



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2604
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CONSENT
August 21, 2007

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

Title: Continental Plaza IV Development Agreement

Location/Council District: 425, 601 and 611 North 7th Street; APN's: 001-0020-017, 018, 049, 050 & 051; Council District 1

Recommendation: 1) Review a **Resolution** certifying an Addendum to the Environmental Impact Report (EIR) for Continental Plaza Planned Unit Development (PUD); 2) review an **Ordinance** adopting a Development Agreement; 3) review an **Ordinance** amending the districts established by the Comprehensive Zoning Code (Title 17 of the City Code) relating to Continental Plaza Planned Unit Development (PUD); 4) review a **Resolution** amending the Continental Plaza PUD Development Guidelines and Schematic Plan; and 5) pass for publication the Ordinance titles as required by Sacramento City Charter 32c to be adopted August 28, 2007.

Contact: Michael York, Associate Planner, 808-8239; Jeanne Corcoran, Senior Planner, 808-5317

Presenters: Not Applicable

Department: Development Services

Division: Current Planning

Organization No: 4885

Description/Analysis

Issue: The applicant is requesting a Development Agreement to vest development rights of Continental Plaza Phase IV consisting of a 810,000 gross square feet (gsf) office building, off-site parking and a 4,300 gsf child care facility in the existing Phase I office building for an additional 10 years, to expire October 24, 2017. In addition to the Development Agreement, the applicant is requesting to amend the Continental Plaza Development (PUD) Guidelines parking ratio for office from 1:600 to 1:325 to be more competitive with suburban office development as well as to capture potential State office users and amend the Schematic Plan to incorporate approximately 1.19 gross acres into the Continental Plaza PUD and rezone this property consistent with the existing

PUD.

The project is supportive of land use policies to increase densities near light rail stations and to promote the Central City as the region's office and employment center but is contrary to land use policies to reduce parking near light rail stations. The applicant believes this project has an economic disadvantage for competing for State office use when suburban offices or the City of West Sacramento provide locations that can supply a greater amount of parking.

Policy Considerations: The General Plan and the Central City Community Plan have several competing policies supporting or contrary to the request of the applicant. The project favors policies that: promote the Central City's role as the region's commercial, office and employment center; promote reuse and revitalization of existing developed areas with emphasis on commercial and industrial areas; provide for the intensification of commercial and office uses within walking distance of planned light rail extensions; and, encourage mixed use development to generate greater pedestrian activity.

In creating a lower parking ratio and permitting a greater number of parking spaces the project is contrary to the transportation and land use goals of supporting transit; reducing traffic congestion and providing alternate modes of transportation such as biking, car pooling, and walking, and creating pedestrian friendly streets.

Committee/Commission Action: On July 12, 2007 the Planning Commission heard and considered the actions requested. The Planning Commission voted to support the request, subject to conditions and forward to City Council.

Development Agreement: The applicant has requested a Development Agreement to extend the term of their current entitlements until 2017, to construct an 810,000 square foot office building, parking and child care center known as Continental Plaza IV and to increase the parking ratio to 1:325. The terms of the Development Agreement can be found in Attachment 1 Background. Since the July 12, 2007 Planning Commission hearing upon request by the staff the applicant has agreed to dedicate a 40 foot right-of-way to the east of Continental Plaza IV. This right-of-way, to be known as North 8th Street, is anticipated to reduce potential traffic impacts on North 7th Street identified in the Township 9 Environmental Impact Report.

Environmental Considerations: The Development Services Department, Environmental Planning Services has reviewed the project for compliance with the requirements of the California Environmental Quality Act (CEQA). The Development Agreement and the amendments to the PUD Guidelines and Schematic Plan are determined to be within the scope of the Draft Initial Study and Notification of the Use of the Railyards Specific Plan/Richards Boulevard Area Plan EIR and SEIR for the Continental Plaza Phase III and Phase IV

adopted on October 29, 1996. An Addendum to the adopted Continental Plaza PUD EIR has been prepared in accordance with CEQA Guidelines Section 15164. The Addendum describes the proposed development of the Continental Plaza PUD project, evaluates the potential environmental effects of the proposed project, and provides justification for use of an Addendum. The analyses and mitigation measures in the Draft Initial Study and Notification of the Use of the Railyards Specific Plan/Richards Boulevard Area Plan EIR and SEIR for the Continental Plaza Phase III and Phase IV are applicable as amended in the Continental Plaza PUD Addendum. With implementation of the mitigation measures identified in the Addendum and as brought forth by SMAQMD, the proposed project will result in less than significant impacts to the physical environment.

