommodate development of the subject area in accordance with the drainage master plan for the project area and other applicable drainage plans and criteria for North Natomas. For this purpose "other financing mechanism" includes but is not limited to a fully executed agreement approved as to form by the City Attorney, which provides for funding and construction of the said facilities, and which provides for posting or depositing with the City of unconditional security for performance of the landowner's obligations, which security is adequate in the sole and

exclusive discretion of the City, and which is in a form acceptable to the City Attorney.

B23. The applicant and/or any successor shall fully participate in any financing mechanism, including but not limited to assessment districts, or community facilities districts formed for the purpose of financing the facilities specified in Condition __ above, and any such mechanism formed for the purpose of financing the drainage facilities required under the North Natomas Comprehensive Drainage Plan. For this purpose, "fully participate" requires that the applicant and/or successor shall, notwithstanding the provisions of Articles XIIIC and/or XIIID of the California Constitution, or any other applicable federal or state law, rule of regulation, waive and relinquish any right to protest or vote against the formation of the mechanism and/or the levy of any assessment or tax pursuant thereto; actively participate in a positive manner in the proceedings for formation of the mechanism and/or the levy of any assessment or tax pursuant thereto; and pay all taxes, assessments and/or fees levied pursuant thereto.

B24. Execute a drainage agreement with the City for the construction of common drainage facilities per the approved drainage plan. The drainage agreement shall be to the satisfaction of the Department of Utilities (DOU) and the City Attorney. Common drainage facilities shall include, but are not limited to storm drain pipes serving all master parcels, pump station and discharge pipes, detention/water quality basin(s), outfall structures, and weir structures. The existing R.D. 1000 and City canal located off-site and adjacent to the project to the extent such off-site work is legally granted (recorded drainage improvement easement (Book 20010717, Page 1024)) shall be backfilled to the satisfaction of the DOU.

B25. Dedicate all necessary easements, IOD easements, right-of-way, fee title property, or IOD in fee title property on the final map as required to implement the approved drainage, water and sewer studies, per each approving agency requirements. Easements shall be dedicated for off-site water and storm drain main extensions as necessary. Street right-of-way shall be dedicated for common drainage pipes identified in the master drainage plan. All dedications shall be at no cost to the City, shall be free and clear of all encumbrances and liens, and shall be to the satisfaction of the DOU.

B26. Prior to recording the tentative master parcel map, a minimum 30-foot wide drainage and access easement(s) and Hold Harmless agreement(s) shall be secured by the developer for drainage facilities crossing the Grant Union Joint High School parcel. The easement(s) and Hold Harmless agreement(s) shall be to the satisfaction of the DOU and the City Attorney. The DOU shall review the easement document prior to recordation. A 12-

foot wide access road shall be constructed to the satisfaction of the DOU within the easement to provide access to manholes and the outfall structure.

B27. The applicant shall complete a drainage master plan for this site. The 10-year and 100-year HGL's for this study shall be calculated using the City's SWMM model. All drainage lines shall be placed within the asphalt section of public-right-of-ways as per the City's Design Procedures Manual, unless otherwise approved by the DOU. The drainage master plan is required to show the sizes of all common trunk lines in the street right-of-ways. The drainage master plan shall include basins designed and constructed for flood control and water quality treatment. The flood control volume shall be established using the 100 year – 10 day storm and the 100 year -24 hour storm. Contact the DOU for the design criteria. R.D. 1000 shall approve in writing the pump-out rate from the basins (the maximum pumping rate allowed for other North Natomas developments has been 0.1 cfs/acre). The DOU shall approve the drainage master plan and any phasing plan, if appropriate, included with the master plan for drainage infrastructure.

B28. A water master plan for this entire area must be completed by the applicant and approved by the DOU. This study shall also determine if the existing water distribution system infrastructure is adequate to supply fire flow demands resulting from developing this project. All water mains shall be placed within the asphalt section of public street right-of-ways as per the City's Design and Procedures Manual, unless otherwise approved the DOU.

B29. Provide a financing mechanism acceptable to the City for the maintenance of the landscaping and irrigation within Parcels 14 and 18 shown on the tentative master parcel map for Panhandle Central – Dunmore (e.g. create a maintenance district, annex into an existing landscape maintenance district, etc.). Acceptance of the required landscaping, irrigation, drainage structures, and other features (Detention/Water Quality Facility) by the City into the proposed financing mechanism shall be coordinated with the Development Services Department (Special Districts); Parks Planning, Design, & Development Department; and the DOU.

B30. The proposed development is located within the Reclamation District 1000 (RD 1000). The applicant shall comply with all RD 1000 requirements and pay all applicable RD 1000 fees.

B31. Obtain approval from RD 1000 (or other governing agencies) in writing for the abandonment and/or relocation of any existing canals. Provide a copy of the written R.D. 1000 (or other governing agencies) approval to the DOU.

B32. The applicant is responsible for obtaining all necessary permits, easements and approvals from federal, state and local agencies for the construction of this project.

B33. The applicant shall coordinate with R.D. 1000 to establish the minimum setback requirements for buildings or other improvements from the existing levee. Obtain the minimum setback requirements from R.D. 1000 in writing and provided the document to the DOU.

B34. Dedicate to the City within Parcels 13, 14, 15, and 16 shown on the tentative master parcel map (WAPA corridor) and/or other parcels, as approved by the DOU, an IOD easement for access, construction and maintenance of a water transmission main. The location and dimensions of the easement shall be to the satisfaction of the DOU.

PPDD: Parks

B35. **Park Dedication – IOD:** Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall provide on City's form an irrevocable offer of dedication (IOD) of the parks sites identified on the Panhandle North Krumenacher MTM as Park Lot(s) 7, 8, and 11, comprising 12.1+ gross acres. At the time of delivery of the IODs, the applicant shall (1) provide to City a title report demonstrating that it holds full and clear title to each of the park Lot(s) as described herein, including all interests necessary for maintenance and access; (2) provide a Phase 1 environmental site assessment for each of the park Lot(s); (3) if the environmental site assessment identifies any physical conditions or defects in the park Lot(s) which would interfere with its intended use as a park, as determined by PPDD in its sole discretion, applicant shall complete a supplemental assessment and remedy any such physical condition or defect, to the satisfaction of PPDD; (4) take all actions necessary to ensure that the park Lot(s) are free and clear of any wetland mitigation, endangered or threatened animal or plant species, sensitive habitat or other development restrictions. ; and (5) provide proof of satisfaction of all Habitat Conservation Plan (HCP) requirements for the park Lot(s). The applicant shall be solely responsible, and at its sole cost, for any required mitigation costs or measures associated with the park Lot(s).

B36. **Turn Key Park Development:** If the Applicant desires to construct a turnkey park**(s),** the Applicant shall notify PPDD in writing no later than approval of the **final** subdivision map for the project and shall enter into a City standard turn key park construction agreement to construct the park improvements to the satisfaction of the City's PPDD. The park construction agreement shall address (1) the preparation and approval of

the park design and improvement plans, (2) time for completion of the park (or of each phase of the park if the park is not to be completed in one phase) as a function of build-out of the subdivision or issuance of occupancy permits, (3) any credits to be awarded to the applicant against the City's Park Impact Fee (PIF) that would be payable as a condition of issuance of building permits for the dwelling units to be constructed in the subdivision, (4) maintenance of all improvements to be accepted into the park maintenance financing district for a minimum of one year and until a minimum of 50% of the residential units to be served by the park have received occupancy permits, unless the City agrees to accept park maintenance into the District at an earlier date. The one-year maintenance period shall begin following the issuance by the City of a notice of completion for the improvements.

B37. **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.

B38. **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.

B39. **Private Facility Credits:** City Code Chapter 16.64, Sections 16.64.100,110 and 120 address granting of private recreation facility credits. The city may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned developments as defined in Section 11003 of the Business and Professions Code, condominiums as defined in Section 783 of the Civil Code, and other common interest developments. Such credit, if granted in acres, or comparable in lieu fees, shall not exceed twenty-five (25) percent of the dedication or fees, or both, otherwise required under this chapter and no more than five percent per category of open space or recreational facilities described in this Chapter under 16.64.100. Should the applicant elect to request City consideration of private facility credits the procedure outlined in 16.64.120 must be followed. Critical timing outlined in this Section includes:

a. At the time of the hearing on the tentative subdivision map, the planning commission shall recommend to the city council whether a credit is to be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 16.64.100 of this chapter.

b. Open space covenants for private park or recreational facilities shall be submitted to the city council prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map. (Prior code § 40.16.1612)

B40. **Finance Plan:** The Applicant shall provide a Finance Plan for the project prior to final map approval that includes the development of all designated park facilities, trails, open space/parkway or other open space areas anticipated to be maintained by the City of Sacramento Department of Parks and Recreation. The Plan shall include all improvements costs associated with the designated park facilities, trails, open space/parkway or other open space areas along with ongoing maintenance and operation costs for these facilities in perpetuity.

C. The **Tentative Subdivision Map (Panhandle North - Krumenacher)** to subdivide 129.2± acres into single family, condominium, medium density residential, common area, park, open space, and landscape lots is hereby approved subject to the following conditions:

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map or any contradictory provisions in the PUD guidelines approved for this project (P05-077). The design of any improvement not covered by these conditions or the PUD Guidelines shall be to City standard.

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied

The City strongly encourages the applicant to thoroughly discuss the conditions of approval for the project with their Engineer/Land Surveyor consultants prior to City Planning Commission approval. The improvements required of a Tentative Map can be costly and are completely dependent upon the condition of the existing improvements. Careful evaluation of the potential cost of the improvements required by the City will enable the applicant to ask questions of the City prior to project approval and will result in a smoother plan check process after project approval:

GENERAL: All Projects

C1. a) In accordance with City Code Section 16.24.090(c)(1), approval of this map by the Planning Commission is contingent upon approval by the City Council of all required Plan Amendments (if any), Zoning changes, and the Development Agreement. The Final Map may not be recorded unless and until such time as the City Council approves such required Plan Amendments (if any), Zoning changes, and the Development Agreement.

b) Pursuant to Government Code section 66454, approval of this tentative map is conditioned on annexation of the property to the City of Sacramento within three years of the date of final action on the tentative map. The approval shall not be effective until annexation has been completed. If annexation is not completed within three years, then the approval shall be null and void.

Note: The consequences of not getting the required approvals at City Council could be detrimental to the timely recordation of this map. A new map would have to be generated showing the revised areas and it would have to be evaluated by the City's technical staff. If it is determined that previous conditions are not adequate to address the change the map will have to be reconditioned and reheard at SRC.

C2. Execute a Development Agreement to the satisfaction of the City of Sacramento. Comply with and meet all requirements of said agreement.

C3. Comply with the North Natomas Development Guidelines and the PUD guidelines approved for this project (P05-077) to the satisfaction of the Planning Division and the Development Engineering Division. In the case of conflict PUD Guidelines shall prevail over Development Guidelines.

C4. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P05-077).

C5. The design of any improvement not covered by these conditions, PUD Guidelines or approved subdivision modifications shall be to City standard.

C6. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments, in accordance with the Development Agreement.

C7. With the exception of the Nino's Parkway the title to any property required to be dedicated to the City in fee shall be conveyed free and clear of all rights, restrictions, easements, impediments, encumbrances, liens, taxes, assessments or other security interests of any kind (hereafter collectively referred to as "Encumbrances"), except as provided herein. The applicant

shall take all actions necessary to remove any and all Encumbrances prior to approval of the Final Map and acceptance of the dedication by City, except that the applicant shall not be required to remove Encumbrances of record, including but not limited to easements or rights-of-way for public roads or public utilities, which, in the sole and exclusive judgment of the City, cannot be removed and/or would not interfere with the City's future use of the property. The applicant shall provide title insurance with the City as the named beneficiary assuring the conveyance of such title to City.

C8. Pursuant to City Code Section 16.40.190, indicate easements on the Final Map to allow for the placement of centralized mail delivery units. The specific locations for such easements shall be subject to review and approval of the Development Engineering Division after consultation with the U.S. Postal Service.

C9. Dedicate, without cost to the City, all public land covered in the North Natomas Financing Plan Land Acquisition Program.

C10. Multiple Final Maps may be recorded. Prior to recordation of any Final Map all infrastructure/improvements necessary for the respective Final Map must be in place or appropriately secured to the satisfaction of the Departments of Utilities, the Planning Division, and the Development Engineering Division. The applicant may submit an improvement phasing plan for review and approval by Development Engineering which will identify what improvements will be necessary for each phase of the project.

C11. 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 and Finance Division, Plan Check Engineer at 808-7915 to schedule the conference. It is strongly recommended that the conference be held as early in the design process as possible.

Development Engineering: Streets

C12. 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. The City shall determine improvements required for each phase prior to recordation of each phase. Any public improvement not specifically noted in these conditions, on the Tentative Map or in approved subdivision modifications shall be designed and constructed to

City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering and Finance Division.

C13. The public/private alleys shall have a Public Utility Easement (PUE) adjacent to both sides of sufficient width to provide street lighting within the alley. Ornamental street-lighting will be required adjacent to the public/private alleys inside the PUE. Public Alleys shall be constructed of concrete, private alleys may be constructed of alternative materials, but this will require a subdivision modification approved by the City.

C14. Dedicate and construct Elkhorn Boulevard to a North Natomas Standard 136' right-of-way (half street only). At a minimum the applicant will construct as follows full improvements south of the median. The applicant shall construct a landscaped median. Finally the applicant shall construct a single travel lane, 2' shoulder and appropriate drainage north of the median. All improvements are adjacent to the subject site. More construction may be required north of the centerline in accordance with the traffic analysis done for this project.

C15. Dedicate and construct National Drive to a North Natomas Standard 100' right-of-way. Full improvements on both sides are required.

C16. Dedicate and construct A, B and E Drives to a City Standard 69' right-of-way. Full improvements on both sides are required.

C17. Dedicate and construct remaining internal subdivision streets as shown on the Tentative Map.

C18. The applicant shall either restrict parking adjacent to lots 432, and 433 on G-Way or the applicant must widen G-Way to the 57' modified residential cross-section adjacent to those same 2 lots.

C19. Streets adjacent to schools and parks shall have a 57' modified residential cross-section, and vertical curb as determined by the Development Engineering Division. The purpose of this cross-section is to allow for parking to occur on these streets with out interfering with street circulation.

C20. Multiple access points will be required for all phases of the Final Subdivision Map to the satisfaction of the Development Engineering and Finance Division and the Fire Department. Dead end streets must be less than 500' in length and must include a turn-around approved by the Development Engineering and Finance Division and Fire Department. Certain exceptions may be considered by the Development Engineering Division and the Fire Department on a case-by-case basis.

C21. The City may, at its discretion, require the inclusion of traffic calming devices along residential streets, to be constructed as part of the public improvements. Improvements required shall be determined by the Department of Transportation and the Development Engineering Division.

Note: The Applicant has met with the Department of Transportation and has developed a preliminary traffic calming plan.

C22. Developer is required to install permanent street signs to the satisfaction of the Development Engineering Division.

C23. All right-of-way and street improvement transitions that result from changing the right-of-way of any street shall be located, designed and constructed to the satisfaction of the Development Engineering Division. The center lines of such streets shall be aligned.

C24. 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). Wall Pilasters shall be set back behind the sight line needed for stopping sight distance. 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.

C25. Provide additional right-of-way for expanded intersections at intersections at the following locations specified by the Development Engineering and Finance Division:

a. Elkhorn Boulevard/A Drive

b. Elkhorn Boulevard/National Drive

c. National Drive/B Drive

d. National Drive/C Drive

e. National Drive/D Drive

f. National Drive/E Drive

g. National Drive/G Way/F Drive

C26. Construct traffic signals at the following intersections when required by the Development Engineering Division (if not already in place):

a. Elkhorn Boulevard/National Drive

b. National Drive/D Drive

c. National Drive/G Way/F Drive

NOTE: The Development Engineering Division shall determine the need for signals, based on Caltrans signal warrants and known pending development projects prior to the Issuance of any building permit. If required, signals shall be constructed as part of the public improvements for the Final Map. Signal design and construction shall be to the satisfaction of the Development Engineering Division and may be subject to reimbursement. The applicant shall provide all on-site easements and right-of-way needed for turn lanes, signal facilities and related appurtenances. The applicant shall install CCTV cameras and all necessary appurtenances if deemed necessary by and to the satisfaction of Traffic Engineering Services.

C27. The applicant shall submit a signal design concept report (SCDR) per section 15.18 of the Cities Design and Procedures Manual to the Development Engineering Division for review and approval prior to the submittal of any improvement plans involving traffic signal work. The SCDR provides crucial geometric information for signal design which may lead to additional right-of-way dedication and should be started as early as possible to avoid delays during the plan check process.

C28. The applicant shall make provisions for bus stops, shelters, transit centers, etc. to the satisfaction of Regional Transit and Development Engineering Division.

C29. The applicant shall dedicate (if necessary) and construct bus turn-outs for all bus stops adjacent to the subject site to the satisfaction of the Development Engineering Division.

PRIVATE/PUBLIC UTILITIES:

SMUD

C30. Dedicate the Landscape Corridors as a public utility easement for underground facilities and appurtenances.

C31. Dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public street rights of ways.

<u>ALLEY LOTS</u>

C32. Dedicate a 10-foot public utility easement adjacent to the side lots and a 7.5-foot public utility easement adjacent to the frontage for underground facilities and appurtenances adjacent to all public street rights of ways.

C33. Dedicate a 10-foot public utility easement for underground facilities and appurtenances adjacent to all public street rights of ways within the Cluster Lots.

C34. Dedicate any private driveways and 2 feet adjacent thereto and 3 feet at the ends as a public utility easement for underground facilities and appurtenances.

C35. Label SMUD's and WAPA's transmission line easements as a "Restricted Building and Use Area".

C36. The owner/developer must disclose to future/potential owners the existing or proposed 69kV and 230kV electrical facilities.

SMUD is planning to build a 69kV overhead line along the south side of Elkhorn Blvd. and within the WAPA corridor.

C37. Dedicate a 60-foot wide easement to the Sacramento Municipal Utility District for overhead 69 kV electrical and communications lines, the center line of which generally follows an alignment, 100-feet west of the east line of the Lots D, E, F, & G. SMUD has reviewed the developers proposed subdivision improvements as shown on the approved tentative maps, and the Ninos Parkway Master Plan, dated May 2, 2007, and has worked with the Developers to resolve any conflicts within the proposed 69kV electrical and communication lines. Prior to issuance of any grading or building permits within the Transmission Line corridor, the Developers and/or the City of Sacramento shall apply for a joint-use agreement from SMUD consenting to the proposed improvements within the Transmission Line corridor. SMUD has agreed to enter into said agreement so long as the proposed improvements are in substantial conformance with the approved tentative maps and proposed Ninos Parkway Master Plan. Please contact SMUD's Property Administrator Mr. Blandon Granger at (916) 732-5016. SMUD has agreed to coordinate with the applicant and the City of Sacramento's Parks Department on the location of poles and underground facilities and appurtenances within the park improvements and subdivision improvements. Please contact Mr. Gary Bakulich at (916) 732-7076.

CSD-1

C38. Connection to the District's sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction.

C39. Each parcel and each building with a sewage source shall have a separate connection to the CSD-1 sewer system.

C40. In order to obtain sewer service, construction of CSD-1 sewer infrastructure will be required.

C41. Sewer easements will be required. All sewer easements shall be dedicated to CSD-1, in a form approved by the District Engineer. All CSD-1 sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance. CSD-1 will provide maintenance only in public right-of-ways and in easements dedicated to CSD-1.

C42. Certain areas of commercial and multiple residential housing (owner occupied) will require onsite collector systems and attendant requirements. On such properties, all sewer lines carrying waste from two or more buildings shall be 8-inch (minimum) collectors in public easements maintained by the District.

C43. The subject project owner(s) and successors in interest thereof, shall be responsible for repair and/or replacement of all non-asphalt and/or enhanced surface treatments of streets and drives within these easements damaged by District maintenance and repair operations, including landscaping, channelizations, lighting and any other appurtenances conflicting therein. This requirement shall be set forth in easement grant documents and be a covenant running with the land, be responsibility of successors in interest in future land transfers and divisions and by language approved by the District. Surface enhancements include, but are not limited to non-asphaltic paving, landscaping, lighting, curbing and all non-driveable street appurtenances.

C44. CSD-1 requires their sewers to be located a minimum of 10 feet (measured horizontally from edge of pipe to edge of pipe) from all potable water lines. Separation of sewer line from other parallel utilities, such as storm drain and other 'dry' utilities (electrical, telephone, cable, etc.) shall be a minimum of 7 feet (measured horizontally from the center of pipe to the center of pipe). Any deviation from the above separation due to depth and roadway width must be approved by the District on a case by case basis. Prior to recording the Final Map, the applicant shall prepare a utility plan that will demonstrate that this condition is met.

C80. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.

C81. 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. Storm drain message and signage is required at all drain inlets. Improvement plans must include the source controls measures selected for the site. Refer to the latest edition of the "Guidance Manual for On-Site Stormwater Quality Control Measures" for appropriate source control measures.

C82. The applicant shall provide for the rough grading of public maintained parks. The rough grading shall be to the satisfaction of the DOU and Parks.

C83. The proposed development is located within the Reclamation District 1000 (RD 1000). The applicant shall comply with all RD 1000 requirements and pay all applicable RD 1000 fees.

C84. Where lots are developed for condominiums:

a. Any new domestic water services shall be metered. A single domestic water service is required for the condominium lot and a separate single domestic water service is required for clubhouse and pool areas.

b. The condominium lot shall have a separate street tap for a metered domestic water service.

c. The clubhouse and pool area, if constructed, shall have a separate street tap for a metered domestic water service

d. Common area landscaping shall have a separate street tap for a metered irrigation service.

e. Prior to the initiation of any water, sanitary sewer or storm drainage services to the condominium project, 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. The onsite

C54. Provide standard subdivision improvements per Section 16.48.110 of the City Code. Construct water, sewer, and drainage facilities to the satisfaction of the Department of Utilities (DOU). Off-site main extensions may be required.

C55. Dedicate all necessary easements, IOD easement, right-of-way, fee title property, or IOD in fee title property on the final map as required to implement the approved drainage, water and sewer studies, per each approving agency requirements. Easements shall be dedicated for off-site water and storm drain main extensions as necessary.

C56. Construct water pipes and appurtenances and construct storm drain pipes and appurtenances, and construct sanitary sewer pipes and appurtenances in Elkhorn Boulevard and all internal streets shown on the Tentative Subdivision Map. The construction shall be to the satisfaction of the DOU.

C57. If required by the Department of Utilities (DOU), the applicant shall enter into and record an Agreement for Conveyance of Easements with the City, in a form acceptable to the City Attorney, requiring that private easements be granted, as needed, for drainage, water and sanitary sewer at no cost at the time of sale or other conveyance of any lot. A note stating the following shall be placed on the Final Map: "The lots created by this map shall be developed in accordance with recorded agreement for conveyance of easements # (Book____, Page___)."

C58. All public water, sanitary sewer and storm drain pipelines or systems shall be placed within the asphalt concrete (AC) section of public-right-of-ways and easements. Prior to acceptance of maintenance responsibilities, the public facilities shall be designed and constructed per City standards and procedures and approved by the DOU. Unless otherwise approved by the DOU, public water and storm drain facilities shall not be placed within designated street parking areas.

C59. Public streets and private streets and alleys with public maintained water, sanitary sewer and storm drain systems shall have a minimum paved AC width of 25 feet from lip of gutter to lip of gutter. Drain inlets, curb and gutter shall be constructed to City Standards for residential streets.

C60. Unless otherwise approved by the DOU, private alleys with two public maintained utility systems, e.g., water and sanitary sewer systems or water and storm drain systems, shall have a minimum paved AC width of 22 feet and shall have drain inlets, curb and gutter constructed to City Standards or a concrete v-gutter drain located in the center of the pavement to provide surface drainage. Additional public or private maintained utility systems shall not be located in these private alleys.

C61. Unless otherwise approved by the DOU, no public storm drain or water facilities shall be located in drive aisles.

C62. Surface drainage facilities located within private alleys or drive aisles not constructed to City standards and with a width of less than 25 feet from lip of gutter to lip of gutter shall be private facilities maintained by a homeowners association (HOA) or a privately funded maintenance district. Private easements shall be dedicated for these facilities. If required by the DOU, the responsible maintenance agency shall enter into and record an agreement with the City regarding the maintenance of these facilities. The agreement shall be to the satisfaction of the DOU and the City Attorney.

C63. The full width of the private streets and alleys with public water, sanitary sewer and/or storm drain pipelines shall be dedicated as public utility easement. An additional minimum 3 feet adjacent to all the streets shall also be dedicated as an easement for water distribution system appurtenances such as hydrants and water meters. The easement shall include language assuring DOU personnel and maintenance vehicles unrestricted access to any private streets and alleys and easements at all times.

C64. Prior to submittal of improvement plans, prepare a project specific drainage study for review and approval by the DOU. The 10-year and 100-year hydraulic grade lines (HGL's) for this study shall be calculated using the City's Storm Water Management Model (SWMM). The drainage study shall include basins designed and constructed for flood control and water quality treatment. The flood control volume shall be established using the 100 year – 10 day storm and the 100 year -24 hour storm. Contact the DOU for the design criteria. R.D. 1000 shall approve in writing the pump-out rate from the basins (the pumping rate allowed for other North Natomas developments has been 0.1 cfs/acre). Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff. The drainage study shall include an overland flow release map for the proposed project. The DOU shall approve the drainage study and any phasing plan, if appropriate, included with the master plan for drainage infrastructure.

C65. Drain inlets shall be at least 6-inches above the 10-year HGL. Building pad elevations shall be a minimum of 1.2 feet above the 100-year HGL and a minimum of 1.5 feet above the local controlling overland flow release elevation, whichever is higher. Finished floor elevations shall be a minimum of 1.5 feet above the 100-year HGL and a minimum of 1.8 feet above the local controlling overland release, whichever is higher.

C66. Per City Code, the Subdivider may not develop the project in any way that obstructs, impedes, or interferes with the natural flow of existing off-site drainage that crosses the property. The project shall construct the required public and/or private infrastructure to handle off-site runoff to the satisfaction of the DOU. If private infrastructure is constructed to handle off-site runoff, the applicant shall dedicate the required private easements and/or, at the discretion of the DOU, the applicant shall enter into and record an Agreement for Maintenance of Drainage with the City, in a form acceptable to the City Attorney.

C67. All lots shall be graded so that drainage does not cross property lines or private drainage easements shall be dedicated. The project shall be graded to overland release to the detention/water quality basins.

C68. Prior to the submittal of improvement plans, prepare a project specific water study for review and approval by the DOU. The water distribution system shall be designed to satisfy the more critical of the two following conditions: (1) at maximum day peak hour demand, the operating or "residual" pressure at all water service connections shall be at least 30 pounds per square inch, (2) 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. The water study shall determine if the existing and proposed water distribution system is adequate to supply fire flow demands for the project. A water supply test may be required for this project. Contact the DOU for the pressure boundary conditions to be used in the water study.

C69. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.

C70. Two points of service for the water distribution system for this subdivision or any phase of this subdivision are required. All water lines shall be placed within the asphalt section of public right-of-ways as per the City's Design and Procedures Manual.

C71. Per Sacramento City Code, water meters shall be located at the point of service that is located at the back of curb for separated sidewalks or the back of walk for connected sidewalks.

C72. Along all streets with separated curb and sidewalk; place minimum 2-inch diameter sleeves (one on each side of the driveway) under the sidewalk for each single family lot for irrigation of the landscape planter. The irrigation sleeves shall be placed prior to construction of sidewalks. In situations where separated sidewalks are located along the perimeter of parks or other common lots/parcels, irrigation sleeves shall be placed at maximum 200 linear foot intervals under the sidewalks.

C73. Residential water taps shall be sized per the City's Building Department onsite plumbing requirements (water taps from the water main in the street to the meter may need to be larger than 1-inch depending on the length of the house service, number of fixture units, etc.).

C74. Water meter boxes located in driveways shall be as follows: (1) for 1-inch domestic water service, Christy traffic box B1324 (H/20 loading) with reading lid B1324-61GH and (2) for 1.5-inch domestic water service, Christy traffic box B1730 (H/20 loading) with reading lid B1730-51G.

C75. Any new domestic water services shall be metered. Only one domestic water service is allowed per lot. Excess services shall be abandoned to the satisfaction of the DOU.

C76. Common area landscaping shall have a separate street tap or public easement tap for a metered irrigation service.

C77. Clubhouse and pool areas shall have a separate street tap or public easement tap for a metered domestic water service.

C78. A grading plan showing existing and proposed elevations is required. All lots and/or parcels shall be graded so that drainage does not cross property lines or private drainage easements shall be dedicated. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. At a minimum, one-foot off-site contours within 100 feet of the project boundary are required (per Plate 2, page 3-7 of the City Design and Procedures Manual). No grading shall occur until the grading plan has been reviewed and approved by the DOU.

C79. This project is greater than 1 acre in size; therefore 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 from www.swrcb.ca.gov/stormstr/construction.html. The SWPPP will be reviewed by the DOU prior to issuing a grading permit. The following items shall be included in the SWPPP: (1) vicinity map, (2) site map, (3) list of potential pollutant sources, (4) type and location of erosion and sediment BMP's, (5) name and phone number of person responsible for SWPPP and (6) certification by property owner or authorized representative.

C80. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.

C81. 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. Storm drain message and signage is required at all drain inlets. Improvement plans must include the source controls measures selected for the site. Refer to the latest edition of the "Guidance Manual for On-Site Stormwater Quality Control Measures" for appropriate source control measures.

C82. The applicant shall provide for the rough grading of public maintained parks. The rough grading shall be to the satisfaction of the DOU and Parks.

C83. The proposed development is located within the Reclamation District 1000 (RD 1000). The applicant shall comply with all RD 1000 requirements and pay all applicable RD 1000 fees.

C84. Where lots are developed for condominiums:

a. Any new domestic water services shall be metered. A single domestic water service is required for the condominium lot and a separate single domestic water service is required for clubhouse and pool areas.

b. The condominium lot shall have a separate street tap for a metered domestic water service.

c. The clubhouse and pool area, if constructed, shall have a separate street tap for a metered domestic water service

d. Common area landscaping shall have a separate street tap for a metered irrigation service.

e. Prior to the initiation of any water, sanitary sewer or storm drainage services to the condominium project, 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. The onsite

water, sewer and storm drain systems shall be private systems maintained by the association. The C.C.&R.s shall authorize the association to contract on behalf of all owners within the condominium project for sanitary sewer, water and storm drainage services for the condominium units, common area(s) and all other areas within the condominium project.

f. Prior to the initiation of any water, sanitary sewer or storm drainage services to the condominium 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 DOU, provided that such agreement shall not apply to sanitary sewer service provided by CSD-1 instead of the City. Such agreement shall provide, among other requirements, for payment of all charges for the condominium project's water, sanitary sewer (if provided by City) 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, shall require sub-metering of water service to the condominium units if requested by the DOU or required by any other government agency, and shall be in a form approved by the City Attorney.

g. The project shall provide for sub-metering of all the condominium units consistent with the Utility Service Agreement. The sub-metering shall be to the satisfaction of the DOU.

h. Multiple fire services are allowed per lot and may be required.

i. The owner(s) and ownership association shall comply with all applicable requirements of Title 13 of the Sacramento City Code governing the provision of City utility service.

C85. Where high-density residential units are developed as townhouses, the AC paving for internal streets fronting these units shall meet the DOU minimum width requirements for public utilities and the street section, curb, gutter and drain inlets shall be constructed to City standards.

C86. Prior to recording the subdivision map, the detention/water quality basins, pump station and discharge pipes, and inlet and outlet structures for the detention/water quality basins to be located on Lots I and J of the Panhandle Central – Dunmore tentative subdivision map shall be constructed. The basin design and construction shall be to the satisfaction of the DOU. Execute a maintenance agreement with the City that requires the developer to maintain the Detention/Water Quality

Facility to be located in Lots I and J for a period of two (2) years. The two-year period shall begin following the issuance of a notice of completion by the City for the Water Quality Facility. At the time of acceptance by the City, the developer shall remove any sediment or debris that has accumulated prior to acceptance. The maintenance agreement shall be to the satisfaction of the DOU and the City Attorney.

PPDD: Parks

C87. **Park Dedication – IOD:** Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall provide on City's form an irrevocable offer of dedication (IOD) of the parks sites identified on the Panhandle North Krumenacher TM as Park Lot(s) A,B and C, comprising 9.7+ net acres. At the time of delivery of the IOD's, the applicant shall (1) provide to City a title report demonstrating that it holds full and clear title to each of the park Lot(s) as described herein, including all interests necessary for maintenance and access; (2) provide a Phase 1 environmental site assessment for each of the park Lot(s); (3) if the environmental site assessment identifies any physical conditions or defects in the park Lot(s) which would interfere with its intended use as a park, as determined by PPDD in its sole discretion, applicant shall complete a supplemental assessment and remedy any such physical condition or defect, to the satisfaction of PPDD; (4) take all actions necessary to ensure that the park Lot(s) are free and clear of any wetland mitigation, endangered or threatened animal or plant species, sensitive habitat or other development restrictions. ; and (5) provide proof of satisfaction of all Habitat Conservation Plan (HCP) requirements for the park Lot(s). The applicant shall be solely responsible, and at its sole cost, for any required mitigation costs or measures associated with the park Lot(s).

C88. **Turn Key Park Development:** If the Applicant desires to construct a turnkey park**(s),** the Applicant shall notify PPDD in writing no later than approval of the **final** subdivision map for the project and shall enter into a City standard turn key park construction agreement to construct the park improvements to the satisfaction of the City's PPDD. The park construction agreement shall address (1) the preparation and approval of the park design and improvement plans, (2) time for completion of the park (or of each phase of the park if the park is not to be completed in one phase) as a function of build-out of the subdivision or issuance of occupancy permits, (3) any credits to be awarded to the applicant against the City's Park Impact Fee (PIF) that would be payable as a condition of issuance of building permits for the dwelling units to be constructed in the subdivision, (4) maintenance of all improvements to be accepted into the park maintenance financing district for a minimum of one year and until a minimum of 50% of the residential units to be served by the park have

received occupancy permits, unless the City agrees to accept park maintenance into the District at an earlier date. The one-year maintenance period shall begin following the issuance by the City of a notice of completion for the improvements.

C89. **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.

C90. **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.

C91. **Improvements**: The Applicant shall construct the following public improvements prior to and as a condition of City's acceptance of the park/parkway sites identified on the revised map dated March 16, 2007 for the Panhandle North Krumenacher TM as Park Lot(s)A, B and C, and the Nino's Parkway lots D, E, F and G:

a. Full street improvements including but not limited to curbs, gutters, accessible ramps, street paving, streetlights, and sidewalks; and improved surface drainage through the site.

b. A concrete sidewalk and vertical curb along all street frontages that open onto each Park Lot and the Nino's Parkway. The sidewalk shall be contiguous to the curb (attached) for neighborhood parks and separated from the curb (detached) for community and regional parks unless otherwise approved by PPDD.

c. A six foot high masonry wall or other acceptable material such as tubular steel as approved by the City PPDD on property lines separating public park and the designated open space areas from adjacent private uses. If masonry wall is recommended by PPDD, it shall be split face block or similar material (to discourage graffiti) with decorative top cap and on-center pilasters, or as otherwise approved by PPDD.

d. Post-and-cable fencing between park parcels and any adjacent open space area as approved by PPDD. Refer to PPDD Post and Cable detail and specification.

e. A twelve inch (12") storm drain stub and six inch (6") sanitary sewer stub to the back of the sidewalk at each Park Lot at a location approved by PPDD for future service. Number of stubs and locations to be approved by PPDD. Storm Drain and Sewer stubs are to be marked with a 3' high, white 4" x 4" post indicating stub or service location.

f. One water tap for irrigation, one water tap for domestic water, and electrical and telephone service to each Park Lot, quantity and location as approved by PPDD. The irrigation water tap shall be 4 inches for parkland 4 acres and over, and 2-1/2 inches for parkland less than 4 acres; and the domestic water tap shall be 1 inch. Water taps and telephone and electrical services shall be marked with a 3' high, white 4" x 4" post indicating stub or service location.

g. A ten-foot (10') wide driveway into each Park Lot at a location approved by PPDD. The driveway is to provide future maintenance access to the park.

h. The Applicant shall rough grade each Park Lot required by City Code to provide positive drainage as approved by PPDD

i. The Applicant shall identify a source within the Panhandle Public Facilities Financing Plan, as approved by PPDD, for full funding of the development, maintenance and operation in perpetuity of all park improvements proposed within the Panhandle North Krumenacher TM

j. Upon completion of all improvements outlined above to the Park Lots, the Applicant shall contact the Landscape Architecture Services Division of the PPDD to schedule a site inspection. This condition shall not be deemed complete until all improvements identified above have been constructed to the satisfaction of the PPDD.

C92. **Site Plan**: The Applicant shall submit a site plan and electronic file showing the location of all utilities on the park/parkway sites to the PPDD for review and approval.

C93. **Design Coordination for PUE's and Facilities**: If a 12.5 foot public utility easement (PUE) for underground facilities and appurtenances currently exists or is required to be dedicated adjacent to a public street

right-of- way contiguous to any of the park sites, the applicant shall coordinate with PPDD and SMUD regarding the location of appurtenances within the PUE to minimize visual obstruction in relation to the park(s) and to best accommodate future park improvements. The Applicant shall facilitate a meeting(s) with SMUD and PPDD prior to SMUD's facilities coordinating meeting for the project.

C94. **Nino's Open Space Parkway**: The Nino's" Parkway" identified on the Panhandle North Krumenacher TM as Open Space Lots D, E, F and G comprising 9.8+ acres shall be dedicated in fee title to the City of Sacramento.

a. A multi-use trail and adjacent landscaping shall be incorporated within the Nino's Parkway Open Space area as an extension of the Nino's Parkway trail corridor.

b. The Applicant shall disclose to PPDD all easements existing or proposed at the time of TM approval within the "Parkway".

c. At the time the" Parkway" identified on the Panhandle North Krumenacher TM as Open Space Lots D, E, F and G is dedicated in fee title to the City, the applicant shall (1) take all actions necessary to convey to and vest in the City full and clear title including all interests necessary for maintenance and access; (2) provide a title report and title insurance insuring that clear title in fee is vested in the City at the time of dedication; (3)provide a Phase 1 environmental site assessment of the "Parkway"; (4) if the environmental site assessment identifies any physical conditions or defects in the "Parkway" that would interfere with its intended use as a multi-use trail, as determined by PPDD in its sole discretion, applicant shall complete a supplemental assessment and remedy any such physical condition or defect, to the satisfaction of PPDD; (5) take all actions necessary to ensure that the "Parkway" is free and clear of any wetland mitigation, endangered or threatened animal or plant species, sensitive habitat or other development restrictions (with the exception of the Powerline easements or other easements) ; and (6) provide proof of satisfaction of all Habitat Conservation Plan (HCP) requirements for the "Parkway". . The applicant shall be solely responsible, and at its sole cost, for any required mitigation costs or measures associated with the "Parkway".

d. The Applicant shall submit and obtain PPDD approval of the alignment and design of the multi- use trail prior to submitting a master plan for the "Parkway". Trail design shall include consideration for lighting and emergency telephone service.

Residential lots backing onto the "Parkway" should be designed with open fencing such as tubular steel. The fencing plan shall be included in the Trail Plan for the subdivision and shall be subject to the review and approval of the PPDD.

e. The proposed multi-use trail shall comply with Class I bike trail standards, including regulatory signage, as defined in Chapter 1000 of State Department of Transportation Highway Design Manual. Trails shall be adequately signed for safety to identify ingress and egress locations. The trail shall be 12' of asphalt concrete paving, with clear, graded shoulders that are a minimum of 2' in width. Shoulders should be decomposed granite or an alternate material approved by PPDD. Pavement sections shall be 3" minimum asphaltic concrete over 6" min of aggregate base, with a centerline stripe (refer to PPDD Trail detail and specification).

f. Vehicular access controls as approved by PPDD shall be placed at the entrance to all access points to the trail (refer to PPDD details and specifications for approved designs).

g. Wherever possible and as approved by PPDD and the Department of Utilities, multi-use trails shall be designed as joint-use with utility service roads utilizing the service roads aggregate base as the trail's aggregate base course. Applicant shall design the pavement to meet all required design loads.

h. Where a multi-use trail is located adjacent to any embankment with a greater than 4:1 slope, the Applicant shall, at his expense, install a post-and-cable fence along the top of the embankment, between the embankment and the multi-use trail.

i. The Applicant shall disclose the location of the planned multi-use trail and Open Space "Parkway" to all future/potential owners of parcels within the subdivision.

j. The Applicant shall identify a source, as approved by PPDD, for full funding of the development and maintenance and operation in perpetuity of all improvements proposed for the Open Space "Parkway".

C95. Disclosure to Future Owners: The Applicant shall make the following disclosures to all future or potential owners of parcels within the subdivision:

a. The location of the planned multi-use trail; and

b. If private facilities credits are granted by PPDD for any private recreational facilities they shall be retained in perpetuity and shall not be changed to another use without the express written consent of the Sacramento City Council; and

c. Public parks within the subdivision shall be maintained at Level 3, the City's baseline service level, as outlined in Table 11: Park Maintenance Service Levels and Analysis, contained in the City of Sacramento Parks and Recreation Master Plan 2005-2010. At Level 3, core tasks are regularly completed; restrooms (if present) are serviced daily; turf is in generally good condition, but there are some seasonal issues; there is little or no flower planting; and, weeds may occur in shrub beds from time to time.

C96. **Open Space**: The following conditions apply to the open space areas (to be maintained by the Department of Parks and Recreation) as shown on the tentative subdivision map:

a. The Applicant shall establish a financing district to fund the maintenance of any open space areas shown on the tentative map.

b. The Applicant shall show and label on plan the extent of any designated wetlands acreage and any required setback or buffer areas (not to be developed/improved).

c. The Applicant shall, at their expense, install an attached 5' minimum wide concrete sidewalk at the back-of-curb along the streets that front on all open space areas except as approved with subdivision modifications.

d. The Applicant shall, at their expense, install signage as approved by PPDD at all open space areas identifying the open space name or land use and outlining public use regulations (such as "No dumping", or "Stay on posted trails").

C97. **Private Facility Credits:** City Code Chapter 16.64, Sections 16.64.100,110 and 120 address granting of private recreation facility credits. The city may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned developments as defined in Section 11003 of the Business and Professions Code, condominiums as defined in Section 783 of the Civil Code, and other common interest developments. Such credit, if granted in acres, or comparable in lieu fees, shall not exceed twenty-five (25) percent of the dedication or fees, or both, otherwise required under this chapter and no more than five percent per category of open space or recreational facilities described in this Chapter under 16.64.100. Should the applicant elect to

request City consideration of private facility credits the procedure outlined in 16.64.120 must be followed. Critical timing outlined in this Section includes:

a. At the time of the hearing on the tentative subdivision map, the planning commission shall recommend to the city council whether a credit is to be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 16.64.100 of this chapter.

b. Open space covenants for private park or recreational facilities shall be submitted to the city council prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map. (Prior code § 40.16.1612)

C98. **Finance Plan:** The Applicant shall provide a Finance Plan for the project prior to final map approval that includes the development of all designated park facilities, trails, open space/parkway or other open space areas anticipated to be maintained by the City of Sacramento Department of Parks and Recreation. The Plan shall include all improvements costs associated with the designated park facilities, trails, open space/parkway or other open space areas along with ongoing maintenance and operation costs for these facilities in perpetuity.

SPECIAL DISTRICTS: Assessment Districts

C99. Dedicate to the City those areas identified on the Tentative Subdivision Map as Landscape Lots and Open Space Lots (lots D, E, F, G, J, K, L, M, and N). Annex the project area to the appropriate Landscape Maintenance District, or other financing mechanism acceptable to the City, prior to recordation of the Final Map. Design and construct landscaping, irrigation and masonry walls or wood fences in dedicated easements or rights of way, to the satisfaction of the Development Engineering Division, and the Planning Division. Acceptance of the required landscaping, irrigation and walls or fences by the City into the Landscape Maintenance District shall be coordinated with the Development Engineering Division. The Developer shall maintain the landscaping, irrigation and walls for two years or until acceptance by the City into the District (whichever is less). The two year period shall begin following the issuance of a notice of completion by the City for the landscaping, irrigation and walls or fences.

FIRE:

C100. All turning radii for fire access shall be designed as 35' inside and 55' outside. Alleys must meet this requirement when the lot is only accessible

from the alley. (Note: Apparatus access is required to the point where the furthest projection of the exterior wall of a building is accessible from within 150 ft of an approved Fire Department access road and water supply as measured by an unobstructed route around the exterior of the building. CFC 902.2.1). Exception: see Special Permit condition # 4.

C101. Fire apparatus access roads (including driveways if required for access) shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a roadbed consisting of material unaffected by the introduction of water based upon fire flow or rain based on 25 year storm and a surface consisting of a minimum of a single layer of asphalt. CFC 902.2.2.2

C102. Provide the required fire hydrants in accordance with CFC 903.4.2 and Appendix III-B, Section 5. Hydrant spacing shall be decreased where cluster products are used to the satisfaction of the Fire Department.

C103. Ensure emergency vehicles are included in any reciprocal ingress egress agreement.

C104. The Chief is authorized to require two means of access for a PUD having sites serving 25 or more dwelling units. CFC 902.1 Appendix III-D, Section 2.1. All emergency vehicle access (EVA) routes must be designed to the satisfaction of the Fire Department

MISCELLANEOUS:

C105. City standard ornamental street lights (acorn style or alternate decorative style approved by the Planning and Electrical Divisions) shall be designed and constructed by the applicant in accordance with Electrical Division requirements.

C106. **The Applicant shall dedicate and construct a class 1 off-street bikeway in the landscape area adjacent to Elkhorn Boulevard for the entire length of the subject site. Said off-street trail will be to the satisfaction of the Department of Transportation (DOT) and may be accomplished by widening the sidewalk if deemed feasible by DOT**

C107. The Applicant shall provide class 3 bikeway signing on certain interior east-west streets to provide appropriate connectivity.

C108. All Bikeway related conditions above will be coordinated with and to the satisfaction of the City's Pedestrian/Bikeway Coordinator and Development Engineering Division.

D. The **Subdivision Modifications (Panhandle North – Krumenacher)** to modify radius, tangent length, alley width, street sections, exclude sidewalk along one side of a roadway, rolled curb and gutter, and to allow asphalt surface on private alleys are hereby approved subject to the following conditions:

W1. The applicant shall comply with the conditions of approval of the Panhandle North – Krumenacher Tentative Subdivision Map (P05-077).

E. The **Tentative Master Parcel Map (Dunmore)** to subdivide 389.2± acres into 38 master parcels is hereby approved subject to the following conditions:

NOTE: **These conditions shall supersede any contradictory information shown on the Tentative Master Parcel Map or any contradictory provisions in the PUD guidelines approved for this project (P05-077). The design of any improvement not covered by these conditions or the PUD Guidelines shall be to City standard.**

The applicant shall satisfy each of the following conditions prior to filing the Final Master Parcel 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:

GENERAL: All Projects

E1. a) In accordance with City Code Section 16.24.090(c)(1), approval of this map by the Planning Commission is contingent upon approval by the City Council of all required Plan Amendments (if any), Zoning changes, and the Development Agreement. The Final Map may not be recorded unless and until such time as the City Council approves such required Plan Amendments (if any), Zoning changes, and the Development Agreement.

b) Pursuant to Government Code section 66454, approval of this tentative map is conditioned on annexation of the property to the City of Sacramento within three years of the date of final action on the tentative map. The approval shall not be effective until annexation has been completed. If annexation is not completed within three years, then the approval shall be null and void.

E2. Execute a Development Agreement to the satisfaction of the City of Sacramento and comply with and meet all the requirements of the Agreement.

E3. Comply with the North Natomas Development Guidelines and the PUD guidelines approved for this project (P05-077) to the satisfaction of the Planning Division and the Development Engineering Division. In the case of conflict PUD Guidelines shall prevail over Development Guidelines.

E4. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P05-077).

E5. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments, in accordance with the Development Agreement.

E6. Title to any property required to be dedicated to the City in fee shall be conveyed free and clear of all rights, restrictions, easements, impediments, encumbrances, liens, taxes, assessments or other security interests of any kind (hereafter collectively referred to as "Encumbrances"), except as provided herein. The applicant shall take all actions necessary to remove any and all Encumbrances prior to approval of the Final Map and acceptance of the dedication by City, except that the applicant shall not be required to remove Encumbrances of record, including but not limited to easements or rights-of-way for public roads or public utilities, which, in the sole and exclusive judgment of the City, cannot be removed and/or would not interfere with the City's future use of the property. The applicant shall provide title insurance with the City as the named beneficiary assuring the conveyance of such title to City.

E7. Place the following note prominently on the master parcel map:

"THIS MASTER PARCEL MAP DOES NOT AUTHORIZE CONSTRUCTION OF ANY IMPROVEMENT ON THE LAND SUBJECT TO THE MAP; PRIOR TO ANY IMPROVEMENT OR CONSTRUCTION, ALL REQUIRED LAND USE ENTITLEMENTS, INCLUDING BUT NOT LIMITED TO A SPECIAL PERMIT, MUST BE APPLIED FOR AND APPROVED, AND ALL APPLICABLE CONDITIONS OF APPROVAL MUST BE SATISFIED"

E8. Multiple Final Maps may be recorded. Prior to recordation of any Final Map all infrastructure/improvements necessary for the respective Final Map must be in place or appropriately secured to the satisfaction of the Departments of Utilities, the Planning Division, and the Development Engineering Division.

DEVELOPMENT ENGINEERING: Streets

E9. Streets shall be sized, dedicated, and constructed (if necessary to support commercial use) as follows (the PUD Guidelines shall be revised to be consistent with these requirements):

Street	***from***	***to***	***Lanes***	***R/W***	***Min. Face Face/curb***
Club Center Drive	Western property	National Drive	2+	70'	44'
National Drive	Northern property	Del Paso Road	4	100'	74'
Del Paso Road	Western property	Eastern property	6	136'	108

NOTES: Dedication and construction of all streets shall be as required elsewhere in these conditions. Sidewalks may be omitted adjacent to parks and schools, as determined by the City. The minimum right-of-way for any street not mentioned above shall be 53'. The City will determine off-site improvement requirements prior to filing each subsequent map or phase. All roadways may require additional dedication at intersections for turn lanes.

E10. The applicant shall provide, in the form of an Irrevocable Offer of Dedication (IOD) all internal street right-of-ways necessary for each Master Parcel to be developed independently (i.e. no land locked parcels.):

FINANCE PLAN:

E11. Provide, without cost to the City, in the form of an Irrevocable Offer of Dedication (IOD), all public land covered in the North Natomas Financing Plan Land Acquisition Program.

SMUD:

E12. Dedicate any private drive, ingress and egress easement and 12.5' adjacent to any Irrevocable Offer of Dedication as a PUE for underground facilities and appurtenances.