Rationale for Recommendation: Staff recommends approval of the Development Agreement, the rezone and the amendments to the PUD Guidelines and Schematic Plan since Continental Plaza PUD supports and promotes the Central City's role as the region's office and employment center; reuses and revitalizes an existing developed area and encourages the intensification of uses around light rail stations and the first three phases of the Continental Plaza PUD contributed to the widening and street improvements of Richards Boulevard from 7th to 16th Street; the construction of the 7th Street extension through the UP Railyards connecting Richards Boulevard to the Central Business District; and, the preliminary work for the reconfiguration of the intersection at Richards Boulevard and North 16th Street.

It is equally important and significant that in order to be competitive and to recapture and retain these significant State office projects that the City is strategically positioned to not only be competitive with adjacent areas, but to retain these office tenants that help make up the fabric of our urban core, particularly in an area such as Richards Boulevard that is on the edge of becoming an extension of the downtown area. This positioning will again strategically be the catalyst for revitalizing the area into an extension of our urban core. The creation of the demand of these facilities will subsequently support the Light Rail system and provide for a pedestrian friendly environment as opposed to its current industrial environment.

Financial Considerations: None

Emerging Small Business Development (ESBD): None

Respectfully Submitted by:



David Kwong
Planning Manager

Approved by: 
William Thomas
Director of Development Services

Recommendation Approved:

for 
Ray Kerridge
City Manager

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Attachment 1

Background

On July 12, 2007, the Planning Commission heard public testimony regarding the request to: enter into a Development Agreement to extend the term of the approvals for Continental Plaza IV for 10 years (2017); rezone 1.19± acres to M-2 PUD/SPD and OB PUD/SPD; amend the Planned Unit Development (PUD) Guidelines to permit a greater amount of parking, and; amend the PUD Schematic Plan to add 1.19± acres into the PUD.

Public testimony was received from Larry Greene, Executive Director, Sacramento Metropolitan Air Quality Management District concerned with the Addendum for this project. Mr. Greene indicated in his testimony that he had met with City staff and the applicant and was prepared to support the project subject to the SMAQMD's air quality mitigation being included in the Development Agreement. The applicant agreed to the air quality measures.

Testimony was also received from Fred Arnold, Director of Real Estate for Sacramento Regional Transit. Mr. Arnold expressed concern with the additional parking and the impact this parking ratio may have on the ability for Regional Transit to obtain financing for the Downtown Natomas Airport (DNA) extension. Mr. Arnold further stated that in order to meet their federal financing agreement, a 450 space park and ride lot is needed on an interim basis to extend the light rail line to Richards and North 7th Street, pending the extension over the river to the Natomas area. Mr. Arnold could not provide any suggestions at the time to address Regional Transit concerns but indicated that the applicant and Regional Transit were meeting to resolve this issue and hope to have additional information at the City Council hearing.

The Planning Commission, after some discussion regarding the land use policies of increasing parking around a light rail station, recommended approval of this project with the following conditions:

- The additional parking (1:325) is permitted for a term of three years expiring September 29, 2010. This will allow the applicant to pursue the state office use that is to be released this year by the California Department of General Services, while promoting the overall direction of the City to invest in transit and create livable, walkable communities. This term limitation has been placed in the Development Agreement and the PUD Guidelines and Development Standards.
- The applicant will perform an air quality analysis prior to action by the City Council and implement the necessary standard construction and operational Air Quality mitigation measures. The operational Air Quality Mitigation Plan (AQMP) is to be completed and endorsed by the

Sacramento Metropolitan Air Quality Management District by December 31, 2007.