E13. Label SMUD's and WAPA's transmission line easements as a "Restricted Building and Use Area".

E14. The owner/developer must disclose to future/potential owners the existing or proposed 69kV electrical facilities.

E15. Dedicate a 60-foot wide easement to the Sacramento Municipal Utility District for overhead 69kV electrical and communications lines, the center

line of which generally follows an alignment, 100-feet west of the east line of the Parcels 21, 23, 31, 37, , & a portion of 34. SMUD has reviewed the developers proposed subdivision improvements as shown on the approved tentative maps, and the Ninos Parkway Master Plan, dated May 2, 2007, and has worked with the Developers to resolve any conflicts within the proposed 69kV electrical and communication lines. Prior to issuance of any grading and building permits within the Transmission Line corridor, the Developers and/or the City of Sacramento shall apply for a joint-use agreement from SMUD consenting to the proposed improvements within the Transmission Line corridor. SMUD has agreed to enter into said agreement so long as the proposed improvements are in substantial conformance with the approved tentative maps and proposed Ninos Parkway Master Plan. Please contact SMUD's Property Administrator Mr. Blandon Granger at (916) 732-5016. SMUD has agreed to coordinate with the applicant and the City of Sacramento's Parks Department on the location of poles and underground facilities and appurtenances within the park improvements and subdivision improvements. Please contact Mr. Gary Bakulich at (916) 732-7076.

CSD-1

E16. CSD-1 shall require an approved sewer study prior to the approval of Final Map or submittal of improvement plans for plan check to CSD-1, which ever comes first. The sewer study shall demonstrate the quantity of discharge and any "flow through sewage" along with appropriate pipe sizes and related appurtenances from this subject and other upstream areas and shall be done in accordance with the Districts' most recent "Minimum Sewer Study Requirements". The study shall be done on a no "Shed-Shift" basis unless approved by the District in advance and in compliance with Sacramento County Improvement Standards.

E17. In order to obtain sewer service, construction of CSD-1 sewer infrastructure will be required.

E18. Certain areas of commercial and multiple residential housing (owner occupied) will require onsite collector systems and attendant requirements. On such properties, all sewer lines carrying waste from two or more buildings shall be 8-inch (minimum) collectors in public easements maintained by the District.

CITY UTILITIES:

E19. An assessment district, community facilities district or other financing mechanism approved in writing by the City must be formed for the purpose of constructing all common drainage facilities within the project area and any additional drainage capacity or facilities required to

accommodate development of the subject area in accordance with the drainage master plan for the project area and other applicable drainage plans and criteria for North Natomas. For this purpose "other financing mechanism" includes but is not limited to a fully executed agreement approved as to form by the City Attorney, which provides for funding and construction of the said facilities, and which provides for posting or depositing with the City of unconditional security for performance of the landowner's obligations, which security is adequate in the sole and exclusive discretion of the City, and which is in a form acceptable to the City Attorney.

E20. The applicant and/or any successor shall fully participate in any financing mechanism, including but not limited to assessment districts, or community facilities districts formed for the purpose of financing the facilities specified in Condition X19 above, and any such mechanism formed for the purpose of financing the drainage facilities required under the North Natomas Comprehensive Drainage Plan. For this purpose, "fully participate" requires that the applicant and/or successor shall, notwithstanding the provisions of Articles XIIIC and/or XIIID of the California Constitution, or any other applicable federal or state law, rule of regulation, waive and relinquish any right to protest or vote against the formation of the mechanism and/or the levy of any assessment or tax pursuant thereto; actively participate in a positive manner in the proceedings for formation of the mechanism and/or the levy of any assessment or tax pursuant thereto; and pay all taxes, assessments and/or fees levied pursuant thereto.

E21. Execute a drainage agreement with the City for the construction of common drainage facilities per the approved drainage plan. The drainage agreement shall be to the satisfaction of the Department of Utilities (DOU) and the City Attorney. Common drainage facilities shall include, but are not limited to storm drain pipes serving all master parcels, pump station and discharge pipes, detention/water quality basin(s), outfall structures, and weir structures. The existing R.D. 1000 and City canal located off-site and adjacent to the project to the extent such off-site work is legally granted (recorded drainage improvement easement (Book 20010717, Page 1024)) shall be backfilled to the satisfaction of the DOU.

E22. Dedicate all necessary easements, IOD easements, right-of-way, fee title property, or IOD in fee title property on the final map as required to implement the approved drainage, water and sewer studies, per each approving agency requirements. Easements shall be dedicated for off-site water and storm drain main extensions as necessary. Street right-of-way shall be dedicated for common drainage pipes identified in the master drainage plan. All dedications shall be at no cost to the City, shall be free

and clear of all encumbrances and liens, and shall be to the satisfaction of the DOU.

E23. The applicant shall complete a drainage master plan for this site. The 10-year and 100-year HGL's for this study shall be calculated using the City's SWMM model. All drainage lines shall be placed within the asphalt section of public-right-of-ways as per the City's Design Procedures Manual, unless otherwise approved by the DOU. The drainage master plan is required to show the sizes of all common trunk lines in the street right-of-ways. The drainage master plan shall include basins designed and constructed for flood control and water quality treatment. The flood control volume shall be established using the 100 year – 10 day storm and the 100 year -24 hour storm. Contact the DOU for the design criteria. R.D. 1000 shall approve in writing the pump-out rate from the basins (the maximum pumping rate allowed for other North Natomas developments has been 0.1 cfs/acre). The DOU shall approve the drainage master plan and any phasing plan, if appropriate, included with the master plan for drainage infrastructure.

E24. A water master plan for this entire area must be completed by the applicant and approved by the DOU. This study shall also determine if the existing water distribution system infrastructure is adequate to supply fire flow demands resulting from developing this project. All water mains shall be placed within the asphalt section of public street right-of-ways as per the City's Design and Procedures Manual, unless otherwise approved the DOU.

E25. Execute and deliver to the City, in recordable form, an IOD in fee title to Parcels 14 and 18 for water quality and flood control basins. The DOU in its sole discretion shall establish the exact location and dimensions of Parcels 14 and 18. If the exact location and dimensions differ from those specified for Parcels 14 and 18 on the tentative master parcel map, the location and dimensions shall be revised on the final map according to the DOU determinations.

E26. Provide a financing mechanism acceptable to the City for the maintenance of the landscaping and irrigation within Parcels 14 and 18 (e.g. create a maintenance district, annex into an existing landscape maintenance district, etc.). Acceptance of the required landscaping, irrigation, drainage structures, and other features (Detention/Water Quality Facility) by the City into the proposed financing mechanism shall be coordinated with the Development Services Department (Special Districts); Parks Planning, Design, & Development Department; and the DOU.

E27. The proposed development is located within the Reclamation District 1000 (RD 1000). The applicant shall comply with all RD 1000 requirements and pay all applicable RD 1000 fees.

E28. Obtain approval from RD 1000 (or other governing agencies) in writing for the abandonment and/or relocation of any existing canals. Provide a copy of the written R.D. 1000 (or other governing agencies) approval to the DOU.

E29. The applicant is responsible for obtaining all necessary permits, easements and approvals from federal, state and local agencies for the construction of this project.

E30. The applicant shall coordinate with R.D. 1000 to establish the minimum setback requirements for buildings or other improvements from the existing levee. Obtain the minimum setback requirements from R.D. 1000 in writing and provided the document to the DOU.

E31. Developer shall obtain all required easement or road right-of-way to provide water, sanitary sewer, and storm drain service to Parcel 38 (park site). The easement or road right-of-way shall be to the satisfaction of the DOU.

E32. Dedicate to the City within Parcels 21, 23, 31 and 37 (WAPA corridor) and/or other parcels, as approved by the DOU, an IOD easement for access, construction and maintenance of a water transmission main. The location and dimensions of the easement shall be to the satisfaction of the DOU

PPDD: Parks

E33. **Park Dedication**: Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall dedicate to the City in fee title the park site(s) identified on the Dunmore MTM dated March 16, 2007 as Lot(s) 38, comprising 15.6 ± gross acres. At the time of dedication, the applicant shall confirm the net acres of the site(s) to be dedicated and shall (1) take all actions necessary to convey to and vest in the City full and clear title to Lot(s) 38, including all interests necessary for maintenance and access; (2) provide a title report and title insurance insuring that clear title in fee is vested in the City at the time of dedication; (3) provide a Phase 1 environmental site assessment of Lot(s) 38; (4) if the environmental site assessment identifies any physical conditions or defects in Lot(s) 38 that would interfere with its intended use as a park, as determined by PPDD in its sole discretion, applicant shall complete a supplemental assessment and remedy any such physical condition or defect, to the satisfaction of PPDD; (5) take all actions necessary to

ensure that Lot(s) 38 is free and clear of any wetland mitigation, endangered or threatened animal or plant species, sensitive habitat or other development restrictions; and (6) provide proof of satisfaction of all Habitat Conservation Plan (HCP) requirements for Lot 38. The applicant shall be solely responsible, and at its sole cost, for any required mitigation costs or measures associated with Lot(s) 38.

E34. **Park Dedication – IOD**: Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall provide on City's form an irrevocable offer of dedication (IOD) of the parks sites identified on the Dunmore Tentative Master Parcel Map as Park Lot(s) 6, 13, 28, 29 and Lot 39 comprising 20.5+ gross acres. At the time of delivery of the IODs, the applicant shall (1) provide to City a title report demonstrating that it holds full and clear title to each of the park Lot(s) as described herein, including all interests necessary for maintenance and access; (2) provide a Phase 1 environmental site assessment for each of the park Lot(s); (3) if the environmental site assessment identifies any physical conditions or defects in the park Lot(s) which would interfere with its intended use as a park, as determined by PPDD in its sole discretion, applicant shall complete a supplemental assessment and remedy any such physical condition or defect, to the satisfaction of PPDD; (4) take all actions necessary to ensure that the park Lot(s) are free and clear of any wetland mitigation, endangered or threatened animal or plant species, sensitive habitat or other development restrictions. ; and (5) provide proof of satisfaction of all Habitat Conservation Plan (HCP) requirements for the park Lots. The applicant shall be solely responsible, and at its sole cost, for any required mitigation costs or measures associated with the park Lot(s).

The City acknowledges Park Lot B contains an existing cell tower site of approximately 40'x40'. Prior to the recordation of the phase of the Master Tentative Map (large lot map) which contains Lot 29, the applicant shall work with the City to determine if the cell tower site will remain within the park site and if so, how the existing lease will be addressed. If the City determines it does not want the cell tower to be located within Lot 29, the Applicant may, at its option, reconfigure Lot 29 to the Cities satisfaction to remove the cell tower site from the park area to be dedicated to the City. The reconfiguration will either equal the original Lot 29 size or the applicant will provide compensation equal to the average land value for the Planning Area to the City. A revised park master plan for the reconfiguration must be approved by the City Department of Parks and Recreation.

E35. **Turn Key Park Development:** If the Applicant desires to construct a turnkey park(s), the Applicant shall notify PPDD in writing no later than approval of the final subdivision map for the project and shall enter into a

City standard turn key park construction agreement to construct the park improvements to the satisfaction of the City's PPDD. The park construction agreement shall address (1) the preparation and approval of the park design and improvement plans, (2) time for completion of the park (or of each phase of the park if the park is not to be completed in one phase) as a function of build-out of the subdivision or issuance of occupancy permits, (3) any credits to be awarded to the applicant against the City's Park Impact Fee (PIF) that would be payable as a condition of issuance of building permits for the dwelling units to be constructed in the subdivision, (4) maintenance of all improvements to be accepted into the park maintenance financing district for a minimum of one year and until a minimum of 50% of the residential units to be served by the park have received occupancy permits, unless the City agrees to accept park maintenance into the District at an earlier date. The one-year maintenance period shall begin following the issuance by the City of a notice of completion for the improvements.

E36. **Excess Park Land Exchange**: The City acknowledges the Panhandle PUD will include two Master Parcel Maps including the Panhandle North – Krumenacher, and the Panhandle Central/South – Dunmore. It is our understanding that each Master Parcel Map may or may not be able to completely satisfy their Quimby land dedication requirements as a stand alone MPM. We acknowledge the intent is for one MPM (Panhandle South – Dunmore) to over dedicate land that can be used by the other MPM (Panhandle Central – Dunmore) to meet their Quimby requirements. Should the MPM (Panhandle Central) containing less park land than is required to meet Quimby move ahead of the MPM (Panhandle South) that has excess park land, the applicant shall provide the City with a Letter of Credit or other authorized security in a form approved by the City Attorney and in an amount equal in value to the balance of park land due to secure the dedication of parkland for the Final Map. The Letter of Credit shall be released by the City upon acceptance of the IOD for the balance of the park land dedication due. If the Panhandle South Master Parcel Map is superseded or expires without the dedication of the balance of park land dedication due, the City may call the Letter of Credit and use the funds for park and recreational purposes. Should the MPM (Panhandle South) move forward first, the park land over dedicated within the Panhandle South MPM may be applied towards the park land dedication for the Panhandle Central MPM or other project areas within the Panhandle PUD as approved by PPDD. The dedication of excess park land does not obligate the City to reimburse the applicant for the value of the land dedicated. Excess dedication is at the option of the applicant.

E37. **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)

E38. **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.)

E39. **Private Facility Credits:** City Code Chapter 16.64, Sections 16.64.100,110 and 120 address granting of private recreation facility credits. The city may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned developments as defined in Section 11003 of the Business and Professions Code, condominiums as defined in Section 783 of the Civil Code, and other common interest developments. Such credit, if granted in acres, or comparable in lieu fees, shall not exceed twenty-five (25) percent of the dedication or fees, or both, otherwise required under this chapter and no more than five percent per category of open space or recreational facilities described in this Chapter under 16.64.100 Should the applicant elect to request City consideration of private facility credits the procedure outlined in 16.64.120 must be followed. Critical timing outlined in this Section includes:

a. At the time of the hearing on the tentative subdivision map, the planning commission shall recommend to the city council whether a credit is to be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 16.64.100 of this chapter.

b. Open space covenants for private park or recreational facilities shall be submitted to the city council prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map. (Prior code § 40.16.1612)

E40. **Finance Plan:** The Applicant shall provide a Finance Plan for the project prior to final map approval that includes the development of all designated park facilities, trails, open space/parkway or other open space areas anticipated to be maintained by the City of Sacramento Department of Parks and Recreation. The Plan shall include all improvements costs

associated with the designated park facilities, trails, open space/parkway or other open space areas along with ongoing maintenance and operation costs for these facilities in perpetuity.

F. The **Tentative Subdivision Map – (Dunmore Central**) to subdivide 136.4± acres into single family, high density residential, medium density residential, commercial, condominium, park, detention basin, open space, and landscape lots is hereby approved subject to the following conditions:

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map or any contradictory provisions in the PUD guidelines approved for this project (P05-077). The design of any improvement not covered by these conditions or the PUD Guidelines shall be to City standard.

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied

The City strongly encourages the applicant to thoroughly discuss the conditions of approval for the project with their Engineer/Land Surveyor consultants prior to City Planning Commission approval. The improvements required of a Tentative Map can be costly and are completely dependent upon the condition of the existing improvements. Careful evaluation of the potential cost of the improvements required by the City will enable the applicant to ask questions of the City prior to project approval and will result in a smoother plan check process after project approval:

GENERAL: All Projects

F1. a) In accordance with City Code Section 16.24.0905(c)(1), approval of this map by the Planning Commission is contingent upon approval by the City Council of all required Plan Amendments (if any), Zoning changes, and the Development Agreement. The Final Map may not be recorded unless and until such time as the City Council approves such required Plan Amendments (if any), Zoning changes, and the Development Agreement.

b) Pursuant to Government Code section 66454, approval of this tentative map is conditioned on annexation of the property to the City of Sacramento within two years of the date of final action on the tentative map. The approval shall not be effective until annexation has been completed. If annexation is not completed within two years, then the approval shall be null and void.

F2. Execute a Development Agreement to the satisfaction of the City of Sacramento. Comply with and meet all requirements of said agreement.

F3. Comply with the North Natomas Development Guidelines and the PUD guidelines approved for this project (P05-077) to the satisfaction of the Planning Division and the Development Engineering Division. In the case of conflict PUD Guidelines shall prevail over Development Guidelines.

F4. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P05-077).

F5. The design of any improvement not covered by these conditions, PUD Guidelines or approved subdivision modifications shall be to City standard.

F6. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments, in accordance with the Development Agreement.

F7. With the exception of the Nino's Parkway the title to any property required to be dedicated to the City in fee shall be conveyed free and clear of all rights, restrictions, easements, impediments, encumbrances, liens, taxes, assessments or other security interests of any kind (hereafter collectively referred to as "Encumbrances"), except as provided herein. The applicant shall take all actions necessary to remove any and all Encumbrances prior to approval of the Final Map and acceptance of the dedication by City, except that the applicant shall not be required to remove Encumbrances of record, including but not limited to easements or rights-of-way for public roads or public utilities, which, in the sole and exclusive judgment of the City, cannot be removed and/or would not interfere with the City's future use of the property. The applicant shall provide title insurance with the City as the named beneficiary assuring the conveyance of such title to City.

F8. Pursuant to City Code Section 16.40.190, indicate easements on the Final Map to allow for the placement of centralized mail delivery units. The specific locations for such easements shall be subject to review and approval of the Development Engineering Division after consultation with the U.S. Postal Service.

F9. Dedicate, without cost to the City, all public land covered in the North Natomas Financing Plan Land Acquisition Program.

F10. Multiple Final Maps may be recorded. Prior to recordation of any Final Map all infrastructure/improvements necessary for the respective Final Map must be in place or appropriately secured to the satisfaction of the Departments of Utilities, the Planning Division, and the Development Engineering Division. The applicant may submit an improvement phasing

plan for review and approval by Development Engineering which will identify what improvements will be necessary for each phase of the project.

F11. 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 and Finance Division, Plan Check Engineer at 808-7915 to schedule the conference. It is strongly recommended that the conference be held as early in the design process as possible.

Development Engineering: Streets

F12. 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. The City shall determine improvements required for each phase prior to recordation of each phase. Any public improvement not specifically noted in these conditions, on the Tentative Map or in approved subdivision modifications shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering and Finance Division.

F13. The public/private alleys shall have a Public Utility Easement (PUE) adjacent to both sides of sufficient width to provide street lighting within the alley. Ornamental street-lighting will be required adjacent to the public/private alleys inside the PUE. Public Alleys shall be constructed of concrete, private alleys may be constructed of alternative materials, but this will require a subdivision modification approved by the City.

F14. Dedicate and construct National Drive within the project boundaries to a North Natomas Standard 100' right-of-way. Full improvements on both sides are required.

F15. Applicant shall use best efforts to seek the dedication of National Drive North of the subject site. Once dedication is secured the applicant shall construct National Drive from the southern boundary of the proposed Krumenacher subdivision to the northern property boundary of the proposed Dunmore central subdivision.

F16. Dedicate and construct Club Center Drive to a City Standard 70' right-of-way. Full improvements on both sides are required.

F17. Dedicate and construct remaining internal subdivision streets as shown on the Tentative Map.

F18. The applicant shall either restrict parking adjacent to lots 273-275 on T/X-Drive and lots 349, 357, and 358 on W-Way or the applicant must widen T-Drive and W-Way to the 57' modified residential cross-section adjacent to those same lots.

F19. Streets adjacent to schools and parks shall have a 57' modified residential cross-section, and vertical curb as determined by the Development Engineering Division. The purpose of this cross-section is to allow for parking to occur on these streets with out interfering with street circulation.

F20. Multiple access points will be required for all phases of the Final Subdivision Map to the satisfaction of the Development Engineering and Finance Division and the Fire Department. Dead end streets must be less than 500' in length and must include a turn-around approved by the Development Engineering and Finance Division and Fire Department. Certain exceptions may be considered by the Development Engineering Division and the Fire Department on a case-by-case basis.

F21. The City may, at its discretion, require the inclusion of traffic calming devices along residential streets, to be constructed as part of the public improvements. Improvements required shall be determined by the Department of Transportation and the Development Engineering Division.

Note: The Applicant has met with the Department of Transportation and has developed a preliminary traffic calming plan.

F22. Developer is required to install permanent street signs to the satisfaction of the Development Engineering Division.

F23. All right-of-way and street improvement transitions that result from changing the right-of-way of any street shall be located, designed and constructed to the satisfaction of the Development Engineering Division. The center lines of such streets shall be aligned.

F24. 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.

F25. Provide additional right-of-way for expanded intersections at intersections at the following locations specified by the Development Engineering and Finance Division:

a. National Drive/A Drive

b. National Drive/T Drive/S Drive

c. National Drive/Club Center Drive

d. National Drive/Q Way/P Way

F26. Construct traffic signals at the following intersections when required by the Development Engineering Division (if not already in place):

a. National Drive/A Drive (T-Intersection Off site signal required by MMP)

b. National Drive/Club Center Drive

NOTE: The Development Engineering Division shall determine the need for signals, based on Caltrans signal warrants and known pending development projects prior to the Issuance of any building permit. If required, signals shall be constructed as part of the public improvements for the Final Map. Signal design and construction shall be to the satisfaction of the Development Engineering Division and may be subject to reimbursement. The applicant shall provide all on-site easements and right-of-way needed for turn lanes, signal facilities and related appurtenances. The applicant shall install CCTV cameras and all necessary appurtenances if deemed necessary by and to the satisfaction of Traffic Engineering Services.

F27. The applicant shall submit a signal design concept report (SCDR) per section 15.18 of the Cities Design and Procedures Manual to the Development Engineering Division for review and approval prior to the submittal of any improvement plans involving traffic signal work. The SCDR provides crucial geometric information for signal design which may lead to additional right-of-way dedication and should be started as early as possible to avoid delays during the plan check process.

F28. The applicant shall make provisions for bus stops, shelters, transit centers, etc. to the satisfaction of Regional Transit and Development Engineering Division.

F29. The applicant shall dedicate (if necessary) and construct bus turn-outs for all bus stops adjacent to the subject site to the satisfaction of the Development Engineering Division.

PRIVATE/PUBLIC UTILITIES:

SMUD

F30. Dedicate the Landscape Corridors as a public utility easement for underground facilities and appurtenances.

F31. Dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public street rights of ways.

F32. Dedicate a 10-foot public utility easement for underground facilities and appurtenances adjacent to all public street rights of ways within the Cluster Lots.

F33. Dedicate any private driveways and 2 feet adjacent thereto and 3 feet at the ends as a public utility easement for underground facilities and appurtenances within the Cluster Lots.

CONDOMINIUMS

F34. a) Dedicate a 10-foot public utility easement for underground facilities and appurtenances adjacent to all public street rights of ways within Lots 392, 393, 394, & 395.

b) Dedicate any private driveways and 3 feet adjacent thereto as a public utility easement for underground facilities and appurtenances within Lots 392, 393, 394, & 395.

ALLEY LOTS

F35. Dedicate a 10-foot public utility easement adjacent to the side lots and a 7.5-foot public utility easement adjacent to the frontage for underground facilities and appurtenances adjacent to all public street rights of ways.

F36. Dedicate a 60-foot wide easement to the Sacramento Municipal Utility District for overhead 69 kV electrical and communications lines, the center line of which generally follows an alignment, 100-feet west of the east line of Transmission Line within the Lots F & G. SMUD has reviewed the developers proposed subdivision improvements as shown on the approved tentative maps, and the Ninos Parkway Master Plan, dated May 2, 2007, and has worked with the Developers to resolve any conflicts

within the proposed 69kV electrical and communication lines. Prior to issuance of any grading or building permits within the Transmission Line corridor, the Developers and/or the City of Sacramento shall apply for a joint-use agreement from SMUD consenting to the proposed improvements within the Transmission Line corridor. SMUD has agreed to enter into said agreement so long as the proposed improvements are in substantial conformance with the approved tentative maps and proposed Ninos Parkway Master Plan. Please contact SMUD's Property Administrator Mr. Blandon Granger at (916) 732-5016. SMUD has agreed to coordinate with the applicant and the City of Sacramento's Parks Department on the location of poles and underground facilities and appurtenances within the park improvements and subdivision improvements. Please contact Mr. Gary Bakulich at (916) 732-7076.

F37. Label SMUD's and WAPA's transmission line easements as a "Restricted Building and Use Area".

F38. The owner/developer must disclose to future/potential owners the existing or proposed 69kV and 230kV electrical facilities.

SMUD is planning to build a 69kV overhead line within the WAPA corridor.

CSD-1

F39. Connection to the District's sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction.

F40. Each parcel and each building with a sewage source shall have a separate connection to the CSD-1 sewer system.

F41. In order to obtain sewer service, construction of CSD-1 sewer infrastructure will be required.

F42. Sewer easements will be required. All sewer easements shall be dedicated to CSD-1, in a form approved by the District Engineer. All CSD-1 sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance. CSD-1 will provide maintenance only in public right-of-ways and in easements dedicated to CSD-1.

F43. Certain areas of commercial and multiple residential housing (owner occupied) will require onsite collector systems and attendant requirements. On such properties, all sewer lines carrying waste from two or more buildings shall be 8-inch (minimum) collectors in public easements maintained by the District.

F44. The subject project owner(s) and successors in interest thereof, shall be responsible for repair and/or replacement of all non-asphalt and/or enhanced surface treatments of streets and drives within these easements damaged by District maintenance and repair operations, including landscaping, channelizations, lighting and any other appurtenances conflicting therein. This requirement shall be set forth in easement grant documents and be a covenant running with the land, be responsibility of successors in interest in future land transfers and divisions and by language approved by the District. Surface enhancements include, but are not limited to non-asphaltic paving, landscaping, lighting, curbing and all non-driveable street appurtenances.

F45. CSD-1 requires their sewers to be located a minimum of 10 feet (measured horizontally from edge of pipe to edge of pipe) from all potable water lines. Separation of sewer line from other parallel utilities, such as storm drain and other 'dry' utilities (electrical, telephone, cable, etc.) shall be a minimum of 7 feet (measured horizontally from the center of pipe to the center of pipe). Any deviation from the above separation due to depth and roadway width must be approved by the District on a case by case basis. Prior to recording the Final Map, the applicant shall prepare a utility plan that will demonstrate that this condition is met.

F46. All structures along private drives shall have a minimum 10-foot setback (measured horizontally from edge of collector pipe to edge of structure) so that CSD-1 can properly maintain the sewer collector line

CITY UTILITIES:

F47. Prior to recording the subdivision map, the Master Parcel Map shall be recorded.

F48. Provide standard subdivision improvements per Section 16.48.110 of the City Code. Construct water, sewer, and drainage facilities to the satisfaction of the Department of Utilities (DOU). Off-site main extensions may be required.

F49. Dedicate all necessary easements, IOD easement, right-of-way, fee title property, or IOD in fee title property on the final map as required to implement the approved drainage, water and sewer studies, per each approving agency requirements. Easements shall be dedicated for off-site water and storm drain main extensions as necessary.

F50. Construct water pipes and appurtenances and construct storm drain pipes and appurtenances, and construct sanitary sewer pipes and

appurtenances in all internal streets shown on the Tentative Subdivision Maps. The construction shall be to the satisfaction of the DOU.

F51. If required by the Department of Utilities (DOU), the applicant shall enter into and record an Agreement for Conveyance of Easements with the City, in a form acceptable to the City Attorney, requiring that private easements be granted, as needed, for drainage, water and sanitary sewer at no cost at the time of sale or other conveyance of any lot. A note stating the following shall be placed on the Final Map: "The lots created by this map shall be developed in accordance with recorded agreement for conveyance of easements # (Book____, Page___)."

F52. All public water, sanitary sewer and storm drain pipelines or systems shall be placed within the asphalt concrete (AC) section of public-right-of-ways and easements. Prior to acceptance of maintenance responsibilities, the public facilities shall be designed and constructed per City standards and procedures and approved by the DOU. Unless otherwise approved by the DOU, public water and storm drain facilities shall not be placed within designated street parking areas.

F53. Public streets and private streets and alleys with public maintained water, sanitary sewer and storm drain systems shall have a minimum paved AC width of 25 feet from lip of gutter to lip of gutter. Drain inlets, curb and gutter shall be constructed to City Standards for residential streets.

F54. Unless otherwise approved by the DOU, private alleys with two public maintained utility systems, e.g., water and sanitary sewer systems or water and storm drain systems, shall have a minimum paved AC width of 22 feet and shall have drain inlets, curb and gutter constructed to City Standards or a concrete v-gutter drain located in the center of the pavement to provide surface drainage. Additional public or private maintained utility systems shall not be located in these private alleys.

F55. Unless otherwise approved by the DOU, no public storm drain or water facilities shall be located in drive aisles.

F56. Surface drainage facilities located within private alleys or drive aisles not constructed to City standards and with a width of less than 25 feet from lip of gutter to lip of gutter shall be private facilities maintained by a homeowners association (HOA) or a privately funded maintenance district. Private easements shall be dedicated for these facilities. If required by the DOU, the responsible maintenance agency shall enter into and record an agreement with the City regarding the maintenance of these facilities. The agreement shall be to the satisfaction of the DOU and the City Attorney.

F57. The full width of the private streets and alleys with public water, sanitary sewer and/or storm drain pipelines shall be dedicated as public utility easement. An additional minimum 3 feet adjacent to all the streets shall also be dedicated as an easement for water distribution system appurtenances such as hydrants and water meters. The easement shall include language assuring DOU personnel and maintenance vehicles unrestricted access to any private streets and alleys and easements at all times.

F58. Prior to submittal of improvement plans, prepare a project specific drainage study for review and approval by the DOU. The 10-year and 100-year hydraulic grade lines (HGL's) for this study shall be calculated using the City's Storm Water Management Model (SWMM). The drainage study shall include basins designed and constructed for flood control and water quality treatment. The flood control volume shall be established using the 100 year – 10 day storm and the 100 year -24 hour storm. Contact the DOU for the design criteria. R.D. 1000 shall approve in writing the pump-out rate from the basins (the pumping rate allowed for other North Natomas developments has been 0.1 cfs/acre). Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff. The drainage study shall include an overland flow release map for the proposed project. The DOU shall approve the drainage study and any phasing plan, if appropriate, included with the master plan for drainage infrastructure.

F59. Drain inlets shall be at least 6-inches above the 10-year HGL. Building pad elevations shall be a minimum of 1.2 feet above the 100-year HGL and a minimum of 1.5 feet above the local controlling overland flow release elevation, whichever is higher. Finished floor elevations shall be a minimum of 1.5 feet above the 100-year HGL and a minimum of 1.8 feet above the local controlling overland release, whichever is higher.

F60. Per City Code, the Subdivider may not develop the project in any way that obstructs, impedes, or interferes with the natural flow of existing off-site drainage that crosses the property. The project shall construct the required public and/or private infrastructure to handle off-site runoff to the satisfaction of the DOU. If private infrastructure is constructed to handle off-site runoff, the applicant shall dedicate the required private easements and/or, at the discretion of the DOU, the applicant shall enter into and record an Agreement for Maintenance of Drainage with the City, in a form acceptable to the City Attorney.

F61. All lots shall be graded so that drainage does not cross property lines or private drainage easements shall be dedicated. The project shall be graded to overland release to the detention/water quality basins.

F62. Prior to the submittal of improvement plans, prepare a project specific water study for review and approval by the DOU. The water distribution system shall be designed to satisfy the more critical of the two following conditions: (1) at maximum day peak hour demand, the operating or "residual" pressure at all water service connections shall be at least 30 pounds per square inch, (2) 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. The water study shall determine if the existing and proposed water distribution system is adequate to supply fire flow demands for the project. A water supply test may be required for this project. Contact the DOU for the pressure boundary conditions to be used in the water study.

F63. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.

F64. Two points of service for the water distribution system for this subdivision or any phase of this subdivision are required. All water lines shall be placed within the asphalt section of public right-of-ways as per the City's Design and Procedures Manual.

F65. Per Sacramento City Code, water meters shall be located at the point of service that is located at the back of curb for separated sidewalks or the back of walk for connected sidewalks.

F66. Along all streets with separated curb and sidewalk; place minimum 2-inch diameter sleeves (one on each side of the driveway) under the sidewalk for each single family lot for irrigation of the landscape planter. The irrigation sleeves shall be placed prior to construction of sidewalks. In situations where separated sidewalks are located along the perimeter of parks or other common lots/parcels, irrigation sleeves shall be placed at maximum 200 linear foot intervals under the sidewalks.

F67. Residential water taps shall be sized per the City's Building Department onsite plumbing requirements (water taps from the water main in the street to the meter may need to be larger than 1-inch depending on the length of the house service, number of fixture units, etc.).

F68. Water meter boxes located in driveways shall be as follows: (1) for 1-inch domestic water service, Christy traffic box B1324 (H/20 loading) with reading lid B1324-61GH and (2) for 1.5-inch domestic water service, Christy traffic box B1730 (H/20 loading) with reading lid B1730-51G.

F69. Any new domestic water services shall be metered. Only one domestic water service is allowed per lot. Excess services shall be abandoned to the satisfaction of the DOU.

F70. Common area landscaping shall have a separate street tap or public easement tap for a metered irrigation service.

F71. Clubhouse and pool areas shall have a separate street tap or public easement tap for a metered domestic water service.

F72. A grading plan showing existing and proposed elevations is required. All lots and/or parcels shall be graded so that drainage does not cross property lines or private drainage easements shall be dedicated. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. At a minimum, one-foot off-site contours within 100 feet of the project boundary are required (per Plate 2, page 3-7 of the City Design and Procedures Manual). No grading shall occur until the grading plan has been reviewed and approved by the DOU.

F73. This project is greater than 1 acre in size; therefore 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 from www.swrcb.ca.gov/stormstr/construction.html. The SWPPP will be reviewed by the DOU prior to issuing a grading permit. The following items shall be included in the SWPPP: (1) vicinity map, (2) site map, (3) list of potential pollutant sources, (4) type and location of erosion and sediment BMP's, (5) name and phone number of person responsible for SWPPP and (6) certification by property owner or authorized representative.

F74. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.

F75. 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. Storm drain message and signage is required at all drain inlets. Improvement plans must include the source controls measures selected for the site. Refer to the latest edition of the

"Guidance Manual for On-Site Stormwater Quality Control Measures" for appropriate source control measures.

F76. The applicant shall provide for the rough grading of public maintained parks. The rough grading shall be to the satisfaction of the DOU and Parks.

F77. The proposed development is located within the Reclamation District 1000 (RD 1000). The applicant shall comply with all RD 1000 requirements and pay all applicable RD 1000 fees.

F78. Where lots are developed for condominiums:

a. Any new domestic water services shall be metered. A single domestic water service is required for the condominium lot and a separate single domestic water service is required for clubhouse and pool areas.

b. The condominium lot shall have a separate street tap for a metered domestic water service.

c. The clubhouse and pool area, if constructed, shall have a separate street tap for a metered domestic water service.

d. Common area landscaping shall have a separate street tap for a metered irrigation service.

e. Prior to the initiation of any water, sanitary sewer or storm drainage services to the condominium project, 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. The onsite water, sewer and storm drain systems shall be private systems maintained by the association. The C.C.&R.s shall authorize the association to contract on behalf of all owners within the condominium project for sanitary sewer, water and storm drainage services for the condominium units, common area(s) and all other areas within the condominium project.

f. Prior to the initiation of any water, sanitary sewer or storm drainage services to the condominium 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 DOU, provided that such agreement shall not apply to sanitary sewer service provided by CSD-1 instead of the City. Such agreement shall provide, among other requirements, for payment of

all charges for the condominium project's water, sanitary sewer (if provided by City) 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, shall require sub-metering of water service to the condominium units if requested by the DOU or required by any other government agency, and shall be in a form approved by the City Attorney.

g. The project shall provide for sub-metering of all the condominium units consistent with the Utility Service Agreement. The sub-metering shall be to the satisfaction of the DOU.

h. Multiple fire services are allowed per lot and may be required.

i. The owner(s) and ownership association shall comply with all applicable requirements of Title 13 of the Sacramento City Code governing the provision of City utility service.

F79. Where high-density residential units are developed as townhouses, the AC paving for internal streets fronting these units shall meet the DOU minimum width requirements for public utilities and the street section, curb, gutter and drain inlets shall be constructed to City standards.

F80. Execute a maintenance agreement with the City that requires the developer to maintain the Detention/Water Quality Facility to be located in Lots I and J for a period of two (2) years. The two-year period shall begin following the issuance of a notice of completion by the City for the Water Quality Facility. At the time of acceptance by the City, the developer shall remove any sediment or debris that has accumulated prior to acceptance. The maintenance agreement shall be to the satisfaction of the DOU and the City Attorney.

F81. The applicant shall construct the detention/water quality basins, construct a pump station and discharge pipes, and construct inlet and outlet structures for the detention/water quality basins that will be located in Lots I and J (Parcels 14 and 18 of the tentative master parcel map). The basin design and construction shall be to the satisfaction of the DOU. Applicant shall submit a separate set of improvement plans for (1) the detention basin(s) and (2) pump station. The CIP Drainage Group within the DOU shall review these plans. Prior to design of these facilities, the applicants' engineer shall schedule and attend a meeting with the CIP Drainage Group to discuss design standards.

F82. Unless otherwise approved by the DOU, drainage outfall structures shall be located where streets are adjacent to the basins or in lots (outfall lots) dedicated to the City. The width (min. 30 feet wide) and location of the outfall lots shall be to the satisfaction of the DOU. Access roads (min. 12 feet wide) located in outfall lots, parks and open space lots will need to be constructed from public and/or private streets to the facilities for outfall structures, weir structures, and pump station and discharge pipes.

PPDD: Parks

F83. **Park Dedication – IOD:** Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall provide on City's form an irrevocable offer of dedication (IOD) of the parks sites identified on the Dunmore Central TM as Park Lot(s) A, B and C, comprising 5.5± net acres. At the time of delivery of the IODs, the applicant shall (1) provide to City a title report demonstrating that it holds full and clear title to each of the park Lot(s) as described herein, including all interests necessary for maintenance and access; (2) provide a Phase 1 environmental site assessment for each of the park Lot(s); (3) if the environmental site assessment identifies any physical conditions or defects in the park Lot(s) which would interfere with its intended use as a park, as determined by PPDD in its sole discretion, applicant shall complete a supplemental assessment and remedy any such physical condition or defect, to the satisfaction of PPDD; (4) take all actions necessary to ensure that the park Lot(s) are free and clear of any wetland mitigation, endangered or threatened animal or plant species, sensitive habitat or other development restrictions. ; and (5) provide proof of satisfaction of all Habitat Conservation Plan (HCP) requirements for the park Lot(s). The applicant shall be solely responsible, and at its sole cost, for any required mitigation costs or measures associated with the park Lot(s).

F84. **Turn Key Park Development:** If the Applicant desires to construct a turnkey park(s), the Applicant shall notify PPDD in writing no later than approval of the final subdivision map for the project and shall enter into a City standard turn key park construction agreement to construct the park improvements to the satisfaction of the City's PPDD. The park construction agreement shall address (1) the preparation and approval of the park design and improvement plans, (2) time for completion of the park (or of each phase of the park if the park is not to be completed in one phase) as a function of build-out of the subdivision or issuance of occupancy permits, (3) any credits to be awarded to the applicant against the City's Park Impact Fee (PIF) that would be payable as a condition of issuance of building permits for the dwelling units to be constructed in the subdivision, (4) maintenance of all improvements to be accepted into the park maintenance financing district for a minimum of one year and until a minimum of 50% of the residential units to be served by the park have

received occupancy permits, unless the City agrees to accept park maintenance into the District at an earlier date. The one-year maintenance period shall begin following the issuance by the City of a notice of completion for the improvements.

F85. **Excess Park Land Exchange:** The City acknowledges the Panhandle PUD will include two Master Parcel Maps including the Panhandle North – Krumenacher, and the Panhandle Central/South – Dunmore. It is our understanding that each Master Parcel Map may or may not be able to completely satisfy their Quimby land dedication requirements as a stand alone MPM. We acknowledge the intent is for one MPM (Panhandle South – Dunmore) to over dedicate land that can be used by the other MPM (Panhandle Central – Dunmore) to meet their Quimby requirements. Should the MPM (Panhandle Central) containing less park land than is required to meet Quimby move ahead of the MPM (Panhandle South) that has excess park land, the applicant shall provide the City with a Letter of Credit or other authorized security in a form approved by the City Attorney and in an amount equal in value to the balance of park land due to secure the dedication of parkland for the Final Map. The Letter of Credit shall be released by the City upon acceptance of the IOD for the balance of the park land dedication due. If the Panhandle South Master Parcel Map is superseded or expires without the dedication of the balance of park land dedication due, the City may call the Letter of Credit and use the funds for park and recreational purposes. Should the MPM (Panhandle South) move forward first, the park land over dedicated within the Panhandle South MPM may be applied towards the park land dedication for the Panhandle Central MPM or other project areas within the Panhandle PUD as approved by PPDD. The dedication of excess park land does not obligate the City to reimburse the applicant for the value of the land dedicated. Excess dedication is at the option of the applicant.

F86. **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)

F87. **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.)

F88. **Improvements:** The Applicant shall construct the following public improvements prior to and as a condition of City's acceptance of the park/parkway sites identified on the revised maps dated March 16, 2007 for Dunmore Central TM as Park Lot(s)A, B and C and the Nino's Parkway lots.

a. Full street improvements including but not limited to curbs, gutters, accessible ramps, street paving, streetlights, and sidewalks; and improved surface drainage through the site.

b. A concrete sidewalk and vertical curb along all street frontages that open onto each Park Lot and the Nino's Parkway. The sidewalk shall be contiguous to the curb (attached) for neighborhood parks and separated from the curb (detached) for community and regional parks unless otherwise approved by PPDD.

c. A six foot high masonry wall or other acceptable material such as tubular steel as approved by the City PPDD on property lines separating public park and the designated open space areas from adjacent private uses. If masonry wall is recommended by PPDD, it shall be split face block or similar material (to discourage graffiti) with decorative top cap and on-center pilasters, or as otherwise approved by PPDD.

d. Post-and-cable fencing between park parcels and any adjacent open space area as approved by PPDD. Refer to PPDD Post and Cable detail and specification.

e. A twelve inch (12") storm drain stub and six inch (6") sanitary sewer stub to the back of the sidewalk at each Park Lot at a location approved by PPDD for future service. Number of stubs and locations to be approved by PPDD. Storm Drain and Sewer stubs are to be marked with a 3' high, white 4" x 4" post indicating stub or service location.

f. One water tap for irrigation, one water tap for domestic water, and electrical and telephone service to each Park Lot, quantity and location as approved by PPDD. The irrigation water tap shall be 4 inches for parkland 4 acres and over, and 2-1/2 inches for parkland less than 4 acres; and the domestic water tap shall be 1 inch or as approved by PPDD. Water taps and telephone and electrical services shall be marked with a 3' high, white 4" x 4" post indicating stub or service location.

g. A ten-foot (10') wide driveway into each Park Lot at a location approved by PPDD. The driveway is to provide future maintenance access to the park.

h. The Applicant shall rough grade each Park Lot required by City Code to provide positive drainage as approved by PPDD.

i. The Applicant shall identify a source within the Panhandle Public Facilities Financing Plan, as approved by PPDD, for full funding of the development, maintenance and operation in perpetuity of all park improvements proposed within the Dunmore South/Central TM.

j. Upon completion of all improvements outlined above to the Park Lots, the Applicant shall contact the Landscape Architecture Services Division of the PPDD to schedule a site inspection. This condition shall not be deemed complete until all improvements identified above have been constructed to the satisfaction of the PPDD.

F89. **Site Plan:** The Applicant shall submit a site plan and electronic file showing the location of all utilities on the park/parkway sites to the PPDD for review and approval.

F90. **Design Coordination for PUE's and Facilities:** If a 12.5 foot public utility easement (PUE) for underground facilities and appurtenances currently exists or is required to be dedicated adjacent to a public street right-of- way contiguous to any of the park sites, the applicant shall coordinate with PPDD and SMUD regarding the location of appurtenances within the PUE to minimize visual obstruction in relation to the park(s) and to best accommodate future park improvements. The Applicant shall facilitate a meeting(s) with SMUD and PPDD prior to SMUD's facilities coordinating meeting for the project.

F91. **Nino's Open Space Parkway:** The Nino's" Parkway" identified on the Dunmore Central TM as Open Space Lots E, F and G comprising 9.4± acres shall be dedicated in fee title to the City of Sacramento.

a. A multi-use trail and adjacent landscaping shall be incorporated within the Nino's Parkway Open Space area as an extension of the Nino's Parkway trail corridor.

b. The Applicant shall disclose to PPDD all easements existing or proposed at the time of TM approval within the "Parkway".

c. At the time the" Parkway" identified on the Dunmore Central TM as Open Space Lots E, F and G are dedicated in fee title to the City, the applicant shall (1) take all actions necessary to convey to and vest in the City full and clear title including all interests necessary for maintenance and access; (2) provide a title report and title insurance insuring that clear title in fee is vested in the City at the time of dedication; (3)provide a Phase 1 environmental site assessment of the "Parkway"; (4) if the environmental site assessment identifies any physical conditions or defects in the "Parkway" that would interfere with its intended use as a multi-use trail, as determined by PPDD in its sole discretion, applicant shall complete a supplemental assessment and remedy any such physical condition or defect, to the satisfaction of PPDD; (5) take all actions necessary to ensure that the "Parkway" is free and clear of any wetland mitigation, endangered or threatened animal or plant species, sensitive habitat or other development restrictions (with the exception of the Powerline easements or other easements) ; and (6) provide proof of satisfaction of all Habitat Conservation Plan (HCP) requirements for the "Parkway". . The applicant shall be solely responsible, and at its sole cost, for any required mitigation costs or measures associated with the "Parkway".

d. The Applicant shall submit and obtain PPDD approval of the alignment and design of the multi- use trail prior to submitting a master plan for the "Parkway". Trail design shall include consideration for lighting and emergency telephone service. Residential lots backing onto the "Parkway" should be designed with open fencing such as tubular steel. The fencing plan shall be included in the Trail Plan for the subdivision and shall be subject to the review and approval of the PPDD.

e. The proposed multi-use trail shall comply with Class I bike trail standards, including regulatory signage, as defined in Chapter 1000 of State Department of Transportation Highway Design Manual. Trails shall be adequately signed for safety to identify ingress and egress locations. The trail shall be 12' of asphalt concrete paving, with clear, graded shoulders that are a minimum of 2' in width. Shoulders should be decomposed granite or an alternate material approved by PPDD. Pavement sections shall be 3" minimum asphaltic concrete over 6" min of aggregate base, with a centerline stripe (refer to PPDD Trail detail and specification).

f. Vehicular access controls as approved by PPDD shall be placed at the entrance to all access points to the trail (refer to PPDD details and specifications for approved designs).

g. Wherever possible and as approved by PPDD and the Department of Utilities, multi-use trails shall be designed as joint-use with utility service roads utilizing the service roads aggregate base as the trail's aggregate base course. Applicant shall design the pavement to meet all required design loads.

h. Where a multi-use trail is located adjacent to any embankment with a greater than 4:1 slope, the Applicant shall, at his expense, install a post-and-cable fence along the top of the embankment, between the embankment and the multi-use trail.

i. The Applicant shall disclose the location of the planned multi-use trail and Open Space "Parkway" to all future/potential owners of parcels within the subdivision.

j. The Applicant shall identify a source, as approved by PPDD, for full funding of the development and maintenance and operation in perpetuity of all improvements proposed for the Open Space "Parkway".

F92. **Disclosure to Future Owners:** The Applicant shall make the following disclosures to all future or potential owners of parcels within the subdivision:

a. The community park site (Lot C on the Dunmore South TM) will include lighted sports fields; and

b. The location of the planned multi-use trail; and

c. If private facilities credits are granted by PPDD for any private recreational facilities they shall be retained in perpetuity and shall not be changed to another use without the express written consent of the Sacramento City Council; and

d. Public parks within the subdivision shall be maintained at Level 3, the City's baseline service level, as outlined in Table 11: Park Maintenance Service Levels and Analysis, contained in the City of Sacramento Parks and Recreation Master Plan 2005-2010. At Level 3, core tasks are regularly completed; restrooms (if present) are serviced daily; turf is in generally good condition, but there are some seasonal issues; there is little or no flower planting; and, weeds may occur in shrub beds from time to time.

F93. **Open Space:** The following conditions apply to the open space areas (to be maintained by the Department of Parks and Recreation) as shown on the tentative subdivision map:

a. The Applicant shall establish a financing district to fund the maintenance of any open space areas shown on the tentative map.

b. The Applicant shall show and label on plan the extent of any designated wetlands acreage and any required setback or buffer areas (not to be developed/improved).

c. The Applicant shall, at their expense, install an attached 5' minimum wide concrete sidewalk at the back-of-curb along the streets that front on all open space areas except as approved with subdivision modifications.

d. The Applicant shall, at their expense, install signage as approved by PPDD at all open space areas identifying the open space name or land use and outlining public use regulations (such as "No dumping", or "Stay on posted trails").

F94. **Private Facility Credits:** City Code Chapter 16.64, Sections 16.64.100,110 and 120 address granting of private recreation facility credits. The city may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned developments as defined in Section 11003 of the Business and Professions Code, condominiums as defined in Section 783 of the Civil Code, and other common interest developments. Such credit, if granted in acres, or comparable in lieu fees, shall not exceed twenty-five (25) percent of the dedication or fees, or both, otherwise required under this chapter and no more than five percent per category of open space or recreational facilities described in this Chapter under 16.64.100 Should the applicant elect to request City consideration of private facility credits the procedure outlined in 16.64.120 must be followed. Critical timing outlined in this Section includes:

a. At the time of the hearing on the tentative subdivision map, the planning commission shall recommend to the city council whether a credit is to be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 16.64.100 of this chapter.

b. Open space covenants for private park or recreational facilities shall be submitted to the city council prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map. (Prior code § 40.16.1612)

F95. **Finance Plan:** The Applicant shall provide a Finance Plan for the project prior to final map approval that includes the development of all designated park facilities, trails, open space/parkway or other open space areas anticipated to be maintained by the City of Sacramento Department of Parks and Recreation. The Plan shall include all improvements costs associated with the designated park facilities, trails, open space/parkway or other open space areas along with ongoing maintenance and operation costs for these facilities in perpetuity.

SPECIAL DISTRICTS: Assessment Districts

F96. Dedicate to the City those areas identified on the Tentative Subdivision Map as Landscape Lots and Open Space Lots (lots E, F, G, H, K, L, M, N, O, P, Q, R, S, and T). Annex the project area to the appropriate Landscape Maintenance District, or other financing mechanism acceptable to the City, prior to recordation of the Final Map. Design and construct landscaping, irrigation and masonry walls or wood fences in dedicated easements or rights of way, to the satisfaction of the Development Engineering Division, and the Planning Division. Acceptance of the required landscaping, irrigation and walls or fences by the City into the Landscape Maintenance District shall be coordinated with the Development Engineering Division. The Developer shall maintain the landscaping, irrigation and walls for two years or until acceptance by the City into the District (whichever is less). The two year period shall begin following the issuance of a notice of completion by the City for the landscaping, irrigation and walls or fences.