The applicant is in the process of completing the URBEMIS v. 8.7 or v. 9.4. Analysis as agreed to with the Sacramento Metropolitan Air Quality Management District (SMAQMD). Based on this analysis the applicant will develop a plan endorsed by SMAQMD. The Development Agreement and the Mitigation Monitoring Plan have been modified incorporating this condition.

- Lastly the Commission directed the applicant to work in good faith with City's Department of Transportation to implement pedestrian friendly street elements at the intersection of North 7th Street and Richards Boulevard.

The Terms and Conditions of the Agreement can be found in Section II of the Development Agreements. A few of the more significant terms of the Development Agreement include:

- **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.
- **Landowners' Dedication of Park Easement:** Within the 7th Street right of way easement that was previously dedicated by LANDOWNERS or their predecessors to CITY for a public street, LANDOWNERS shall grant to CITY a twenty 20 foot easement for recreational purposes, measured from the centerline of the roadway, to allow for creation of a linear parkway within the street median. The easement shall be in a form approved by the City Attorney, and shall be executed and conveyed to the CITY within thirty (30) days of the CITY'S written request. Upon conveyance of the easement, the land subject to the easement shall be considered on-site open space for purposes of satisfying the on-site open space requirement for development in the Richards Boulevard Plan area, as set forth in Chapter 17.120 of the City Code.
- **Funding of Traffic Signal:** Landowners shall pay to the City One Hundred and Seventy-Five Thousand Dollars (\$175,000.00), this figure representing one-half of the estimated cost of the traffic signal to be installed at 8th Street and Richards Blvd. Landowners shall provide these funds at the time of issuance of building permit(s). The amount shall be adjusted by a figure equal to the percentage increase, if any, of the construction cost index for San Francisco (based on 1913 U.S. average =

- Continental Plaza will dedicate land for the development of North 8th Street and pay 50% of the design and construction of this street.

The following SMAQMD conditions will be included in the Development Agreement as well as incorporated into the Mitigation Monitoring Plan (MMP):

- The applicant will perform an air quality analysis acceptable to the SMAQMD for both construction and operational emissions of Continental Plaza Phase IV (building and parking structure) using URBEMIS v. 8.7 or v. 9.4. This analysis will be completed and accepted by the District prior to the project being heard by City Council.
- The proponent will implement the SMAQMD's standard construction mitigation and pay any off-site construction mitigation fees that would normally be assessed in an EIR prior to the issuance of a grading permit.
- The proponent will develop and implement an operational Air Quality Mitigation Plan (AQMP) endorsed by the SMAQMD which commits to the mitigation of 15% of the project's NOX emissions. This AQMP will include measures from the District's most recent list of mitigation measures, "Recommended Guidance for Land Use Emission Reductions" specifically including, but not limited to:
 - ❖ User paid parking;
 - ❖ Mandatory membership in the applicable Transportation Management Association (TMA) as a condition of any tenant lease agreements, purchase agreement or other means acceptable to the District.
 - ❖ Alternative transportation incentive program requirement included in all tenant lease agreements, purchase agreements or other means acceptable to the SMAQMD.

This AQMP will be completed by the proponent and endorsed by the District no later than the date of issuance of a grading permit or 12/31/07, whichever comes first. Under no circumstances, will any grading or improvement permit be issued if these conditions have not been met.

- The developer will assure the on-going implementation of this AQMP to all four phases of Continental Plaza through lease or purchase agreements. The Development Agreement, the Mitigation Monitoring Plan and the PUD Guidelines have been amended to incorporate the above conditions.

Attachment 2

RESOLUTION NO.

Adopted by the Sacramento City Council

**CERTIFYING THE ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT AND
ADOPTING THE MITIGATION MONITORING PLAN FOR THE CONTINENTAL
PLAZA PLANNED UNIT DEVELOPMENT (PUD) PROJECT (P07-015)**

BACKGROUND

A. On July 12, 2007, the City Planning Commission conducted a public hearing and forwarded to the City Council a recommendation to approve with conditions the Continental Plaza Development Agreement, rezone and amendments to the Continental Plaza PUD Development Guidelines.

B. On August 28, 2007 the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.208.020c and 18.16.080, and received and considered evidence concerning the Continental Plaza PUD.