FIRE:

F97. All turning radii for fire access shall be designed as 35' inside and 55' outside. Alleys must meet this requirement when the lot is only accessible from the alley. (Note: Apparatus access is required to the point where the furthest projection of the exterior wall of a building is accessible from within 150 ft of an approved Fire Department access road and water supply as measured by an unobstructed route around the exterior of the building. CFC 902.2.1). Exception: see Special Permit condition # 4.

F98. Fire apparatus access roads (including driveways if required for access) shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a roadbed consisting of material unaffected by the introduction of water based upon fire flow or rain based on 25 year storm and a surface consisting of a minimum of a single layer of asphalt. CFC 902.2.2.2

F99. Provide the required fire hydrants in accordance with CFC 903.4.2 and Appendix III-B, Section 5. Hydrant spacing shall be decreased where cluster products are used to the satisfaction of the Fire Department.

F100. Ensure emergency vehicles are included in any reciprocal ingress egress agreement.

F101. The Chief is authorized to require two means of access for a PUD having sites serving 25 or more dwelling units. CFC 902.1 Appendix III-D, Section 2.1. All emergency vehicle access (EVA) routes must be designed to the satisfaction of the Fire Department

MISCELLANEOUS:

F102. City standard ornamental street lights (acorn style or alternate decorative style approved by the Planning and Electrical Divisions) shall be designed and constructed by the applicant in accordance with Electrical Division requirements.

F103. **The Applicant shall dedicate and construct a class 1 off-street bikeway in the landscape areas adjacent to Q and P Way. Said off-street trail will be to the satisfaction of the Department of Transportation (DOT) and may be accomplished by widening the sidewalk if deemed feasible by DOT.**

F104. The Applicant shall provide class 3 bikeway signing on certain interior east-west streets to provide appropriate connectivity.

F105. All Bikeway related conditions above will be coordinated with and to the satisfaction of the City's Pedestrian/Bikeway Coordinator and Development Engineering Division.

G. The Subdivision Modifications (Panhandle Central - Dunmore) to modify alley width, street intersection tangent, street sections, exclude sidewalk along one side of a roadway, rolled curb and gutter, and to allow asphalt surface on private alleys are hereby approved subject to the following conditions:

Z1. The applicant shall comply with the conditions of approval of the Panhandle Central – Dunmore Tentative Subdivision Map (P05-077).

H. The Tentative Subdivision Map (Dunmore South) to subdivide 252.7± acres into single family, commercial, high density residential, medium density residential, school, park, landscape/paseo, private landscape, and private recreation center lots is hereby approved subject to the following conditions:

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map or any contradictory provisions in the PUD guidelines approved for this project (P05-077). The design of any improvement not covered by these conditions or the PUD Guidelines shall be to City standard.

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied

The City strongly encourages the applicant to thoroughly discuss the conditions of approval for the project with their Engineer/Land Surveyor consultants prior to City Planning Commission approval. The improvements required of a Tentative Map can be costly and are completely dependent upon the condition of the existing improvements. Careful evaluation of the potential cost of the improvements required by the City will enable the applicant to ask questions of the City prior to project approval and will result in a smoother plan check process after project approval:

GENERAL: All Projects

H1. a) In accordance with City Code Section 16.24.090(c)(1), approval of this map by the Planning Commission is contingent upon approval by the City Council of all required Plan Amendments (if any), Zoning changes, and the Development Agreement. The Final Map may not be recorded unless and until such time as the City Council approves such required Plan Amendments (if any), Zoning changes, and the Development Agreement.

b) Pursuant to Government Code section 66454, approval of this tentative map is conditioned on annexation of the property to the City of Sacramento within three years of the date of final action on the tentative map. The approval shall not be effective until annexation has been completed. If annexation is not completed within three years, then the approval shall be null and void.

H2. Execute a Development Agreement to the satisfaction of the City of Sacramento. Comply with and meet all requirements of said agreement.

H3. Comply with the North Natomas Development Guidelines and the PUD guidelines approved for this project (P05-077) to the satisfaction of the Planning Division and the Development Engineering Division. In the case of conflict PUD Guidelines shall prevail over Development Guidelines.

H4. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P05-077).

H5. The design of any improvement not covered by these conditions, PUD Guidelines or approved subdivision modifications shall be to City standard.

H6. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments, in accordance with the Development Agreement.

H7. With the exception of the Nino's Parkway the title to any property required to be dedicated to the City in fee shall be conveyed free and clear of all rights, restrictions, easements, impediments, encumbrances, liens, taxes, assessments or other security interests of any kind (hereafter collectively referred to as "Encumbrances"), except as provided herein. The applicant shall take all actions necessary to remove any and all Encumbrances prior to approval of the Final Map and acceptance of the dedication by City, except that the applicant shall not be required to remove Encumbrances of record, including but not limited to easements or rights-of-way for public roads or public utilities, which, in the sole and exclusive judgment of the City, cannot be removed and/or would not interfere with the City's future use of the property. The applicant shall provide title insurance with the City as the named beneficiary assuring the conveyance of such title to City.

H8. Pursuant to City Code Section 16.40.190, indicate easements on the Final Map to allow for the placement of centralized mail delivery units. The specific locations for such easements shall be subject to review and approval of the Development Engineering Division after consultation with the U.S. Postal Service.

H9. Dedicate, without cost to the City, all public land covered in the North Natomas Financing Plan Land Acquisition Program.

H10. Multiple Final Maps may be recorded. Prior to recordation of any Final Map all infrastructure/improvements necessary for the respective Final Map must be in place or appropriately secured to the satisfaction of the Departments of Utilities, the Planning Division, and the Development Engineering Division. The applicant may submit an improvement phasing plan for review and approval by Development Engineering which will identify what improvements will be necessary for each phase of the project.

H11. 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 and Finance Division, Plan Check

Engineer at 808-7915 to schedule the conference. It is strongly recommended that the conference be held as early in the design process as possible.

Development Engineering: Streets

H12. 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. The City shall determine improvements required for each phase prior to recordation of each phase. Any public improvement not specifically noted in these conditions, on the Tentative Map or in approved subdivision modifications shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering and Finance Division.

H13. The public/private alleys shall have a Public Utility Easement (PUE) adjacent to both sides of sufficient width to provide street lighting within the alley. Ornamental street-lighting will be required adjacent to the public/private alleys inside the PUE. Public Alleys shall be constructed of concrete, private alleys may be constructed of alternative materials, but this will require a subdivision modification approved by the City.

H14. Dedicate and construct Del Paso Road to a North Natomas Standard 136' right-of-way (half street only). At a minimum the applicant will construct as follows full improvements north of the median. The applicant shall construct a landscaped median. Finally the applicant shall construct a single travel lane, 2' shoulder and appropriate drainage south of the median. All improvements are adjacent to the subject site. More construction may be required south of the centerline in accordance with the traffic analysis done for this project. All improvements shall be coordinated with and to the satisfaction of the Development Engineering Division.

H15. Dedicate and construct National Drive to a North Natomas Standard 100' right-of-way. Full improvements on both sides are required.

H16. Dedicate and construct C Drive between national and B Drive to a City Standard 70' right-of-way. Full improvements on both sides are required.

H17. Dedicate and construct remaining internal subdivision streets as shown on the Tentative Map.

H18. Streets adjacent to schools and parks shall have a 57' modified residential cross-section, and vertical curb as determined by the Development Engineering Division. The purpose of this cross-section is to allow for parking to occur on these streets with out interfering with street circulation.

H19. The design of the entry off of A Drive to the proposed gated community shall be reviewed and approved by Development Engineering. Compliance with turnaround requirements of in and out paired driveways is required.

H20. Multiple access points will be required for all phases of the Final Subdivision Map to the satisfaction of the Development Engineering and Finance Division and the Fire Department. Dead end streets must be less than 500' in length and must include a turn-around approved by the Development Engineering and Finance Division and Fire Department. Certain exceptions may be considered by the Development Engineering Division and the Fire Department on a case-by-case basis.

H21. The City may, at its discretion, require the inclusion of traffic calming devices along residential streets, to be constructed as part of the public improvements. Improvements required shall be determined by the Department of Transportation and the Development Engineering Division.

Note: The Applicant has met with the Department of Transportation and has developed a preliminary traffic calming plan.

H22. Developer is required to install permanent street signs to the satisfaction of the Development Engineering Division.

H23. All right-of-way and street improvement transitions that result from changing the right-of-way of any street shall be located, designed and constructed to the satisfaction of the Development Engineering Division. The center lines of such streets shall be aligned.

H24. 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.

H25. Provide additional right-of-way for expanded intersections at intersections at the following locations specified by the Development Engineering and Finance Division:

a. National Drive/Z Way/Q Way

b. National Drive/M Way/W Way

c. National Drive/B Drive/A Drive (Round-about)

d. National Drive/F Way

e. National Drive/G Way

f. National Drive/C Drive

g. National Drive/Del Paso Road

H26. Construct traffic signals/Round-abouts at the following intersections when required by the Development Engineering Division (if not already in place):

a. National Drive/B Drive/A Drive (Round-about)

b. National Drive/G Way(Signal)

c. National Drive/Del Paso Road(Signal)

NOTE: The Development Engineering Division shall determine the need for signals, based on Caltrans signal warrants and known pending development projects prior to the Issuance of any building permit. If required, signals shall be constructed as part of the public improvements for the Final Map. Signal design and construction shall be to the satisfaction of the Development Engineering Division and may be subject to reimbursement. The applicant shall provide all on-site easements and right-of-way needed for turn lanes, signal facilities and related appurtenances. The applicant shall install CCTV cameras and all necessary appurtenances if deemed necessary by and to the satisfaction of Traffic Engineering Services.

H27. The applicant shall submit a signal design concept report (SCDR) per section 15.18 of the Cities Design and Procedures Manual to the Development Engineering Division for review and approval prior to the submittal of any improvement plans involving traffic signal work. The SCDR provides crucial geometric information for signal design which may lead to additional right-of-way dedication and should be started as early as possible to avoid delays during the plan check process.

H28. The applicant shall make provisions for bus stops, shelters, transit centers, etc. to the satisfaction of Regional Transit and Development Engineering Division.

H29. The applicant shall dedicate (if necessary) and construct bus turn-outs for all bus stops adjacent to the subject site to the satisfaction of the Development Engineering Division.

PRIVATE/PUBLIC UTILITIES:

SMUD

H30. Dedicate the Landscape Corridors as a public utility easement for underground facilities and appurtenances.

H31. Dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public street rights of ways.

H32. Dedicate a 15-foot public utility easement for overhead and underground facilities and appurtenances adjacent to Del Paso Road.

H33. a) Dedicate a 10-foot public utility easement for underground facilities and appurtenances adjacent to all public street rights of ways within the Cluster Lots.

a) Dedicate any private driveways and 2 feet adjacent thereto and 3-feet at the ends as a public utility easement for underground facilities and appurtenances within the Cluster Lots.

CONDOMINIUMS

H34. a) Dedicate a 10-foot public utility easement for underground facilities and appurtenances adjacent to all public street rights of ways within Lots 392, 393, 394, & 395.

b) Dedicate any private driveways and 3 feet adjacent thereto as a public utility easement for underground facilities and appurtenances within Lots 392, 393, 394, & 395.

ALLEY LOTS

H35. Dedicate a 10-foot public utility easement adjacent to the side lots and a 7.5-foot public utility easement adjacent to the frontage for underground facilities and appurtenances adjacent to all public street rights of ways.

H36. Dedicate a 60-foot wide easement to the Sacramento Municipal Utility District for overhead 69 kV electrical and communications lines, the center

line of which generally follows an alignment, 100-feet west of the east line of Transmission Line within the Lots E & G. SMUD has reviewed the developers proposed subdivision improvements as shown on the approved tentative maps, and the Ninos Parkway Master Plan, dated May 2, 2007, and has worked with the Developers to resolve any conflicts within the proposed 69kV electrical and communication lines. Prior to issuance of any grading or building permits within the Transmission Line corridor, the Developers and/or the City of Sacramento shall apply for a joint-use agreement from SMUD consenting to the proposed improvements within the Transmission Line corridor. SMUD has agreed to enter into said agreement so long as the proposed improvements are in substantial conformance with the approved tentative maps and proposed Ninos Parkway Master Plan. Please contact SMUD's Property Administrator Mr. Blandon Granger at (916) 732-5016. SMUD has agreed to coordinate with the applicant and the City of Sacramento's Parks Department on the location of poles and underground facilities and appurtenances within the park improvements and subdivision improvements. Please contact Mr. Gary Bakulich at (916) 732-7076.

H37. Label SMUD's and WAPA's transmission line easements as a "Restricted Building and Use Area".

H38. The owner/developer must disclose to future/potential owners the existing or proposed 69kV and 230kV electrical facilities.

SMUD is planning to build a 69kV overhead line within the WAPA corridor.

CSD-1/SRCSD

H39. Connection to the District's sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction.

H40. Each parcel and each building with a sewage source shall have a separate connection to the CSD-1 sewer system.

H41. In order to obtain sewer service, construction of CSD-1 sewer infrastructure will be required.

H42. Sewer easements will be required. All sewer easements shall be dedicated to CSD-1, in a form approved by the District Engineer. All CSD-1 sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance. CSD-1 will provide maintenance only in public right-of-ways and in easements dedicated to CSD-1.

H43. Certain areas of commercial and multiple residential housing (owner occupied) will require onsite collector systems and attendant requirements. On such properties, all sewer lines carrying waste from two or more buildings shall be 8-inch (minimum) collectors in public easements maintained by the District.

H44. The subject project owner(s) and successors in interest thereof, shall be responsible for repair and/or replacement of all non-asphalt and/or enhanced surface treatments of streets and drives within these easements damaged by District maintenance and repair operations, including landscaping, channelizations, lighting and any other appurtenances conflicting therein. This requirement shall be set forth in easement grant documents and be a covenant running with the land, be responsibility of successors in interest in future land transfers and divisions and by language approved by the District. Surface enhancements include, but are not limited to non-asphaltic paving, landscaping, lighting, curbing and all non-driveable street appurtenances.

H45. CSD-1 requires their sewers to be located a minimum of 10 feet (measured horizontally from edge of pipe to edge of pipe) from all potable water lines. Separation of sewer line from other parallel utilities, such as storm drain and other 'dry' utilities (electrical, telephone, cable, etc.) shall be a minimum of 7 feet (measured horizontally from the center of pipe to the center of pipe). Any deviation from the above separation due to depth and roadway width must be approved by the District on a case by case basis. Prior to recording the Final Map, the applicant shall prepare a utility plan that will demonstrate that this condition is met.

H46. All structures along private drives shall have a minimum 10-foot setback (measured horizontally from edge of collector pipe to edge of structure) so that CSD-1 can properly maintain the sewer collector line.

CITY UTILITIES:

H47. Prior to recording the subdivision map, the Master Parcel Map shall be recorded.

H48. Provide standard subdivision improvements per Section 16.48.110 of the City Code. Construct water, sewer, and drainage facilities to the satisfaction of the Department of Utilities (DOU). Off-site main extensions may be required.

H49. Dedicate all necessary easements, IOD easement, right-of-way, fee title property, or IOD in fee title property on the final map as required to implement the approved drainage, water and sewer studies, per each

approving agency requirements. Easements shall be dedicated for off-site water and storm drain main extensions as necessary.

H50. Developer shall obtain all required easement or road right-of-way to provide water, sanitary sewer, and storm drain service to Lot C (park site). The easement or road right-of-way shall be to the satisfaction of the DOU.

H51. Construct water pipes and appurtenances and construct storm drain pipes and appurtenances, and construct sanitary sewer pipes and appurtenances in Del Paso Road and all internal streets shown on the Tentative Subdivision Map. The construction shall be to the satisfaction of the DOU.

H52. If required by the Department of Utilities (DOU), the applicant shall enter into and record an Agreement for Conveyance of Easements with the City, in a form acceptable to the City Attorney, requiring that private easements be granted, as needed, for drainage, water and sanitary sewer at no cost at the time of sale or other conveyance of any lot. A note stating the following shall be placed on the Final Map: "The lots created by this map shall be developed in accordance with recorded agreement for conveyance of easements # (Book____, Page___)."

H53. Unless otherwise approved by the DOU all public water, sanitary sewer and storm drain pipelines or systems shall be placed within the asphalt concrete (AC) section of public-right-of-ways and easements. Prior to acceptance of maintenance responsibilities, the public facilities shall be designed and constructed per City standards and procedures and approved by the DOU. Unless otherwise approved by the DOU, public water and storm drain facilities shall not be placed within designated street parking areas.

H54. Public streets and private streets and alleys with public maintained water, sanitary sewer and storm drain systems shall have a minimum paved AC width of 25 feet from lip of gutter to lip of gutter. Drain inlets, curb and gutter shall be constructed to City Standards for residential streets.

H55. Unless otherwise approved by the DOU, private alleys with two public maintained utility systems, e.g., water and sanitary sewer systems or water and storm drain systems, shall have a minimum paved AC width of 22 feet and shall have drain inlets, curb and gutter constructed to City Standards or a concrete v-gutter drain located in the center of the pavement to provide surface drainage. Additional public or private maintained utility systems shall not be located in these private alleys.

H56. Unless otherwise approved by the DOU, no public storm drain or water facilities shall be located in drive aisles.

H57. Surface drainage facilities located within private alleys or drive aisles not constructed to City standards and with a width of less than 25 feet from lip of gutter to lip of gutter shall be private facilities maintained by a homeowners association (HOA) or a privately funded maintenance district. Private easements shall be dedicated for these facilities. If required by the DOU, the responsible maintenance agency shall enter into and record an agreement with the City regarding the maintenance of these facilities. The agreement shall be to the satisfaction of the DOU and the City Attorney.

H58. The full width of the private streets and alleys with public water, sanitary sewer and/or storm drain pipelines shall be dedicated as public utility easement. An additional minimum 3 feet adjacent to all the streets shall also be dedicated as an easement for water distribution system appurtenances such as hydrants and water meters. The easement shall include language assuring DOU personnel and maintenance vehicles unrestricted access to any private streets and alleys and easements at all times.

H59. Prior to submittal of improvement plans, prepare a project specific drainage study for review and approval by the DOU. The 10-year and 100-year hydraulic grade lines (HGL's) for this study shall be calculated using the City's Storm Water Management Model (SWMM). The drainage study shall include basins designed and constructed for flood control and water quality treatment. The flood control volume shall be established using the 100 year – 10 day storm and the 100 year -24 hour storm. Contact the DOU for the design criteria. R.D. 1000 shall approve in writing the pump-out rate from the basins (the pumping rate allowed for other North Natomas developments has been 0.1 cfs/acre). Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff. The drainage study shall include an overland flow release map for the proposed project. The DOU shall approve the drainage study and any phasing plan, if appropriate, included with the master plan for drainage infrastructure.

H60. Drain inlets shall be at least 6-inches above the 10-year HGL. Building pad elevations shall be a minimum of 1.2 feet above the 100-year HGL and a minimum of 1.5 feet above the local controlling overland flow release elevation, whichever is higher. Finished floor elevations shall be a minimum of 1.5 feet above the 100-year HGL and a minimum of 1.8 feet above the local controlling overland release, whichever is higher.

H61. Per City Code, the Subdivider may not develop the project in any way that obstructs, impedes, or interferes with the natural flow of existing off-site drainage that crosses the property. The project shall construct the required public and/or private infrastructure to handle off-site runoff to the

satisfaction of the DOU. If private infrastructure is constructed to handle off-site runoff, the applicant shall dedicate the required private easements and/or, at the discretion of the DOU, the applicant shall enter into and record an Agreement for Maintenance of Drainage with the City, in a form acceptable to the City Attorney.

H62. All lots shall be graded so that drainage does not cross property lines or private drainage easements shall be dedicated. The project shall be graded to overland release to the detention/water quality basins.

H63. Prior to the submittal of improvement plans, prepare a project specific water study for review and approval by the DOU. The water distribution system shall be designed to satisfy the more critical of the two following conditions: (1) at maximum day peak hour demand, the operating or "residual" pressure at all water service connections shall be at least 30 pounds per square inch, (2) 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. The water study shall determine if the existing and proposed water distribution system is adequate to supply fire flow demands for the project. A water supply test may be required for this project. Contact the DOU for the pressure boundary conditions to be used in the water study.

H64. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.

H65. Two points of service for the water distribution system for this subdivision or any phase of this subdivision are required. All water lines shall be placed within the asphalt section of public right-of-ways as per the City's Design and Procedures Manual.

H66. Per Sacramento City Code, water meters shall be located at the point of service that is located at the back of curb for separated sidewalks or the back of walk for connected sidewalks.

H67. Along all streets with separated curb and sidewalk; place minimum 2-inch diameter sleeves (one on each side of the driveway) under the sidewalk for each single family lot for irrigation of the landscape planter. The irrigation sleeves shall be placed prior to construction of sidewalks. In situations where separated sidewalks are located along the perimeter of parks or other common lots/parcels, irrigation sleeves shall be placed at maximum 200 linear foot intervals under the sidewalks.

H68. Residential water taps shall be sized per the City's Building Department onsite plumbing requirements (water taps from the water main in the street

to the meter may need to be larger than 1-inch depending on the length of the house service, number of fixture units, etc.).

H69. Water meter boxes located in driveways shall be as follows: (1) for 1-inch domestic water service, Christy traffic box B1324 (H/20 loading) with reading lid B1324-61GH and (2) for 1.5-inch domestic water service, Christy traffic box B1730 (H/20 loading) with reading lid B1730-51G.

H70. Any new domestic water services shall be metered. Only one domestic water service is allowed per lot. Excess services shall be abandoned to the satisfaction of the DOU.

H71. Common area landscaping shall have a separate street tap or public easement tap for a metered irrigation service.

H72. Clubhouse and pool areas shall have a separate street tap or public easement tap for a metered domestic water service.

H73. A grading plan showing existing and proposed elevations is required. All lots and/or parcels shall be graded so that drainage does not cross property lines or private drainage easements shall be dedicated. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. At a minimum, one-foot off-site contours within 100 feet of the project boundary are required (per Plate 2, page 3-7 of the City Design and Procedures Manual). No grading shall occur until the grading plan has been reviewed and approved by the DOU.

H74. This project is greater than 1 acre in size; therefore 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 from www.swrcb.ca.gov/stormstr/construction.html. The SWPPP will be reviewed by the DOU prior to issuing a grading permit. The following items shall be included in the SWPPP: (1) vicinity map, (2) site map, (3) list of potential pollutant sources, (4) type and location of erosion and sediment BMP's, (5) name and phone number of person responsible for SWPPP and (6) certification by property owner or authorized representative.

H75. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision

improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.

H76. 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. Storm drain message and signage is required at all drain inlets. Improvement plans must include the source controls measures selected for the site. Refer to the latest edition of the "Guidance Manual for On-Site Stormwater Quality Control Measures" for appropriate source control measures.

H77. The applicant shall provide for the rough grading of public maintained parks. The rough grading shall be to the satisfaction of the DOU and Parks.

H78. The proposed development is located within the Reclamation District 1000 (RD 1000). The applicant shall comply with all RD 1000 requirements and pay all applicable RD 1000 fees.

H79. Where lots are developed for condominiums:

a. Any new domestic water services shall be metered. A single domestic water service is required for the condominium lot and a separate single domestic water service is required for clubhouse and pool areas.

b. The condominium lot shall have a separate street tap for a metered domestic water service.

c. The clubhouse and pool area, if constructed, shall have a separate street tap for a metered domestic water service.

d. Common area landscaping shall have a separate street tap for a metered irrigation service.

e. Prior to the initiation of any water, sanitary sewer or storm drainage services to the condominium project, 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. The onsite water, sewer and storm drain systems shall be private systems maintained by the association. The C.C.&R.s shall authorize the association to contract on behalf of all owners within the condominium project for sanitary sewer, water and storm drainage

services for the condominium units, common area(s) and all other areas within the condominium project.

f. Prior to the initiation of any water, sanitary sewer or storm drainage services to the condominium 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 DOU, provided that such agreement shall not apply to sanitary sewer service provided by CSD-1 instead of the City. Such agreement shall provide, among other requirements, for payment of all charges for the condominium project's water, sanitary sewer (if provided by City) 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, shall require sub-metering of water service to the condominium units if requested by the DOU or required by any other government agency, and shall be in a form approved by the City Attorney.

g. The project shall provide for sub-metering of all the condominium units consistent with the Utility Service Agreement. The sub-metering shall be to the satisfaction of the DOU.

h. Multiple fire services are allowed per lot and may be required.

i. The owner(s) and ownership association shall comply with all applicable requirements of Title 13 of the Sacramento City Code governing the provision of City utility service.

H80. Where high-density residential units are developed as townhouses, the AC paving for internal streets fronting these units shall meet the DOU minimum width requirements for public utilities and the street section, curb, gutter and drain inlets shall be constructed to City standards.

H81. Prior to recording the subdivision map, the detention/water quality basins, pump station and discharge pipes, and inlet and outlet structures for the detention/water quality basins to be located on Lots I and J of the Panhandle Central – Dunmore tentative subdivision map shall be constructed. The basin design and construction shall be to the satisfaction of the DOU. Execute a maintenance agreement with the City that requires the developer to maintain the Detention/Water Quality Facility to be located in Lots I and J for a period of two (2) years. The two-year period shall begin following the issuance of a notice of completion by the City for the Water Quality Facility. At the time of acceptance by the City, the developer shall remove any sediment or debris that has

accumulated prior to acceptance. The maintenance agreement shall be to the satisfaction of the DOU and the City Attorney.