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

Section 1. The City Council finds as follows:

A. On August 28, 2007, pursuant to 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, the City Council approved an Addendum to the Environmental Impact Report (EIR) and, having reviewed and considered the information contained in the Addendum, adopted a mitigation monitoring plan, and approved the Development Agreement extending the term of the Continental Plaza IV Special Permit (P01-125), Special Permit Time Extension (Z04-210) and amended the Continental Plaza PUD Development Guidelines (P07-015).

B. The Continental Plaza PUD Modification P07-015 (Project Modification) proposes to modify the previously approved Project as follows:

1. Add approximately 1.19 gross acres to the Continental Plaza PUD;

2. Modify PUD Guidelines for parking from one parking space per 600 gross square feet of office space (1:600) to one parking space per 325 gross square feet of office space (1:325);

3. Modify the six (6) story parking structure to an eight (8) story, ninety-five foot (95') tall parking structure; and,

4. Extend the term of the special permit to October 29, 2017.

C. The Initial Study on the Project Modification determined that the proposed changes to the original Project did not require the preparation of a subsequent EIR. An addendum to the previously certified EIR was then prepared to address the modification to the Project.

Section 2. The City Council has reviewed and considered the information contained in the previously certified EIR for the Project, the previously adopted findings of fact and findings of overriding consideration, the addendum, and all oral and documentary evidence received during the hearing on the Project Modification. The City Council finds that the previously certified EIR and the addendum constitute an adequate, accurate, objective, and complete review of the proposed Project Modification and finds that no additional environmental review is required based on the reasons set forth below:

A. No substantial changes are proposed by the Project Modification that will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

B. No substantial changes have occurred with respect to the circumstances under which the Project Modification will be undertaken which will require major revisions to the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

C. No new information of substantial importance has been found that shows any of the following:

1. The Project Modification will have one or more significant effects not discussed in the previously certified EIR;

2. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR;

3. Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the Project Modification; or

4. Mitigation measures which are considerably different from those

analyzed in the previously certified EIR would substantially reduce one or more significant effects on the environment.

Section 3. Based on its review of the previously certified EIR for the Project, the previously adopted findings of fact and findings of overriding consideration, the addendum, and all oral and documentary evidence received during the hearing on the Project Modification, the City Council finds that the EIR and addendum reflect the City Council's independent judgment and analysis, certifies the EIR and the addendum for the Project Modification, and readopts the findings of fact and findings of overriding consideration.

Section 4. The Mitigation Monitoring Plan for the Project is adopted for the Project Modification, and the mitigation measures shall be implemented and monitored as set forth in the plan, based on the following findings of fact:

A. The Mitigation Monitoring Plan has been adopted and implemented as part of the Project;

B. The addendum to the EIR does not include any new mitigation measures, and has not eliminated or modified any of the mitigation measures included in the Mitigation Monitoring Plan;

C. The Mitigation Monitoring Plan meets the requirements of CEQA Section 21081.6 and the CEQA Guidelines section 15091.

Section 5. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

Section 6. 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, 1st Floor, Historic City Hall, Sacramento, California 95814. The City Clerk is the custodian of records for all matters before the City Council.

Table of Contents: Exhibit A: Mitigation Monitoring Plan

Exhibit A

**MITIGATION MONITORING PLAN
FOR
CONTINENTAL PLAZA PUD (P07-015)**

**TYPE OF ENVIRONMENTAL DOCUMENT:
ADDENDUM TO AN ADOPTED ENVIRONMENTAL DOCUMENT**

**PREPARED BY:
CITY OF SACRAMENTO
DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL PLANNING SERVICES**

**DATE:
August 1, 2007**

**ADOPTED BY:
CITY OF SACRAMENTO**

DATE:

ATTEST:

CONTINENTAL PLAZA PUD (P07-015)
MITIGATION MONITORING PLAN

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

SECTION 1: PROJECT IDENTIFICATION

Project Name / File Number: Continental Plaza (P07-015)
Owner/Developer/Applicant: Cleve Livingston, Inc.
Address: 8950 Cal Center Drive, Bldg 1, Suite 115
Sacramento, CA 95826

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

The approximate 18-acre project site is located on Richards Boulevard along North 7th Street in the Richards Boulevard Special Planning District, APNs 001-0020-017, -018, -049, -050, & -051.

Project Components:

The project includes a request to enter into a Development Agreement with the City of Sacramento and to modify the PUD Guidelines and Schematic Plan for Continental Plaza PUD on approximately 18.25 acres in the Heavy Industrial Planned Unit Development Special Planning District (M-2 PUD/SPD) and Office Building Planned Unit Development Special Planning District (OB PUD/SPD). Entitlements include: Development Agreement; Amendment to Continental Plaza PUD Development Guidelines; and, Amendment to Continental Plaza PUD Schematic Plan. The purpose of the project is to obtain the necessary entitlements to vest development rights of Continental Plaza Phase IV consisting of an 810,000 sf office building, off-site parking, and a 4,300 sf child care facility in the existing Phase I office building for an additional 10 years (2017). In addition, the applicant is requesting to amend the Continental Plaza (PUD) Development Guidelines with respect to parking and to incorporate the former rail spur to the east.

SECTION 2: GENERAL INFORMATION

The following MMP includes mitigation originally adopted with project approval and additional mitigation for air quality resources as outlined in the Continental Plaza PUD Addendum. These measures pertain to those issues explicitly discussed in the Addendum to the Adopted Environmental Document (P07-015) and shall be considered with all previously identified mitigation measures for the proposed project. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the environmental document for this project. Unless otherwise

noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the owner/developer/applicant identified above. This MMP is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the proposed project.

The mitigation measures have been taken from the environmental document 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 within the MMP. The City of Sacramento will be responsible for ensuring compliance.

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	T
<p>the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.</p>	<p>Developer</p>	<p>Development Services Department, Building Division</p>	<p>archaeologically sensitive areas, and provide packet to construction team.</p> <p>In the event that subsurface archaeological or historical artifacts are discovered on a project site, stop all work in the vicinity of the find, and consult with a qualified archaeologist and a representative of the Native American Heritage Commission.</p>	<p>During and constr</p>
<p>4.1 Transportation and Circulation (previously 4.8 Transportation)</p>				
<p>4.8-1(a) Implement a Transportation Management Plan.</p>	<p>Developer</p>	<p>Department of Transportation, Alternate Mode Coordinator</p>	<p>Prepare project-specific Transportation Management</p>	<p>Buildin</p>

Continental Plaza IV Development Agreement

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing
			Plan in compliance with areawide Transportation Management Plan measures.	
<p>4-1(a) The significant impacts at these adjacent intersections shall be mitigated by the developer by widening Richards Boulevard through the interchange area. Currently, Richards Boulevard is five lanes wide under I-5. Discussions with City staff have indicated that widening to seven lanes under I-5 appears feasible. The seven lanes would consist of three eastbound through lanes, a single eastbound left turn lane, a double westbound left turn lane, and a single westbound through lane. Additionally, the ramp from I-5 southbound to Richards Boulevard shall be restriped to allow left turns from both intersection approach lanes, and the ramp from I-5 northbound to Richards Boulevard shall be widened to permit an exclusive double right turn lane. This intersection geometry is illustrated in Figure A-12 of the DSEIR Technical Appendix.</p> <p>Some roadway widening immediately east and west of the interchange along Richards Boulevard would also be required. With this improvement, the Richards Boulevard and I-5 Southbound Ramps intersection level of service would improve to "C" during the p.m. peak hour with an average vehicle delay of 23.9 seconds. The Richards Boulevard and I-5 Northbound Ramps intersection level of service would improve to "B" during the p.m. peak hour with an average vehicle delay of 14.4</p>	Developer, City	Development Services Department Building Division	Prior to building permit issuance for Continental Plaza Phase IV, pay the Transportation Impact Fee of the Railyards/Richards Boulevard Area Infrastructure Financing Plan as adopted by the City Council on March 10, 1998 by Ordinance No. 98-011. The Transportation Impact Fee has been calculated based on the costs of	Building P