PPDD: Parks

H82. **Park Dedication**: Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall dedicate to the City in fee title the park site(s) identified on the Dunmore South TM dated March 16, 2007 as Lot(s) C, comprising 13.7± net acres. At the time of dedication, the applicant shall confirm the net acres of the site(s) to be dedicated and shall (1) take all actions necessary to convey to and vest in the City full and clear title to Lot(s) C, including all interests necessary for maintenance and access; (2) provide a title report and title insurance insuring that clear title in fee is vested in the City at the time of dedication; (3) provide a Phase 1 environmental site assessment of Lot(s) C; (4) if the environmental site assessment identifies any physical conditions or defects in Lot(s) C that would interfere with its intended use as a park, as determined by PPDD in its sole discretion, applicant shall complete a supplemental assessment and remedy any such physical condition or defect, to the satisfaction of PPDD; (5) take all actions necessary to ensure that Lot(s) C is free and clear of any wetland mitigation, endangered or threatened animal or plant species, sensitive habitat or other development restrictions; and (6) provide proof of satisfaction of all Habitat Conservation Plan (HCP) requirements for Lot C. The applicant shall be solely responsible, and at its sole cost, for any required mitigation costs or measures associated with Lot(s) C.

H83. **Park Dedication – IOD**: Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall provide on City's form an irrevocable offer of dedication (IOD) of the parks sites identified on the Dunmore South TM as Park Lot(s) B and D, comprising 11.8± net acres. At the time of delivery of the IODs, the applicant shall (1) provide to City a title report demonstrating that it holds full and clear title to each of the park Lot(s) as described herein, including all interests necessary for maintenance and access; (2) provide a Phase 1 environmental site assessment for each of the park Lot(s); (3) if the environmental site assessment identifies any physical conditions or defects in the park Lot(s) which would interfere with its intended use as a park, as determined by PPDD in its sole discretion, applicant shall complete a supplemental assessment and remedy any such physical condition or defect, to the satisfaction of PPDD; (4) take all actions necessary to ensure that the park Lot(s) are free and clear of any wetland mitigation, endangered or threatened animal or plant species, sensitive habitat or other development restrictions. ; and (5) provide proof of satisfaction of all Habitat Conservation Plan (HCP) requirements for the park Lot(s). The applicant

shall be solely responsible, and at its sole cost, for any required mitigation costs or measures associated with the park Lot(s).

H84. **Turn Key Park Development:** If the Applicant desires to construct a turnkey park(s), the Applicant shall notify PPDD in writing no later than approval of the final subdivision map for the project and shall enter into a City standard turn key park construction agreement to construct the park improvements to the satisfaction of the City's PPDD. The park construction agreement shall address (1) the preparation and approval of the park design and improvement plans, (2) time for completion of the park (or of each phase of the park if the park is not to be completed in one phase) as a function of build-out of the subdivision or issuance of occupancy permits, (3) any credits to be awarded to the applicant against the City's Park Impact Fee (PIF) that would be payable as a condition of issuance of building permits for the dwelling units to be constructed in the subdivision, (4) maintenance of all improvements to be accepted into the park maintenance financing district for a minimum of one year and until a minimum of 50% of the residential units to be served by the park have received occupancy permits, unless the City agrees to accept park maintenance into the District at an earlier date. The one-year maintenance period shall begin following the issuance by the City of a notice of completion for the improvements.

H85. **Excess Park Land Exchange:** The City acknowledges the Panhandle PUD will include two Master Parcel Maps including the Panhandle North – Krumenacher, and the Panhandle Central/South – Dunmore. It is our understanding that each Master Parcel Map may or may not be able to completely satisfy their Quimby land dedication requirements as a stand alone MPM. We acknowledge the intent is for one MPM (Panhandle South – Dunmore) to over dedicate land that can be used by the other MPM (Panhandle Central – Dunmore) to meet their Quimby requirements. Should the MPM (Panhandle Central) containing less park land than is required to meet Quimby move ahead of the MPM (Panhandle South) that has excess park land, the applicant shall provide the City with a Letter of Credit or other authorized security in a form approved by the City Attorney and in an amount equal in value to the balance of park land due to secure the dedication of parkland for the Final Map. The Letter of Credit shall be released by the City upon acceptance of the IOD for the balance of the park land dedication due. If the Panhandle South Master Parcel Map is superseded or expires without the dedication of the balance of park land dedication due, the City may call the Letter of Credit and use the funds for park and recreational purposes. Should the MPM (Panhandle South) move forward first, the park land over dedicated within the Panhandle South MPM may be applied towards the park land dedication for the Panhandle Central MPM or other project areas within the Panhandle PUD as approved by PPDD. The dedication of excess park land does not

obligate the City to reimburse the applicant for the value of the land dedicated. Excess dedication is at the option of the applicant.

H86. **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)

H87. **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.)

H88. **Improvements:** The Applicant shall construct the following public improvements prior to and as a condition of City's acceptance of the park/parkway sites identified on the revised maps dated March 16, 2007 for Dunmore South TM as Park Lot(s)C, B and D and the Nino's Parkway lots.

a. Full street improvements including but not limited to curbs, gutters, accessible ramps, street paving, streetlights, and sidewalks; and improved surface drainage through the site.

b. A concrete sidewalk and vertical curb along all street frontages that open onto each Park Lot and the Nino's Parkway. The sidewalk shall be contiguous to the curb (attached) for neighborhood parks and separated from the curb (detached) for community and regional parks unless otherwise approved by PPDD.

c. A six foot high masonry wall or other acceptable material such as tubular steel as approved by the City PPDD on property lines separating public park and the designated open space areas from adjacent private uses. If masonry wall is recommended by PPDD, it shall be split face block or similar material (to discourage graffiti) with decorative top cap and on-center pilasters, or as otherwise approved by PPDD.

d. Post-and-cable fencing between park parcels and any adjacent open space area as approved by PPDD. Refer to PPDD Post and Cable detail and specification.

e. A twelve inch (12") storm drain stub and six inch (6") sanitary sewer stub to the back of the sidewalk at each Park Lot at a location approved by PPDD for future service. Number of stubs and locations to be approved by PPDD. Storm Drain and Sewer stubs are to be marked with a 3' high, white 4" x 4" post indicating stub or service location.

f. One water tap for irrigation, one water tap for domestic water, and electrical and telephone service to each Park Lot, quantity and location as approved by PPDD. The irrigation water tap shall be 4 inches for parkland 4 acres and over, and 2-1/2 inches for parkland less than 4 acres; and the domestic water tap shall be 1 inch or as approved by PPDD. Water taps and telephone and electrical services shall be marked with a 3' high, white 4" x 4" post indicating stub or service location.

g. A ten-foot (10') wide driveway into each Park Lot at a location approved by PPDD. The driveway is to provide future maintenance access to the park.

h. The Applicant shall rough grade each Park Lot required by City Code to provide positive drainage as approved by PPDD.

i. The Applicant shall identify a source within the Panhandle Public Facilities Financing Plan, as approved by PPDD, for full funding of the development, maintenance and operation in perpetuity of all park improvements proposed within the Dunmore South/Central TM.

j. Upon completion of all improvements outlined above to the Park Lots, the Applicant shall contact the Landscape Architecture Services Division of the PPDD to schedule a site inspection. This condition shall not be deemed complete until all improvements identified above have been constructed to the satisfaction of the PPDD.

H89. **Site Plan:** The Applicant shall submit a site plan and electronic file showing the location of all utilities on the park/parkway sites to the PPDD for review and approval.

H90. **Design Coordination for PUE's and Facilities:** If a 12.5 foot public utility easement (PUE) for underground facilities and appurtenances

currently exists or is required to be dedicated adjacent to a public street right-of- way contiguous to any of the park sites, the applicant shall coordinate with PPDD and SMUD regarding the location of appurtenances within the PUE to minimize visual obstruction in relation to the park(s) and to best accommodate future park improvements. The Applicant shall facilitate a meeting(s) with SMUD and PPDD prior to SMUD's facilities coordinating meeting for the project.

H91. **Nino's Open Space Parkway:** The Nino's" Parkway" identified on the Dunmore South TM as Open Space Lots E and F and comprising 18.5± acres shall be dedicated in fee title to the City of Sacramento.

a. A multi-use trail and adjacent landscaping shall be incorporated within the Nino's Parkway Open Space area as an extension of the Nino's Parkway trail corridor.

b. The Applicant shall disclose to PPDD all easements existing or proposed at the time of TM approval within the "Parkway".

c. At the time the" Parkway" identified on the Dunmore South TM as Open Space Lots E and F is dedicated in fee title to the City, the applicant shall (1) take all actions necessary to convey to and vest in the City full and clear title including all interests necessary for maintenance and access; (2) provide a title report and title insurance insuring that clear title in fee is vested in the City at the time of dedication; (3)provide a Phase 1 environmental site assessment of the "Parkway"; (4) if the environmental site assessment identifies any physical conditions or defects in the "Parkway" that would interfere with its intended use as a multi-use trail, as determined by PPDD in its sole discretion, applicant shall complete a supplemental assessment and remedy any such physical condition or defect, to the satisfaction of PPDD; (5) take all actions necessary to ensure that the "Parkway" is free and clear of any wetland mitigation, endangered or threatened animal or plant species, sensitive habitat or other development restrictions (with the exception of the Powerline easements or other easements) ; and (6) provide proof of satisfaction of all Habitat Conservation Plan (HCP) requirements for the "Parkway". . The applicant shall be solely responsible, and at its sole cost, for any required mitigation costs or measures associated with the "Parkway".

d. The Applicant shall submit and obtain PPDD approval of the alignment and design of the multi- use trail prior to submitting a master plan for the "Parkway". Trail design shall include consideration for lighting and emergency telephone service. Residential lots backing onto the "Parkway" should be designed

with open fencing such as tubular steel. The fencing plan shall be included in the Trail Plan for the subdivision and shall be subject to the review and approval of the PPDD.

e. The proposed multi-use trail shall comply with Class I bike trail standards, including regulatory signage, as defined in Chapter 1000 of State Department of Transportation Highway Design Manual. Trails shall be adequately signed for safety to identify ingress and egress locations. The trail shall be 12' of asphalt concrete paving, with clear, graded shoulders that are a minimum of 2' in width. Shoulders should be decomposed granite or an alternate material approved by PPDD. Pavement sections shall be 3" minimum asphaltic concrete over 6" min of aggregate base, with a centerline stripe (refer to PPDD Trail detail and specification).

f. Vehicular access controls as approved by PPDD shall be placed at the entrance to all access points to the trail (refer to PPDD details and specifications for approved designs).

g. Wherever possible and as approved by PPDD and the Department of Utilities, multi-use trails shall be designed as joint-use with utility service roads utilizing the service roads aggregate base as the trail's aggregate base course. Applicant shall design the pavement to meet all required design loads.

h. Where a multi-use trail is located adjacent to any embankment with a greater than 4:1 slope, the Applicant shall, at his expense, install a post-and-cable fence along the top of the embankment, between the embankment and the multi-use trail.

i. The Applicant shall disclose the location of the planned multi-use trail and Open Space "Parkway" to all future/potential owners of parcels within the subdivision.

j. The Applicant shall identify a source, as approved by PPDD, for full funding of the development and maintenance and operation in perpetuity of all improvements proposed for the Open Space "Parkway".

H92. **Disclosure to Future Owners:** The Applicant shall make the following disclosures to all future or potential owners of parcels within the subdivision:

a. The community park site (Lot C on the Dunmore South TM) will include lighted sports fields; and

b. The location of the planned multi-use trail; and

c. If private facilities credits are granted by PPDD for any private recreational facilities they shall be retained in perpetuity and shall not be changed to another use without the express written consent of the Sacramento City Council; and

d. Public parks within the subdivision shall be maintained at Level 3, the City's baseline service level, as outlined in Table 11: Park Maintenance Service Levels and Analysis, contained in the City of Sacramento Parks and Recreation Master Plan 2005-2010. At Level 3, core tasks are regularly completed; restrooms (if present) are serviced daily; turf is in generally good condition, but there are some seasonal issues; there is little or no flower planting; and, weeds may occur in shrub beds from time to time.

H93. **Open Space:** The following conditions apply to the open space areas (to be maintained by the Department of Parks and Recreation) as shown on the tentative subdivision map:

a. The Applicant shall establish a financing district to fund the maintenance of any open space areas shown on the tentative map.

b. The Applicant shall show and label on plan the extent of any designated wetlands acreage and any required setback or buffer areas (not to be developed/improved).

c. The Applicant shall, at their expense, install an attached 5' minimum wide concrete sidewalk at the back-of-curb along the streets that front on all open space except as approved with subdivision modifications.

d. The Applicant shall, at their expense, install signage as approved by PPDD at all open space areas identifying the open space name or land use and outlining public use regulations (such as "No dumping", or "Stay on posted trails").

H94. **Private Facility Credits:** City Code Chapter 16.64, Sections 16.64.100,110 and 120 address granting of private recreation facility credits. The city may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned developments as defined in Section 11003 of the Business and Professions Code, condominiums as defined in Section 783 of the Civil Code, and other common interest developments. Such credit, if granted in acres, or comparable in lieu fees, shall not exceed twenty-five (25) percent of the dedication or fees, or both, otherwise required under this chapter and no

more than five percent per category of open space or recreational facilities described in this Chapter under 16.64.100 Should the applicant elect to request City consideration of private facility credits the procedure outlined in 16.64.120 must be followed. Critical timing outlined in this Section includes:

a. At the time of the hearing on the tentative subdivision map, the planning commission shall recommend to the city council whether a credit is to be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 16.64.100 of this chapter.

b. Open space covenants for private park or recreational facilities shall be submitted to the city council prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map. (Prior code § 40.16.1612)

H95. **Finance Plan:** The Applicant shall provide a Finance Plan for the project prior to final map approval that includes the development of all designated park facilities, trails, open space/parkway or other open space areas anticipated to be maintained by the City of Sacramento Department of Parks and Recreation. The Plan shall include all improvements costs associated with the designated park facilities, trails, open space/parkway or other open space areas along with ongoing maintenance and operation costs for these facilities in perpetuity.

SPECIAL DISTRICTS: Assessment Districts

H96. Dedicate to the City those areas identified on the Tentative Subdivision Map as Landscape Lots and Open Space Lots (lots E, F, K, L, M, N O, and P). Annex the project area to the appropriate Landscape Maintenance District, or other financing mechanism acceptable to the City, prior to recordation of the Final Map. Design and construct landscaping, irrigation and masonry walls or wood fences in dedicated easements or rights of way, to the satisfaction of the Development Engineering Division, and the Planning Division. Acceptance of the required landscaping, irrigation and walls or fences by the City into the Landscape Maintenance District shall be coordinated with the Development Engineering Division. The Developer shall maintain the landscaping, irrigation and walls for two years or until acceptance by the City into the District (whichever is less). The two year period shall begin following the issuance of a notice of completion by the City for the landscaping, irrigation and walls or fences.

FIRE:

H97. All turning radii for fire access shall be designed as 35' inside and 55' outside. Alleys must meet this requirement when the lot is only accessible from the alley. (Note: Apparatus access is required to the point where the furthest projection of the exterior wall of a building is accessible from within 150 ft of an approved Fire Department access road and water supply as measured by an unobstructed route around the exterior of the building. CFC 902.2.1). Exception: see Special Permit condition # 4.

H98. Fire apparatus access roads (including driveways if required for access) shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a roadbed consisting of material unaffected by the introduction of water based upon fire flow or rain based on 25 year storm and a surface consisting of a minimum of a single layer of asphalt. CFC 902.2.2.2

H99. Provide the required fire hydrants in accordance with CFC 903.4.2 and Appendix III-B, Section 5. Hydrant spacing shall be decreased where cluster products are used to the satisfaction of the Fire Department.

H100. Ensure emergency vehicles are included in any reciprocal ingress egress agreement.

H101. The Chief is authorized to require two means of access for a PUD having sites serving 25 or more dwelling units. CFC 902.1 Appendix III-D, Section 2.1. All emergency vehicle access (EVA) routes must be designed to the satisfaction of the Fire Department

MISCELLANEOUS:

H102. City standard ornamental street lights (acorn style or alternate decorative style approved by the Planning and Electrical Divisions) shall be designed and constructed by the applicant in accordance with Electrical Division requirements.

H103. The Applicant shall provide class 3 bikeway signing on certain interior east-west streets to provide appropriate connectivity.

H104. The applicant shall provide a ped/bike linkage from Cadman Court to K Way.

H105. All Bikeway related conditions above will be coordinated with and to the satisfaction of the City's Pedestrian/Bikeway Coordinator and Development Engineering Division.

H106. The developer is required to design and construct local drainage improvements consistent with the Agreement dated June 26, 2007

between Dunmore Homes and Valley View Acres Community Association.

I. The **Subdivision Modifications** (Panhandle South – Dunmore) to modify radius, intersection offset, tangent length, modified grid pattern, alley width, street sections, rolled curb and gutter, and to allow asphalt surface of private alleys is hereby approved subject to the following conditions:

L1. The applicant shall comply with the conditions of approval of the Panhandle South – Dunmore Tentative Subdivision Map (P05-077).

ADVISORY NOTES:

Tentative Master Parcel Map (Panhandle North – Krumenacher): The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

1) Existing Sacramento Regional County Sanitation District (SRCSD) facilities serving this proposed project are capacity constrained. Ultimate capacity will be provided by construction of the Lower Northwest and Upper Northwest Interceptors, currently scheduled for completion in 2010. SRCSD is working to identify potential interim projects to provide additional capacity. SRCSD and County Sanitation District 1 (CSD-1) will issue sewer permits to connect to the system if it is determined that capacity is available and the property has met all other requirements for service. This process is "first come, first served". There is no guarantee that capacity will be available when actual requests for sewer service are made. Once connected, the property has the entitlement to use the system. However, its entitlement is limited to the capacity accounted for by the payment of the appropriate SRCSD fees.

2) Construction of the Upper Northwest Interceptor (UNWI) Section 3 & 4 began in February 2007. Construction of the UNWI will require a permanent easement within the subject property (specifically APN 201-0320-021 and 201-0320-016).

3) If a lifting and/or pumping station is required to serve this project, the applicant shall submit a Hazardous Materials Plan (HMP) to CSD-1. The HMP shall satisfy state and CSD-1 requirements, and shall be approved by CSD-1 prior to acceptance of the facility.

4) If a lifting and/or pumping station is required to serve this project, the applicant shall install all necessary infrastructure (electrical power and wiring, telemetry, piping, manholes, wells, gates etc.) for the complete operation of the facility at full development and final maximum service capacity as identified in applicable approved sewer studies. The only

exception to this requirement is the pump size, which shall be installed in accordance with the initial designed service capacity.

5) If interim sewer infrastructure (such as sewer pipes, manholes, and lifting and/or pumping stations) is required to serve this project, the applicant shall be responsible for the cost to CSD-1, to decommission, and abandon such interim sewer infrastructure. The mechanism to capture these costs shall be approved and accepted by CSD-1 prior to recordation of the Final Map or approval of Improvement Plans for plan check to CSD-1, which ever comes first.

6) Any use of CSD-1 sewer easements, which is not compatible or interferes with the construction, reconstruction, operation, maintenance, or repair of the District's sanitary sewer(s), shall not be allowed. Each proposed use shall be reviewed and approved in writing by the District Engineer prior to the use of the easement by the Grantor. This includes landscaping.

7) Developing this property will require the payment of sewer impact fees. Impact fees for CSD-1 shall be paid prior to filing and recording the Final Map or issuance of Building Permits, which ever is first. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.

8) As per City Code, acreage within an existing or proposed drainage area, easement, public right-of-way, or areas with 10% and greater slopes shall not receive parkland dedication credit. Quimby parkland credit can be granted only to "buildable acres".

9) Special consideration should be given during the design phase of a development project to address the benefits derived from the urban forest by installing, whenever possible, large shade trees and thereby increasing the shade canopy cover on residential lots and streets. Trees in the urban environment reduce air and noise pollution, furnish habitat for wildlife, provide energy saving shade and cooling, enhance aesthetics and property values, and contribute to community image and quality of life.

10) 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 project currently identifies 723 residential units, 510 SF, and an estimated 90 units MD and 123 units MF/Condo. The Quimby land dedication requirement for the project based on this unit count is 10.022±acres. The map currently identifies 9.7± acres of parkland which partially satisfies the Quimby requirement for the project. Any change in these factors will change the amount of Quimby fee or land dedication

due. The final Quimby requirement is calculated using factors at the time of payment/dedication.

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 $3,021,381. This is based on 600 SF units at $4,493 each and 123 MF/Condo units at $2647 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 or an alternative funding source as determined in the Panhandle PFFP.

11) The Developer shall be responsible for maintenance (weed abatement) all Lots conveyed as an IOD until the time that the City records acceptance of the IOD.

12) The Applicant shall include in the environmental document for this project a list of proposed park improvements as provided by PPDD.

13) The Applicant has committed to provide the additional funding necessary to offset the park maintenance cost for small neighborhood parks as well as for facilities proposed within the park sites over and above the standard park facilities provided in such parks.

14) The Applicant shall take into consideration the interface with the Ueda Parkway when planning the exterior elevations and visibility aspects of the residential units adjacent to the parkway.

15) The Applicant will be required to follow the City standard procedures for approval of park site Master Plans as well as naming of park facilities.

16) The Developer shall obtain a Permit to Enter from the PPDD prior to use of any park site as a construction staging area.

Tentative Subdivision Map (Panhandle North – Krumenacher): The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

17) Existing Sacramento Regional County Sanitation District (SRCSD) facilities serving this proposed project are capacity constrained. Ultimate capacity will be provided by construction of the Lower Northwest and Upper Northwest Interceptors, currently scheduled for completion in 2010. SRCSD is working to identify potential interim projects to provide additional capacity. SRCSD and County Sanitation District 1 (CSD-1) will

issue sewer permits to connect to the system if it is determined that capacity is available and the property has met all other requirements for service. This process is "first come, first served". There is no guarantee that capacity will be available when actual requests for sewer service are made. Once connected, the property has the entitlement to use the system. However, its entitlement is limited to the capacity accounted for by the payment of the appropriate SRCSD fees.

18) Construction of the Upper Northwest Interceptor (UNWI) Section 3 & 4 began in February 2007. Construction of the UNWI will require a permanent easement within the subject property (specifically APN 201-0320-021 and 201-0320-016).

19) Developing this property will require the payment of sewer impact fees. SRCSD impact fees shall be paid prior to filing and recording the Final Map or issuance of Building Permits, which ever occurs first. Applicant shall contact the Fee Quote Desk at (916) 876-6100 for sewer impact fee information.

20) SRCSD will issue a sewer permit to connect to the system if it is determined that capacity is available, and the subject property has met all the other requirements for service and approval. This process is "first come, first served." Once connected, the property has the entitlement to use the system. However, its entitlement is limited to the capacity accounted for by the payment of the appropriate fees.

21) Pursuant to the SRCSD's easement rights, any use or improvement within SRCSD easement that has not been approved by the District Engineer shall be removed at the sole expense of the property owner.

22) The applicant should note that lots 149 and 150 do not appear to meet conditions 2 and 3.

23) Prior to occupancy within the subject area, all sanitary sewer, storm drainage, water, and floods control improvements shall be in place, fully functioning, and a notice of completion shall be issued by Public Works.

24) Prior to issuance of any building permits within the subject area all sanitary sewer, storm drainage, water, and flood control improvements shall be in place and fully functioning unless otherwise approved by the Department of Utilities (DOU).

25) If condominium projects within the development are converted to townhouses or similar type private residences, the on-site water, storm drain and sanitary sewer systems within these projects may need reconstruction to conform to City Code and standards. If a conversion is

anticipated or possible, the applicant should contact the Department of Utilities (916-808-1412) prior to the design of the condominium project for additional information regarding City Code and standard requirements to convert the project to townhouses

26) Developing this property will require the payment of sewer impact fees. Impact fees for CSD-1 shall be paid prior to filing and recording the Final Map or issuance of Building Permits, which ever is first. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.

27) Any use of CSD-1 sewer easements, which is not compatible or interferes with the construction, reconstruction, operation, maintenance, or repair of the District's sanitary sewer(s), shall not be allowed. Each proposed use shall be reviewed and approved in writing by the District Engineer prior to the use of the easement by the Grantor. This includes landscaping.

28) If a lifting and/or pumping station is required to serve this project, the applicant shall submit a Hazardous Materials Plan (HMP) to CSD-1. The HMP shall satisfy state and CSD-1 requirements, and shall be approved by CSD-1 prior to acceptance of the facility.

29) If a lifting and/or pumping station is required to serve this project, the applicant shall install all necessary infrastructure (electrical power and wiring, telemetry, piping, manholes, wells, gates etc.) for the complete operation of the facility at full development and final maximum service capacity as identified in applicable approved sewer studies. The only exception to this requirement is the pump size, which shall be installed in accordance with the initial designed service capacity.

30) If interim sewer infrastructure (such as sewer pipes, manholes, and lifting and/or pumping stations) is required to serve this project, the applicant shall be responsible for the cost to CSD-1, to decommission, and abandon such interim sewer infrastructure. The mechanism to capture these costs shall be approved and accepted by CSD-1 prior to recordation of the Final Map or approval of Improvement Plans for plan check to CSD-1, which ever comes first.

31) As per City Code, acreage within an existing or proposed drainage area, easement, public right-of-way, or areas with 10% and greater slopes shall not receive parkland dedication credit. Quimby parkland credit can be granted only to "buildable acres".

32) Special consideration should be given during the design phase of a development project to address the benefits derived from the urban forest by installing, whenever possible, large shade trees and thereby increasing the shade canopy cover on residential lots and streets. Trees in the urban

environment reduce air and noise pollution, furnish habitat for wildlife, provide energy saving shade and cooling, enhance aesthetics and property values, and contribute to community image and quality of life.