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Tir
seconds.			constructing the Railyards/Richards Boulevard Area Stage One Infrastructure and Facilities, including the widening of the Richards/I-5 undercrossing from five to seven lanes. The Transportation Impact Fee shall be paid based on the fee in effect at the time payment is made.	
<p>4-1(b) The significant impacts at these adjacent intersections shall be mitigated by the developer by widening Richards Boulevard through the interchange area. Currently, Richards Boulevard is five lanes wide under I-5. Discussions with City staff have indicated that widening to seven lanes under I-5 appears feasible. The seven lanes would consist of three eastbound through lanes, a single eastbound left turn lane, a double westbound left turn lane, and a single westbound through lane. Additionally, the ramp from I-5 southbound to Richards</p>	Developer, City	Department of Transportation, Development Services Department, Building Division	Prior to building permit issuance for Continental Plaza Phase IV, pay the Transportation Impact Fee of the Railyards/Richards Boulevard	Build

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards
<p>Boulevard shall be restriped to allow left turns from both intersection approach lanes, and the ramp from I-5 northbound to Richards Boulevard shall be widened to permit an exclusive double right turn lane. This intersection geometry is illustrated in Figure A-12 of the DSEIR Technical Appendix.</p> <p>Some roadway widening immediately east and west of the interchange along Richards Boulevard would also be required. With this improvement, the Richards Boulevard and I-5 Southbound Ramps intersection level of service would improve to "C" during the p.m. peak hour with an average vehicle delay of 23.9 seconds. The Richards Boulevard and I-5 Northbound Ramps intersection level of service would improve to "B" during the p.m. peak hour with an average vehicle delay of 14.4 seconds.</p>			<p>Area Infrastructure Financing Plan as adopted by the City Council on March 10, 1998 by Ordinance No. 98-011. The Transportation Impact Fee has been calculated based on the costs of constructing the Railyards/Richards Boulevard Area Stage One Infrastructure and Facilities, including the widening of the Richards/I-5 undercrossing from five to seven lanes. The Transportation Impact Fee shall be paid based</p>

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	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing
			on the fee in effect at the time payment is made.	
<p>4-1(c) The significant impact to this intersection shall be mitigated by the developer by modifying the northbound and southbound approaches to the intersection. The southbound North 7th Street approach shall be widened to include a double right turn lane and one through and left turn lane, while the northbound North 7th Street approach shall be restriped to allow left turns from both intersection approach lanes. This intersection geometry is illustrated in Figure A-12 of the DSEIR Technical Appendix. With this mitigation measure, the level of service during the a.m. peak hour would improve to "C," with an average vehicle delay of 16.8 seconds. During the p.m. peak hour, the level of service would improve to "C," with an average vehicle delay of 21.8 seconds.</p>	City, Developer	Department of Transportation City of Sacramento	Pay development impact fees according to the provisions of the Railyards Area, Richards Boulevard Area, and the Downtown Benefit District Area. If adequate fees are not available through the financing plan, the applicant shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4-1(c), consistent with	Building P

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Ti
			the provisions of the financing plan. If fees generated by the fee program are insufficient to pay for the required improvement(s), the applicant shall pay the additional amount required to implement the improvement and be entitled to reimbursement from fees generated by subsequent development. Applicant and City shall enter into a reimbursement agreement to such effect.	
4.9 Air Quality (Originally Adopted Measures)				
4.9-1(b)	Developer	Department of	Incorporate	Build