33) As per City Code, the applicant will be responsible to meet his/her obligations regarding:

34) Title 16, 16.64 Park Dedication / In Lieu (Quimby) Fees, due prior to approval of the final map. The project currently identifies 723 residential units, 510 SF, and an estimated 90 units MD and 123 units MF/Condo. The Quimby land dedication requirement for the project based on this unit count is 10.022+acres. The map currently identifies 9.7+ acres of parkland which partially satisfies the Quimby requirement for the project. Any change in these factors will change the amount of Quimby fee or land dedication due. The final Quimby requirement is calculated using factors at the time of payment/dedication.

35) 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 $3,021,381. This is based on 600 SF units at $4,493 each and 123 MF/Condo units at $2647 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.

36) Community Facilities District 2002-02, Neighborhood Park Maintenance CFD Annexation or an alternative funding source as determined in the Panhandle PFFP.

37) The Developer shall be responsible for maintenance (weed abatement) all Lots conveyed as an IOD until the time that the City records acceptance of the IOD.

38) The Applicant shall include in the environmental document for this project a list of proposed park improvements as provided by PPDD.

39) The Applicant has committed to provide the additional funding necessary to offset the park maintenance cost for small neighborhood parks as well as for facilities proposed within the park sites over and above the standard park facilities provided in such parks.

40) The Applicant shall take into consideration the interface with the Ueda Parkway when planning the exterior elevations and visibility aspects of the residential units adjacent to the parkway.

41) The Applicant will be required to follow the City standard procedures for approval of park site Master Plans as well as naming of park facilities.

42) The Developer shall obtain a Permit to Enter from the PPDD prior to use of any park site as a construction staging area

Tentative Master Parcel Map (Dunmore): The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

43) Existing Sacramento Regional County Sanitation District (SRCSD) facilities serving this proposed project are capacity constrained. Ultimate capacity will be provided by construction of the Lower Northwest and Upper Northwest Interceptors, currently scheduled for completion in 2010. SRCSD is working to identify potential interim projects to provide additional capacity. SRCSD and County Sanitation District 1 (CSD-1) will issue sewer permits to connect to the system if it is determined that capacity is available and the property has met all other requirements for service. This process is "first come, first served". There is no guarantee that capacity will be available when actual requests for sewer service are made. Once connected, the property has the entitlement to use the system. However, its entitlement is limited to the capacity accounted for by the payment of the appropriate SRCSD fees.

44) If a lifting and/or pumping station is required to serve this project, the applicant shall submit a Hazardous Materials Plan (HMP) to CSD-1. The HMP shall satisfy state and CSD-1 requirements, and shall be approved by CSD-1 prior to acceptance of the facility.

45) If a lifting and/or pumping station is required to serve this project, the applicant shall install all necessary infrastructure (electrical power and wiring, telemetry, piping, manholes, wells, gates etc.) for the complete operation of the facility at full development and final maximum service capacity as identified in applicable approved sewer studies. The only exception to this requirement is the pump size, which shall be installed in accordance with the initial designed service capacity.

46) If interim sewer infrastructure (such as sewer pipes, manholes, and lifting and/or pumping stations) is required to serve this project, the applicant shall be responsible for the cost to CSD-1, to decommission, and abandon such interim sewer infrastructure. The mechanism to capture these costs shall be approved and accepted by CSD-1 prior to recordation of the Final Map or approval of Improvement Plans for plan check to CSD-1, which ever comes first.

47) Any use of CSD-1 sewer easements, which is not compatible or interferes with the construction, reconstruction, operation, maintenance, or repair of the District's sanitary sewer(s), shall not be allowed. Each proposed use

shall be reviewed and approved in writing by the District Engineer prior to the use of the easement by the Grantor. This includes landscaping.

48) Developing this property will require the payment of sewer impact fees. Impact fees for CSD-1 shall be paid prior to filing and recording the Final Map or issuance of Building Permits, which ever is first. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information

49) As per City Code, acreage within an existing or proposed drainage area, easement, public right-of-way, or areas with 10% and greater slopes shall not receive parkland dedication credit. Quimby parkland credit can be granted only to "buildable acres".

50) Special consideration should be given during the design phase of a development project to address the benefits derived from the urban forest by installing, whenever possible, large shade trees and thereby increasing the shade canopy cover on residential lots and streets. Trees in the urban environment reduce air and noise pollution, furnish habitat for wildlife, provide energy saving shade and cooling, enhance aesthetics and property values, and contribute to community image and quality of life.

51) As per City Code, the applicant will be responsible to meet his/her obligations regarding:

52) Title 16, 16.64 Park Dedication / In Lieu (Quimby) Fees, due prior to approval of the final map. The project currently identifies an estimated 1930 residential units, 1348 SF and approximately 582 MF/Condo. The Quimby land dedication requirement for the project based on this unit count is 25.207+acres. The map currently identifies 31.0+ acres of parkland which satisfies the Quimby requirement for the project. Any change in these factors will change the amount of Quimby fee or land dedication due. The final Quimby requirement is calculated using factors at the time of payment/dedication. See Excess Parkland condition.

53) 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 $7,597,118. This is based on an estimated 1348 SF units at $4,493 each and 582 MF/Condo units at $2647 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.

54) Community Facilities District 2002-02, Neighborhood Park Maintenance CFD Annexation or an alternative funding source as determined in the Panhandle PFFP.

55) The Developer shall be responsible for maintenance (weed abatement) all Lots conveyed as an IOD until the time that the City records acceptance of the IOD.

56) The Applicant shall include in the environmental document for this project a list of proposed park improvements as provided by PPDD.

57) The Applicant has committed to provide the additional funding necessary to offset the park maintenance cost for small neighborhood parks as well as for facilities proposed within the park sites over and above the standard park facilities provided in such parks.

58) The Applicant shall take into consideration the interface with the Ueda Parkway when planning the exterior elevations and visibility aspects of the residential units adjacent to the parkway.

59) The Applicant will be required to follow the City standard procedures for approval of park site Master Plans as well as naming of park facilities.

60) The Developer shall obtain a Permit to Enter from the PPDD prior to use of any park site as a construction staging area.

Tentative Subdivision Map (Panhandle Central – Dunmore): The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

61) As per City Code, acreage within an existing or proposed drainage area, easement, public right-of-way, or areas with 10% and greater slopes shall not receive parkland dedication credit. Quimby parkland credit can be granted only to "buildable acres".

62) Special consideration should be given during the design phase of a development project to address the benefits derived from the urban forest by installing, whenever possible, large shade trees and thereby increasing the shade canopy cover on residential lots and streets. Trees in the urban environment reduce air and noise pollution, furnish habitat for wildlife, provide energy saving shade and cooling, enhance aesthetics and property values, and contribute to community image and quality of life.

63) As per City Code, the applicant will be responsible to meet his/her obligations regarding:

64) Title 16, 16.64 Park Dedication / In Lieu (Quimby) Fees, due prior to approval of the final map. The project currently identifies an estimated 523 residential units, 435 SF and approximately 88 MF/Condo. The Quimby land dedication requirement for the project based on this unit count is 7.256 +acres. The map currently identifies 5.5+ acres of parkland

which partially satisfies the Quimby requirement for the project. Any change in these factors will change the amount of Quimby fee or land dedication due. The final Quimby requirement is calculated using factors at the time of payment/dedication. See Excess Parkland condition.

65) 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 $2,187,391. This is based on an estimated 435 SF units at $4,493 each and 88 MF/Condo units at $2647 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.

66) Community Facilities District 2002-02, Neighborhood Park Maintenance CFD Annexation or an alternative funding source as determined in the Panhandle PFFP.

67) The Developer shall be responsible for maintenance (weed abatement) all Lots conveyed as an IOD until the time that the City records acceptance of the IOD.

68) The Applicant shall include in the environmental document for this project a list of proposed park improvements as provided by PPDD.

69) The Applicant has committed to provide the additional funding necessary to offset the park maintenance cost for small neighborhood parks as well as for facilities proposed within the park sites over and above the standard park facilities provided in such parks.

70) The Applicant shall take into consideration the interface with the Ueda Parkway when planning the exterior elevations and visibility aspects of the residential units adjacent to the parkway.

71) The Applicant will be required to follow the City standard procedures for approval of park site Master Plans as well as naming of park facilities.

72) The Developer shall obtain a Permit to Enter from the PPDD prior to use of any park site as a construction staging area.

73) Prior to occupancy within the subject area, all sanitary sewer, storm drainage, water, and floods control improvements shall be in place, fully functioning, and a notice of completion shall be issued by Public Works.

74) Prior to issuance of any building permits within the subject area all sanitary sewer, storm drainage, water, and flood control improvements shall be in place and fully functioning unless otherwise approved by the Department of Utilities (DOU).

75) If condominium projects within the development are converted to townhouses or similar type private residences, the on-site water, storm drain and sanitary sewer systems within these projects may need reconstruction to conform to City Code and standards. If a conversion is anticipated or possible, the applicant should contact the Department of Utilities (916-808-1412) prior to the design of the condominium project for additional information regarding City Code and standard requirements to convert the project to townhouses.

76) Developing this property will require the payment of sewer impact fees. Impact fees for CSD-1 shall be paid prior to filing and recording the Final Map or issuance of Building Permits, which ever is first. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.

77) Any use of CSD-1 sewer easements, which is not compatible or interferes with the construction, reconstruction, operation, maintenance, or repair of the District's sanitary sewer(s), shall not be allowed. Each proposed use shall be reviewed and approved in writing by the District Engineer prior to the use of the easement by the Grantor. This includes landscaping.

78) If a lifting and/or pumping station is required to serve this project, the applicant shall submit a Hazardous Materials Plan (HMP) to CSD-1. The HMP shall satisfy state and CSD-1 requirements, and shall be approved by CSD-1 prior to acceptance of the facility.

79) If a lifting and/or pumping station is required to serve this project, the applicant shall install all necessary infrastructure (electrical power and wiring, telemetry, piping, manholes, wells, gates etc.) for the complete operation of the facility at full development and final maximum service capacity as identified in applicable approved sewer studies. The only exception to this requirement is the pump size, which shall be installed in accordance with the initial designed service capacity.

80) If interim sewer infrastructure (such as sewer pipes, manholes, and lifting and/or pumping stations) is required to serve this project, the applicant shall be responsible for the cost to CSD-1, to decommission, and abandon such interim sewer infrastructure. The mechanism to capture these costs shall be approved and accepted by CSD-1 prior to recordation of the Final Map or approval of Improvement Plans for plan check to CSD-1, which ever comes first.

81) Existing Sacramento Regional County Sanitation District (SRCSD) facilities serving this proposed project are capacity constrained. Ultimate capacity will be provided by construction of the Lower Northwest and Upper Northwest Interceptors, currently scheduled for completion in 2010.

SRCSD is working to identify potential interim projects to provide additional capacity. SRCSD and County Sanitation District 1 (CSD-1) will issue sewer permits to connect to the system if it is determined that capacity is available and the property has met all other requirements for service. This process is "first come, first served". There is no guarantee that capacity will be available when actual requests for sewer service are made. Once connected, the property has the entitlement to use the system. However, its entitlement is limited to the capacity accounted for by the payment of the appropriate SRCSD fees

Tentative Subdivision Map (Panhandle South – Dunmore): The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

82) As per City Code, acreage within an existing or proposed drainage area, easement, public right-of-way, or areas with 10% and greater slopes shall not receive parkland dedication credit. Quimby parkland credit can be granted only to "buildable acres".

83) Special consideration should be given during the design phase of a development project to address the benefits derived from the urban forest by installing, whenever possible, large shade trees and thereby increasing the shade canopy cover on residential lots and streets. Trees in the urban environment reduce air and noise pollution, furnish habitat for wildlife, provide energy saving shade and cooling, enhance aesthetics and property values, and contribute to community image and quality of life.

84) As per City Code, the applicant will be responsible to meet his/her obligations regarding:

85) Title 16, 16.64 Park Dedication / In Lieu (Quimby) Fees, due prior to approval of the final map. The project currently identifies an estimated 1170 residential units, 913 SF and approximately 209 MF/Condo. The Quimby land dedication requirement for the project based on this unit count is 15.443+acres. The map currently identifies 25.5+ acres of parkland which satisfies the Quimby requirement for the project. Any change in these factors will change the amount of Quimby fee or land dedication due. The final Quimby requirement is calculated using factors at the time of payment/dedication. See Excess Parkland condition.

86) 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 $5,810,033. This is based on an estimated 1170 SF units at $4,493 each and 209 MF/Condo units at $2647 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.

87) Community Facilities District 2002-02, Neighborhood Park Maintenance CFD Annexation or an alternative funding source as determined in the Panhandle PFFP.

88) The Developer shall be responsible for maintenance (weed abatement) all Lots conveyed as an IOD until the time that the City records acceptance of the IOD.

89) The Applicant shall include in the environmental document for this project a list of proposed park improvements as provided by PPDD.

90) The Applicant has committed to provide the additional funding necessary to offset the park maintenance cost for small neighborhood parks as well as for facilities proposed within the park sites over and above the standard park facilities provided in such parks.

91) The Applicant shall take into consideration the interface with the Ueda Parkway when planning the exterior elevations and visibility aspects of the residential units adjacent to the parkway.

92) The Applicant will be required to follow the City standard procedures for approval of park site Master Plans as well as naming of park facilities.

93) The Developer shall obtain a Permit to Enter from the PPDD prior to use of any park site as a construction staging area.

94) Prior to occupancy within the subject area, all sanitary sewer, storm drainage, water, and floods control improvements shall be in place, fully functioning, and a notice of completion shall be issued by Public Works.

95) Prior to issuance of any building permits within the subject area all sanitary sewer, storm drainage, water, and flood control improvements shall be in place and fully functioning unless otherwise approved by the Department of Utilities (DOU).

96) If condominium projects within the development are converted to townhouses or similar type private residences, the on-site water, storm drain and sanitary sewer systems within these projects may need reconstruction to conform to City Code and standards. If a conversion is anticipated or possible, the applicant should contact the Department of Utilities (916-808-1412) prior to the design of the condominium project for additional information regarding City Code and standard requirements to convert the project to townhouses.

97) Developing this property will require the payment of sewer impact fees. Impact fees for CSD-1 shall be paid prior to filing and recording the Final

Map or issuance of Building Permits, which ever is first. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.

98) Any use of CSD-1 sewer easements, which is not compatible or interferes with the construction, reconstruction, operation, maintenance, or repair of the District's sanitary sewer(s), shall not be allowed. Each proposed use shall be reviewed and approved in writing by the District Engineer prior to the use of the easement by the Grantor. This includes landscaping.

99) If a lifting and/or pumping station is required to serve this project, the applicant shall submit a Hazardous Materials Plan (HMP) to CSD-1. The HMP shall satisfy state and CSD-1 requirements, and shall be approved by CSD-1 prior to acceptance of the facility.

100) If a lifting and/or pumping station is required to serve this project, the applicant shall install all necessary infrastructure (electrical power and wiring, telemetry, piping, manholes, wells, gates etc.) for the complete operation of the facility at full development and final maximum service capacity as identified in applicable approved sewer studies. The only exception to this requirement is the pump size, which shall be installed in accordance with the initial designed service capacity.

101) If interim sewer infrastructure (such as sewer pipes, manholes, and lifting and/or pumping stations) is required to serve this project, the applicant shall be responsible for the cost to CSD-1, to decommission, and abandon such interim sewer infrastructure. The mechanism to capture these costs shall be approved and accepted by CSD-1 prior to recordation of the Final Map or approval of Improvement Plans for plan check to CSD-1, which ever comes first.

102) Existing Sacramento Regional County Sanitation District (SRCSD) facilities serving this proposed project are capacity constrained. Ultimate capacity will be provided by construction of the Lower Northwest and Upper Northwest Interceptors, currently scheduled for completion in 2010. SRCSD is working to identify potential interim projects to provide additional capacity. SRCSD and County Sanitation District 1 (CSD-1) will issue sewer permits to connect to the system if it is determined that capacity is available and the property has met all other requirements for service. This process is "first come, first served". There is no guarantee that capacity will be available when actual requests for sewer service are made. Once connected, the property has the entitlement to use the system. However, its entitlement is limited to the capacity accounted for by the payment of the appropriate SRCSD fees.

103) The Sacramento Municipal Utility District occupies a transmission line easement within the boundaries of the subject map and certain uses are

not permitted or compatible with the safety, operation, maintenance and construction of our transmission line facilities. Prior to construction, SMUD will want to review grading, landscape, or any other drawings that show changes to the areas within the transmission line easement.

The following is a partial list of restrictions affecting the transmission line easement:

> All cut, fill and grading within SMUD's easement must be conducted in a manner so that minimum horizontal and vertical clearances are maintained in accordance with California Public Utilities Commission General Order No. 95. Any violations shall be corrected at the owner's expense.
>
> Vehicular access must be provided to all towers and poles
>
> All metal fixtures placed within the easement area must be properly grounded. A grounding plan shall be submitted to SMUD's Property Administrator for review and approval.
> Tree, landscaping, light standards and equipment shall not exceed 15 feet in height within the easement area.
>
> No structures or buildings are permitted within the easement area including swimming pools, spas, gazebos, wells and man-made reservoirs, lakes or similar bodies of water.

The above list is not all-inclusive and does not constitute SMUD's consent to use its transmission line easement. Such consent may be issued upon receipt, evaluation and approval of final plans and becomes effective when signed by the owner/developer.

EXHIBIT A – TENTATIVE MASTER PARCEL MAP EXHIBIT (PANHANDLE – KRUMENACHER)

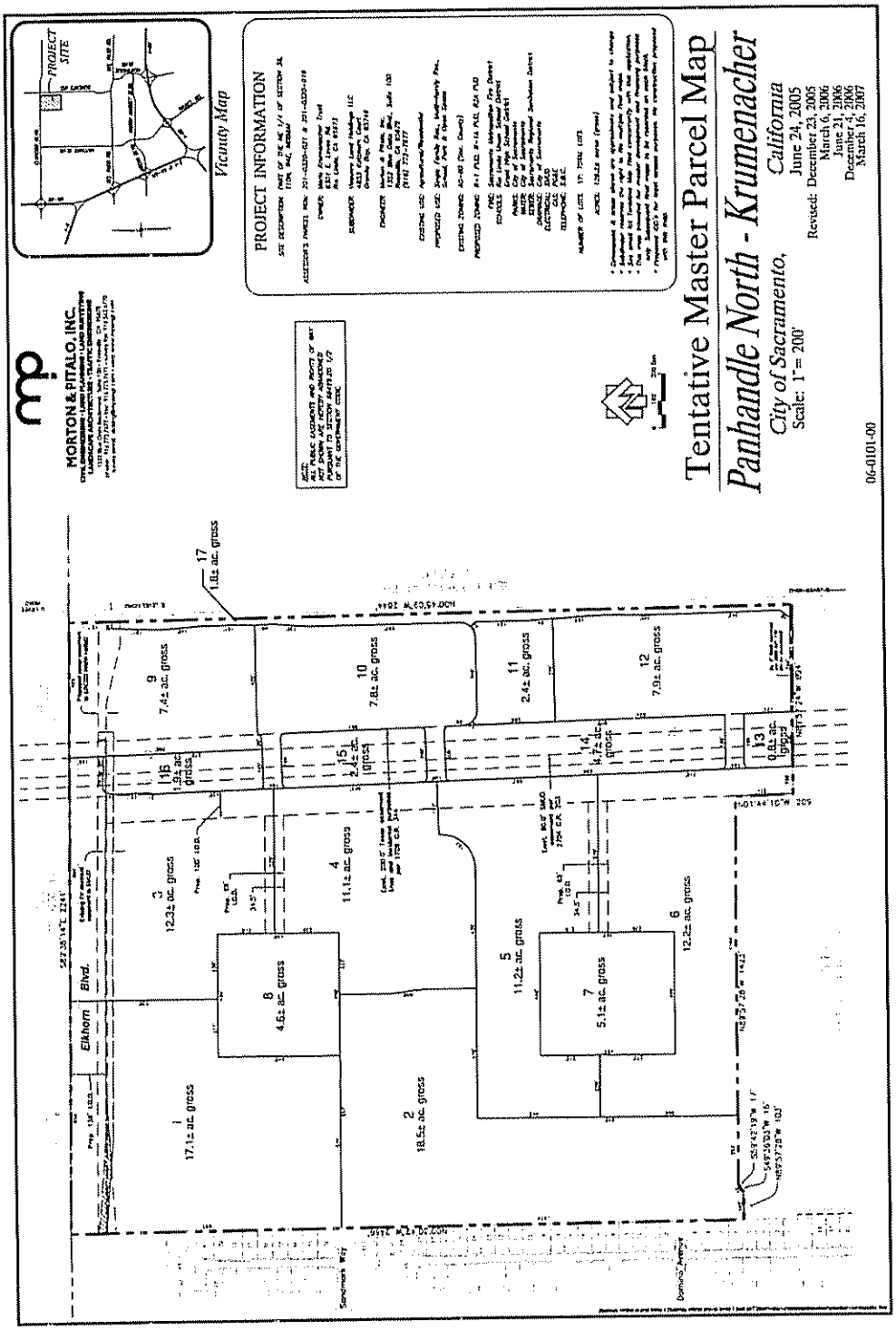
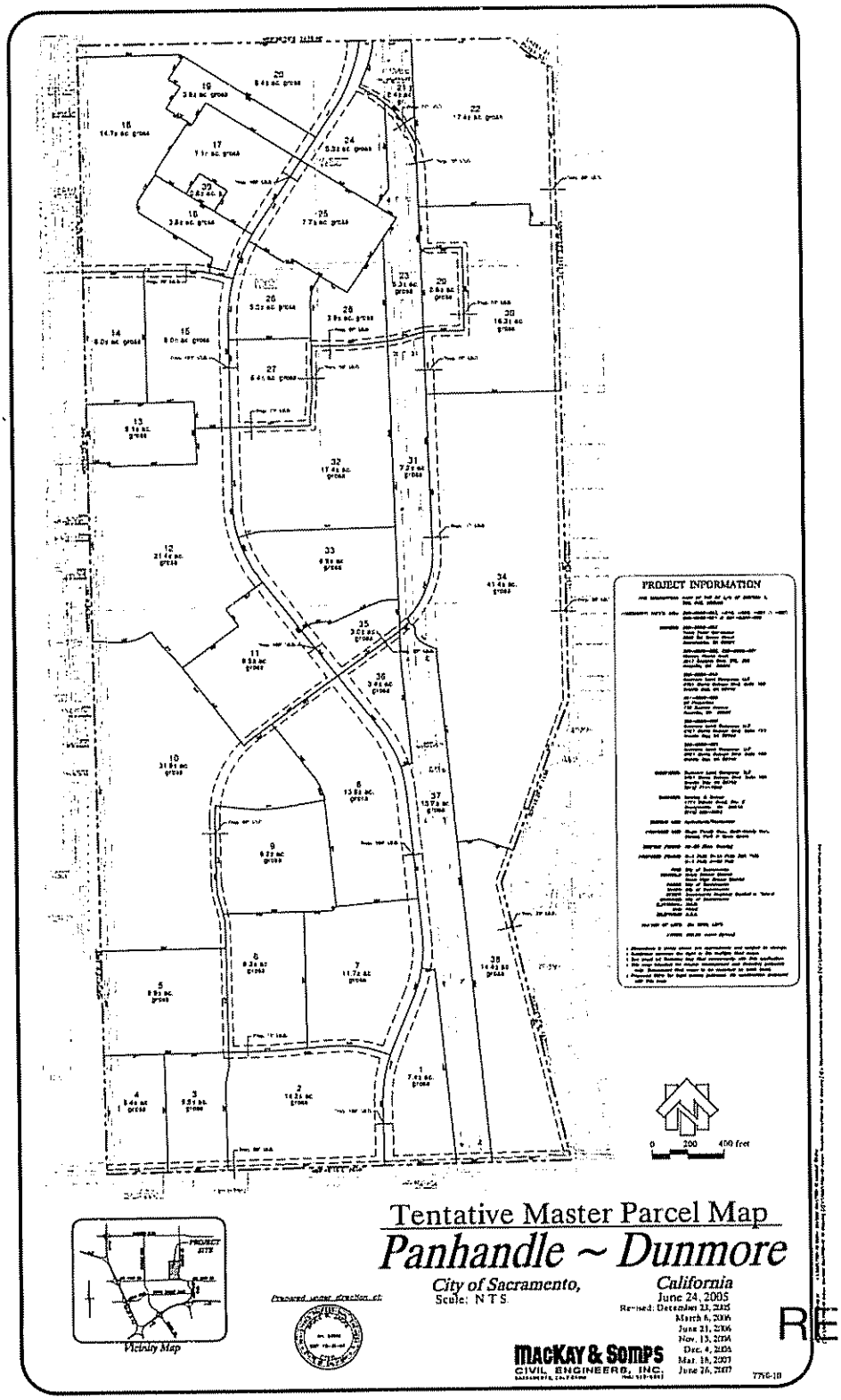


EXHIBIT B – TENTATIVE MASTER PARCEL MAP EXHIBIT (PANHANDLE – DUNMORE)



REVISED

EXHIBIT C – TENTATIVE SUBDIVISION MAP EXHIBIT (PANHANDLE NORTH – KRUMENACHER)