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Tim
<p>The Planning Area shall be developed under a stringent vehicle-trip reduction requirement applicable to all proposed land uses. The availability of transit, proximity to downtown Sacramento, potential for mixed land uses and other aspects of the sites provide a high potential for non-auto travel modes.</p>		<p>Transportation, Alternate Modes Coordinator; Development Services Department, Building Division,</p>	<p>vehicle reduction program into Transportation Management Plans.</p>	
<p>4.9-4(b) All development within the Planning Area shall be required to participate in a Transportation Management Association, whose purpose would be the reduction in vehicle trips.</p>	<p>Developer</p>	<p>Department of Transportation, Alternate Modes Coordinator; Development Services Department, Building Division</p>	<p>Document participation in Transportation Management Association.</p>	<p>Buildin</p>
<p>4.9-4(c) All employment-generating uses shall be required to develop a Commute Management Plan, adopting programs using parking management/fees, transit incentives and amenities, alternative work schedules, telecommuting or other strategies to reduce employee commuting. The transportation performance standards of the California Clean Air Act would be adopted as minimum targets for trip reduction.</p>	<p>Developer</p>	<p>Department of Transportation, Alternate Modes Coordinator; Development Services Department, Building Division</p>	<p>Incorporated the Commute Management Plan items in Mitigation Measure 4.9-4(c) into the Transportation Management Plan.</p>	<p>Build</p>
<p>4.9-4(d) All development proposals within the Planning Area shall be required to use land use mix and densities, provision of transit/bicycle/pedestrian amenities and provision of onsite amenities (day care, restaurants) to reduce the need for vehicle</p>	<p>City</p>	<p>Department of Transportation, Alternate Modes Coordinator; Development</p>	<p>Develop standards for amenities that reduce vehicle trips and include</p>	<p>RSF</p>

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Tit
trips.	Developer	Services Department, Building Division Department of Transportation, Alternate Modes Coordinator; Development Services, Building Division	in RSP, RBAP, and Facility Element. Document compliance with standards.	Speci
4.9-4(e) To the extent feasible, all development proposals in the Planning Area shall be required to include measures that facilitate alternative powered vehicles, including, but not limited to, electric vehicle recharge stations in new parking facilities.	City, SHRA, Developer	Department of Transportation, Alternate Modes Coordinator; Development Services, Building Division Department of Transportation, Alternate Modes Coordinator; Development Services, Building Division	Establish requirements for provisions of alternative powered vehicles. Provide amenities to encourage alternative powered vehicles.	Speci Speci
4.9-5 To ensure that construction mitigation is used, final approval shall not be given to any development within the Planning Area	Developer	NPDS	Submit dust mitigation plan, per Mitigation	Grad

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	Implementing Responsibility	Monitoring Responsibility	Compliance Standards Measure 4.9-5.	Timing
<p>until the developer submits a construction dust mitigation plan satisfactory to the City. This plan should specify the methods of control that will be used to control dust and particulate matter, demonstrate the availability of needed equipment and personnel, and identify a responsible individual who, if needed, can authorize the implementation of additional measures.</p> <p>The construction dust mitigation plan shall, at a minimum, include the following:</p> <ul style="list-style-type: none">• Suspend earthmoving or other dust-producing activities during periods of high winds when dust control measures are unable to prevent visible dust plumes of a significant size.• Provide equipment and staffing for watering of all exposed or disturbed soil surfaces at least twice daily, including weekends and holidays. An appropriate dust palliative or suppressant, added to water before application, should be used.• Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.• Sweep the active construction area and adjacent streets of all mud and debris on a regular basis, since this material can be pulverized and later re-suspended by vehicle traffic.• Limit the speed of all construction vehicles to 15 miles per hour while on-site.• All materials transported by truck will be covered or wetted down.• All inactive portions of the site will be watered with an				

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	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing
<p>appropriate dust suppressant, covered or seeded.</p> <ul style="list-style-type: none"> Trucks shall maintain freeboard (i.e., the distance between the top of the load and the top of the truck bed sides). Truck wheel washers shall be installed before the roadway entrance at construction sites. Tarps shall be used on trucks carrying dirt. Dust hoods shall be used on drilling and blasting equipment. 				
<p>4.9-6 To the extent feasible, the following measures are required during construction:</p> <ul style="list-style-type: none"> Use low emission fuels for pile drivers, such as methanol or low-sulfur fuels. Use construction equipment that has catalytic converters (for gasoline powered equipment). Prevent trucks from idling for more than two minutes. Discontinue operations during second stage smog alerts. 	Developer	Development Services Department, Building Division	Submit and comply with construction-related air quality mitigation plan, per Mitigation Measure 4.9-6, to the satisfaction of the City.	Grading Building
4.9 Air Quality (Additional Measures outlined in Addendum)				
<p>4.9-4 (f)</p> <ul style="list-style-type: none"> Prior to issuance of a grading permit or 12/31/07, whichever comes first, the project proponent will develop and implement an operational Air Quality Mitigation Plan (AQMP) that has been endorsed in writing by the SMAQMD and commits to mitigating 15% of the project's NO_x emissions. This AQMP will include measures from the SMAQMD's most recent list of 	Applicant / Developer / Owner	City of Sacramento Site Conditions Unit	Applicant / Developer / Owner shall provide the City Development Services Department,	P i