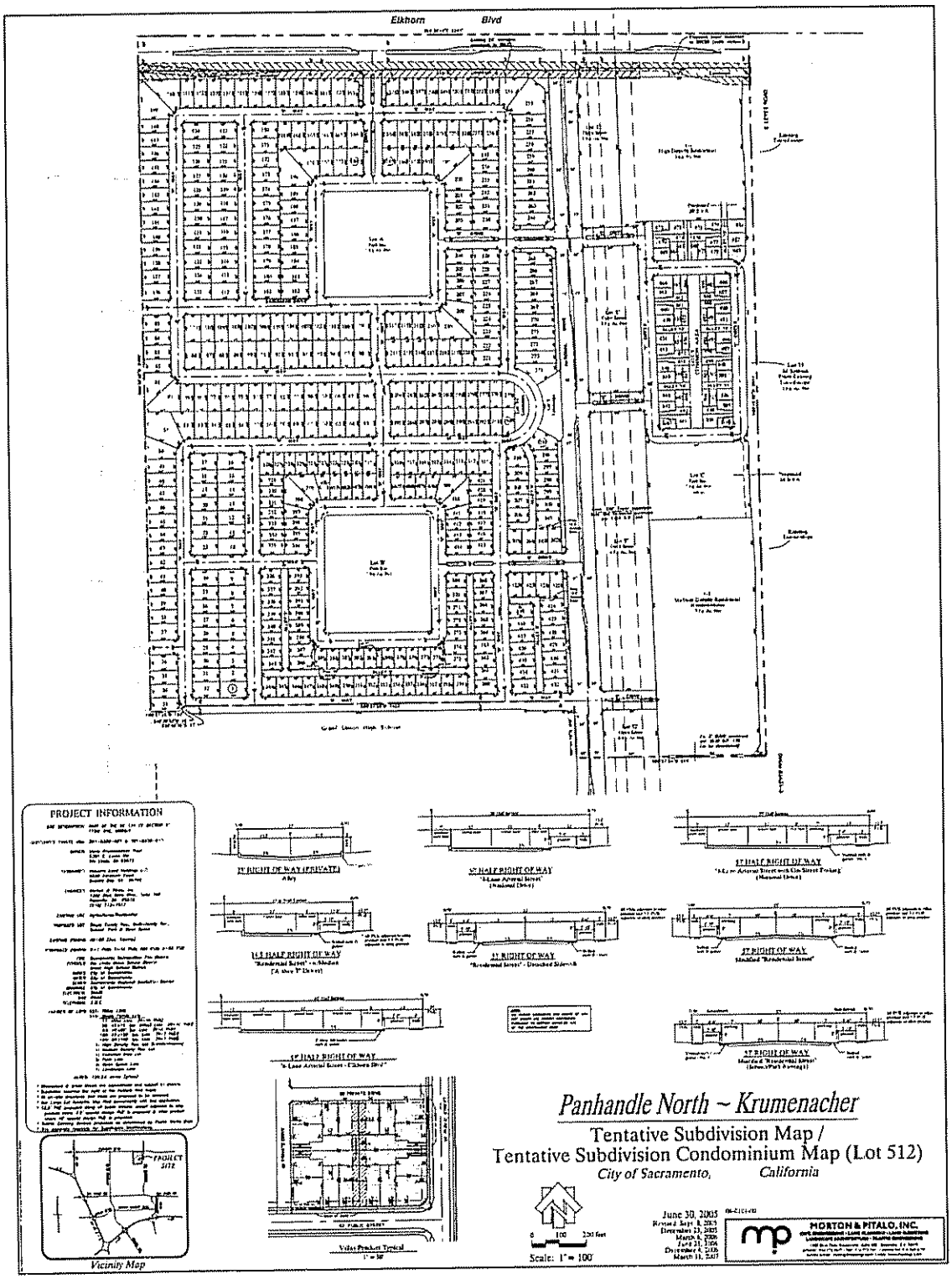
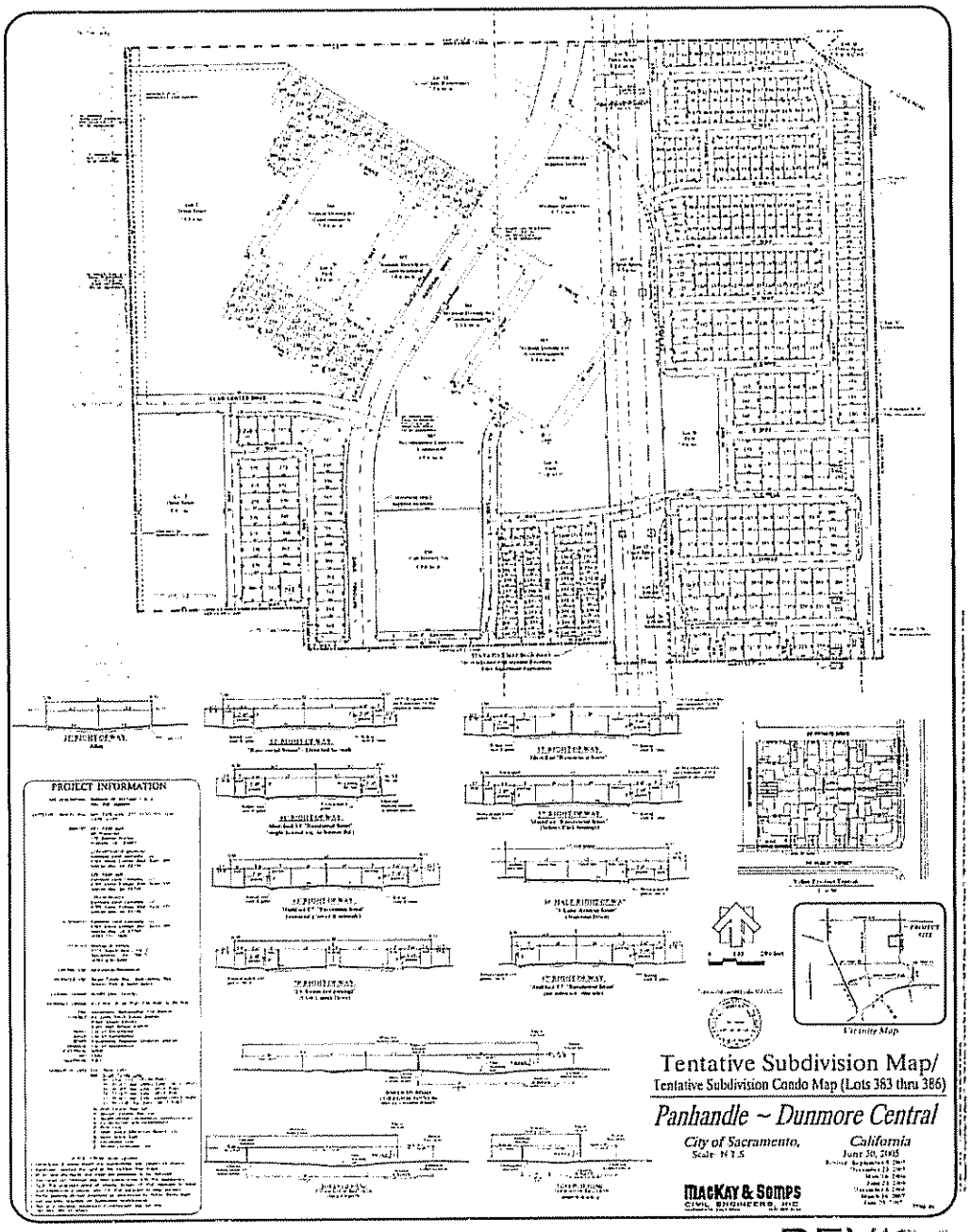
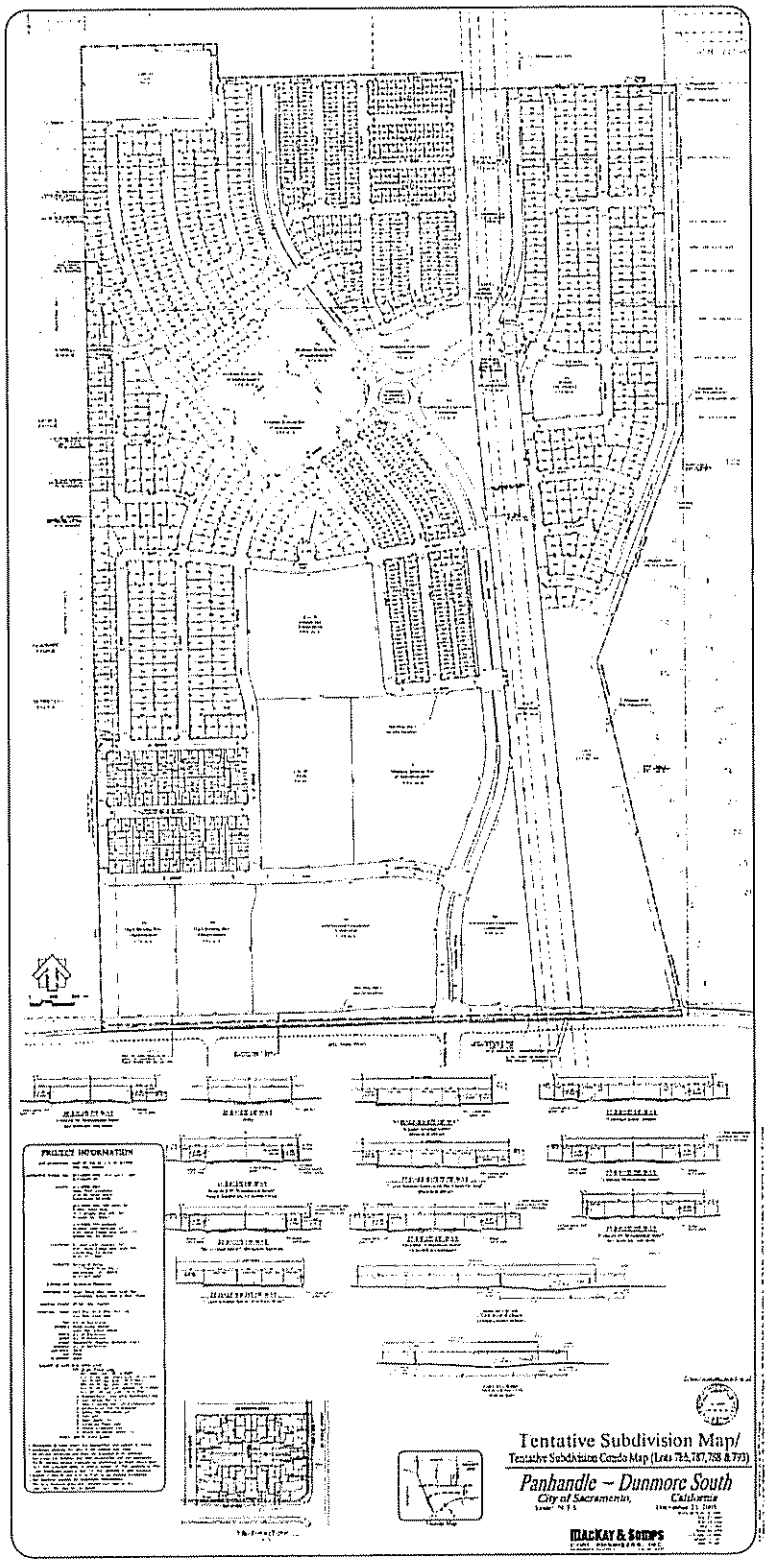


EXHIBIT D – TENTATIVE SUBDIVISION MAP EXHIBIT (PANHANDLE – DUNMORE CENTRAL)



REVISED

EXHIBIT E – TENTATIVE SUBDIVISION MAP EXHIBIT (PANHANDLE – DUNMORE SOUTH)



REVISED

ATTACHMENT 23 - SHRA LETTER DATED MAY 14, 2007

Sacramento Housing & Redevelopment Agency

May 11, 2007
Arwen Wacht
Sacramento City Planning Department
915 I Street, 3rd Floor
Sacramento, CA 95814

Re: Panhandle Inclusionary Housing Plans – Approval

Dear Ms. Wacht,

I am writing in regards to the Panhandle project, P05-077. As you know, this project is subject to the City of Sacramento Mixed Income Housing Ordinance, Chapter 17 190 of the City Code.

Pursuant to Section 17 190.110(A) of the City Code, the Developers, Vaquero Land Holdings, Grant Joint Union School District, and Dunmore Homes, prepared and submitted three Inclusionary Housing Plans for individual portions of the single Planned Unit Development Application. Vaquero Land Holdings submitted an Inclusionary Housing Plan to meet their 113 unit obligation within a multifamily development on Parcel 1. Grant Joint Unified School District submitted a plan to satisfy their eight unit obligation off-site on Parcel 16 Dunmore Homes submitted a plan to satisfy their 341 unit obligation plus the eight unit Grant Property obligation with one senior and two multifamily developments on Parcels 29, 9, and 16, respectively

The Sacramento Housing and Redevelopment Agency (SHRA) has reviewed the enclosed Inclusionary Housing Plans. Our staff suggested the applicants satisfy a portion of their inclusionary obligation with an ownership product. The Panhandle applicants have chosen to satisfy their obligation with three family and one senior rental complexes, as outlined above.

The location of the four rental sites are well distributed throughout the PUD. The size of the complexes range from 87 units to a maximum of 150 units, which are smaller than other complexes we have seen in Natomas and will be a more manageable size. While we would like to see an ownership component, SHRA has found the plans to be acceptable under the ordinance, subject to the following condition:

P.O. Box 1834
Sacramento, CA 95812-1834
916.444.9210
www.shra.org

- Each Developer shall enter into an inclusionary housing agreement with the Sacramento Housing and Redevelopment Agency which will be recorded against the entire development project concurrent with the recordation of each master parcel or large lot map.

We are now forwarding the plans to the Planning Director for final review and recommendation. Should you have any questions, please feel free to contact Sheri Smith at (916) 440-1399, ext. 1209.

Sincerely,

Cindy Cavanaugh

Cindy Cavanaugh
Assistant Director
Housing Policy and Development
Enclosure

Sacramento
Housing &
Redevelopment
Agency

ATTACHMENT 23 - ENVIRONMENTAL SERVICES MEMO REGARDING MODIFICATIONS TO THE FEIR

DEVELOPMENT SERVICES DEPARTMENT

ENVIRONMENTAL PLANNING SERVICES

CITY OF SACRAMENTO
CALIFORNIA

NORTH PERMIT CENTER
2101 ARENA BLVD . SECOND FLOOR
SACRAMENTO. CA 95834

916-808-5538
FAX 916-566-3968

Memorandum

Date: July 25, 2007

To: City of Sacramento
Mayor and City Council

From: Jennifer Hageman
Senior Planner, Development Services Department

RE: Panhandle Annexation and PUD FEIR
Revisions to the Final EIR

The revisions to the text of either the Draft EIR or the Final EIR, in response to the comment letters on the FEIR or staff initiated changes, in are shown in shaded ~~strikethrough~~ (for deleted text) and underline (for inserted text) The text that is ~~struckthrough~~ and underlined, but not shaded. shows the revised text as it currently appears in the FEIR

I. The following revision is made to correct an error regarding mitigation in the FEIR.

A Further research by the City determined that Mitigation Measure 4 4 3 is not necessary for the Panhandle Annexation and PUD Upon annexation into the City, the property owners would be subject to payment of development fees for infrastructure projects as outlined in the North Natomas Financing Plan at the time of building permit issuance. The NNFP included $13 8 million for North Natomas' share of the Natomas-Airport Light Rail Extension (DNA) project costs The development fees adopted to implement the NNFP allocated this fair share contribution In addition, affected property owners are required to dedicate the light rail right of way and station parcels pursuant to the terms of the North Natomas Land Acquisition For these reasons. no additional DNA contribution to address freeway congestion mitigation is necessary for the project

On Page 3.0-53 of the FEIR, as a part of response G-3, the City added mitigation measure 4 4.3 to help mitigate the traffic impacts of the project Based on the above, the City deletes the 2nd paragraph of Response G-3 as it appears in the FEIR on Page 3 0-53, Mitigation Measure 4 4 3 as it appears on Pages 3 0-53 and -54, and the text shown in underline on pages 3 0-55 and 56

II. The following revision is made on Page 3.0-17, last paragraph, FEIR, to correct an error in the Master Response – Environmental Effects of Climate Change on the Project and the Project's Contribution to Climate Change:

The following statements are deleted because they are not correct The DEIR did not determine that impacts from GHG emissions would be cumulatively considerable and significant and unavoidable As noted on Page 4 5-36 of the DEIR, Impact 4 5-8 addressed the project's increased emissions of ozone-precursor pollutants (Reactive Organic Gases and Nitrous Oxide) that would exceed the Air District's significance thresholds and contribute to future concentrations of ozone, an emission for which the region is currently in non-attainment The impact analyzed only ozone-precursor pollutants

As stated in Paragraph 2 on that page, "no emission thresholds have been established under federal, state or local laws for greenhouse gases associated with urban development"

Therefore, the text on Page 3 0-14 of the DEIR, last paragraph, is corrected as follows:

> ~~*The DEIR discussed the project potential contribution to climate change as part of the assessment of air quality impacts (see DEIR Section 4.5.4 pages 4.5-34 through -36). The DEIR concluded that the impacts will be cumulatively considerable and significant and unavoidable (see DEIR Impact 4.5.8 on page 4.5-36).*~~ *This response provides additional information regarding the project's impact on one of the GHG emissions – primarily carbon dioxide emissions from stationary (area) and mobile sources*

The text on Page 3 0-17 of the DEIR, last paragraph is corrected as follows:

> *Conclusion*
>
> *The adoption of air quality and traffic mitigation measures identified in the DEIR should help to reduce vehicle miles traveled associated with the project and, therefore, mitigate carbon dioxide emissions from mobile sources. In addition, adoption of energy efficiency measures in residential dwellings should result in less demand for natural gas for heating, further mitigating carbon dioxide emissions.* ~~*However, even with these mitigation measures, the City of Sacramento, as noted in the DEIR, has determined that the impacts from GHG emissions – primarily carbon dioxide emissions will be cumulatively considerable and significant and unavoidable.*~~

III. The following revisions to the EIR are in response to comments made on the FEIR. These changes to not result in either a new impact or an increase in the severity of an impact; therefore, no recirculation of the environmental document is necessary.

A The SMAQMD sent a letter on May 22, 2007 that commented on the Final EIR for the project. The following revisions to Mitigation Measure 4 5-1a were made after discussions between the City, the applicant, and the Sacramento Regional Air Quality District (SMAQMD) The revision allows flexibility in the amount of the mitigation fee, as currently calculated, to account for any future changes in fee structure, construction phasing, types of equipment, and/or area of disturbance This revision applies to text on Page 2 0-33 of the FEIR, Page 2 0-21 of the DEIR, and Page 4 5-20 of the DEIR

> ***MM 4.5.1a***
> *Prior to the issuance of grading permits for the Panhandle PUD, project applicant shall prepare a construction mitigation plan and implement air quality emission reduction measures The construction mitigation plan shall be reviewed and approved by SMAQMD staff prior to beginning construction At a minimum, the construction mitigation plan shall include the following measures:*
>
> *The following measures shall be included to reduce NO_x and visible emissions from heavy-duty diesel equipment*

The project shall provide a plan for approval by the City, in consultation with SMAQMD, demonstrating that the heavy-duty (>50 horsepower), off-road vehicles to be used in the construction project, including owned. leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20-percent NO_X reduction and 45-percent particulate reduction compared to the most recent CARB fleet average at the time of construction Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps. engine retrofit technology. after-treatment products, and/or such other options as become available

The project applicant shall submit to the City and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp, that will be used an aggregate of 40 or more hours during any portion of the project The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction operations occur. At least 48 hours before subject heavy-duty off-road equipment is used. the project representative shall provide the SMAQMD with the anticipated construction timeline including start date, and the name and phone number of the project manager and onsite foreman

The project shall ensure that emissions from off-road, diesel-powered equipment used on the project site do not exceed 40-percent opacity for more than 3 minutes in any 1 hour, as determined by an on-site inspector trained in visual emissions assessment Any equipment found to exceed 40-percent opacity (or Ringlemann 2 0) shall be repaired immediately. and the SMAQMD shall be notified of non-compliant equipment within 48 hours of identification A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of visual survey results shall be submitted to SMAQMD throughout the duration of the construction project, except that the monthly summary shall not be required for any 30-day period in which no construction operations occur. The monthly summary shall include the quantity and type of vehicles surveyed, as well as the dates of each survey The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance

The project applicant shall pay into the SMAQMD's construction mitigation fund to offset construction-generated emissions of NO_X that exceed SMAQMD's daily emission threshold of 85 lbs/day. The project applicant shall coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce construction related emissions within the region Fees shall be paid based upon the ~~current~~ SMAQMD NO_x Reduction Fee in place at the time of fee payment. That fee is currently ~~of~~ $14,300/ton of NOx emissions generated, but will likely change over time This fee shall be paid prior to issuance of building grading permits. Detailed construction information for the proposed project is not yet available. However, based upon the preliminary URBEMIS emissions modeling, the expected payment for remaining construction related NOx emissions over the significance threshold is $3,202.578. ~~would average approximately $607,135.00.~~ This amount was derived from an estimate of the total unmitigated emissions over the SMAQMD's thresholds. ~~It is important to note that these fees are based on an average 60-month construction period, assuming all development would occur simultaneously, commencing in mid-2007.~~ If the projected construction equipment or construction phases, or the disturbed area change, the applicant shall coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated, raised, or lowered, if project-specific construction information demonstrates different emissions than estimated in the EIR. ~~resulting in lower emissions, the project applicant will consult with the SMAQMD to recalculate a lower fee based on project-specific construction information that demonstrates lower emissions than estimated in the Panhandle Annexation and PUD FEIR.~~

All heavy-duty equipment shall be properly tuned and maintained in accordance with manufacturers' specifications Construction equipment will utilize the Best Available Technology (BAT) so as to minimize vehicle emissions to the extent possible This

may include the use of diesel particulate filters and cooled exhaust gas recirculation or equivalent measures on all off-road and on-road diesel equipment in the construction phase of the project. The project proponent will review amendments to CARB and SMAQMD regulations and City of Sacramento ordinances during construction. and comply immediately with newly adopted regulations, including those for equipment idling. which would reduce the cumulative release of pollutants

B The following revisions to Mitigation Measure 4 5-1a was made after discussions between the City, the applicant, and the Sacramento Regional Air Quality District (SMAQMD) The SMAQMD sent a letter on May 22, 2007 that commented on the Final EIR for the project, requesting clarification of the amount of required reduction of the ozone precursor emissions. A 50-percent reduction of ozone precursor emissions by commercial uses is not always feasible This revision applies to text on Page 2 0-37 of the FEIR, Page 2 0-24 of the DEIR, and Page 4 5-25 of the DEIR

MM 4.5.3

Prior to the issuance of grading permits, the project applicant will coordinate with the SMAQMD and the City of Sacramento and develop a project Air Quality Mitigation Plan (AQMP) In accordance with the North Natomas Community Plan, the AQMP shall reduce ozone precursor emissions ~~reactive organic gas emissions~~ associated with new residential development by a minimum of 20 percent compared to the single occupant vehicle baseline. Emissions associated with new non-residential developments shall reduce ozone precursor emissions ~~reactive organic gas emissions~~ by a minimum of 15 percent, with achievement of 50 percent to the extent feasible, compared to the single occupant vehicle baseline (North Natomas Community Plan 1994). Project applicants shall coordinate with the SMAQMD to determine the specific mitigation measures to be included in the AQMP. The AQMP shall be reviewed and endorsed ~~approved~~ by SMAQMD staff prior to issuance of grading permits~~project implementation~~. Grading permits shall not be issued for the project unless the project applicant has received a letter of endorsement for the project AQMP from the SMAQMD.

Available measures to be included in the AQMP include, but are not limited to the following:

Bicycle/Pedestrian/Transit Measures
Short-term and long-term bicycle parking facilities
End of trip facilities: showers, lockers, and changing space
Proximity to bicycle path/bicycle lanes: located within ½ mile of Class I or II bicycle lanes and include comparable network that connects to the off-site lanes
Pedestrian network internally linking all uses and connecting to existing and planned external streets and pedestrian facilities contiguous with the site
Pedestrian/bicycle safety and traffic calming measures in excess of City requirements
Parking Measures
Employee and/or customer paid parking system
Parking reduction less than code
Parking lot design with pedestrian pathways between transit facilities and building entrances
Off-street parking
Site Design Measures
High density office or mixed-use proximate to transit
Orient toward existing transit, bicycle, or pedestrian corridor
High density residential development
Multiple and direct street routing (grid style)
Affordable housing component
Mixed-Use Measures
Urban, suburban and other mixed-use
Building Component Measures
No fireplaces or woodburning stoves
Include ozone destruction catalyst on air conditioning system
Install Energy Star labeled roof materials
Exceed Title 24 energy requirements by 20 percent
Provide shade and/or use light-colored materials and open grid pavement for at least 30 percent of the project's non-roof impervious surfaces
Green roof

TDM and Miscellaneous Measures
Include permanent transit management association membership and funding
Provide complimentary electric lawnmower to each residential buyer
~~*Commercial and Public Facilities*~~
~~*Provide preferential carpool/vanpool parking spaces*~~
~~*Provide transit facility improvements (e.g., pedestrian shelters, route information, benches, lighting)*~~
~~*Provide bicycle storage/parking facilities*~~
~~*Provide shower/locker facilities*~~
~~*Provide incentives to employees to rideshare or take public transportation*~~
~~*Provide a parking lot the provides clearly marked and shaded pedestrian pathways between transit facilities, pedestrian walkways and trails, and building entrances*~~
~~*Residential Uses*~~
~~*Prohibit use of wood-burning stoves or fireplaces within interior and exterior areas. Install only USEPA certified gas fired fireplaces.*~~
~~*Install Energy Star or ground source heat pumps*~~
~~*Install Energy Star labeled roof materials*~~
~~*Exceed Title 24 energy standards*~~
~~*Include incentives for purchasers of new residential dwellings to incorporate solar powered energy systems*~~