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Ti
<p>mitigation measures, "Recommended Guidance for Land Use Emission Reductions," and will specifically include, but will not be limited to, the following:</p> <ol style="list-style-type: none"> 1. User paid parking; 2. Mandatory membership in the applicable TMA as a condition of any tenant lease agreements, purchase agreements, or other means acceptable to the SMAQMD; and, 3. Alternative transportation incentive program requirement included in all tenant lease agreements, purchase agreements, or other means acceptable to the SMAQMD. <p>Under no circumstances will any grading or improvement permit be issued until all of the above conditions have been met.</p> <ul style="list-style-type: none"> • The developer will assure the on-going implementation of the approved AQMP to all four phases of Continental Plaza through lease or purchase agreements. 	<p>Applicant / Developer / Owner</p>	<p>Development Services, Site Conditions Unit</p>	<p>Environmental Planning, and the Site Conditions Unit with written verification from the SMAQMD that all conditions have been met to the satisfaction of the SMAQMD.</p> <p>Implementation of approved AQMP to all four phases.</p>	<p>On-go the lif Conti Plaza</p>
<p>4.9-6 (b)</p> <p>Prior to issuance of a grading permit, the project proponent must provide written proof to the Site Conditions Unit and Development Services Department, Environmental Planning, that the SMAQMD's standard construction mitigation has been implemented and offsite construction mitigation fees have been paid.</p>	<p>Applicant/ Developer/ Owner</p>	<p>Development Services Department, Site Conditions Unit</p>	<p>Applicant/ Developer/ Owner must submit written proof that the SMAQMD's</p>	<p>Prior issua gradin</p>

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Continental Plaza IV Development Agreement

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing
			standard construction mitigation has been implemented and offsite construction mitigation fees have been paid.	
4.10 Noise				
4.10-5(a) The contractor shall limit outdoor construction activity from 7:00 a.m. to 6:00 p.m. on Monday through Saturday and from 9:00 a.m. to 6:00 p.m. on Sunday, unless the City grants a special permit, in order to minimize disruption to residences adjacent to and near the project.	Contractor	Development Services, Building Division; Department of Transportation, Inspections	Comply with the time restrictions in the City Code.	Grading Building
4.10-5(b) The contractor shall use mufflers, enclosure panels, or other noise suppression attachments on all equipment as appropriate and turn off equipment when not in use.	Contractor	Development Services, Building Division; Department of Transportation, Inspections	Include statement identifying noise suppression attachments used on construction-related equipment, consistent with the City Code.	Grading Building
4.11 Geology, Soils, and Seismicity				
4.11-1 New structures, the restoration of existing structures, and the	Contractor	Development Services, Building	Demonstrate that all	

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Continental Plaza IV Development Agreement

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing
development of project infrastructure shall be designed and built in conformance with the Uniform Building Code (with California amendments) standards for Seismic Zone 3.		Division	construction plans are in compliance with UBC.	
4.11-2(a) Prior to construction, site-specific geotechnical evaluations shall be performed by an appropriately licensed professional engineer qualified to assess seismic conditions including probability associated with liquefaction, settlement, and lateral spreading using a maximum probable and credible earthquake. The evaluation shall identify specific geotechnical recommendations for development foundation design to mitigate for seismically induced hazards, as well as recommendations for adequate building design including excavation and fill requirements for any identified soil constraints. The evaluation for project sites adjoining the levee will also include an analysis of levee stability under static and seismic conditions in coordination with the US Army Corps of Engineers for project sites adjoining the levee.	Developer	Development Services, Building Division	Submit geotechnical study per Mitigation Measure 4.11-2(a).	Grading o Building F
	Developer	Development Services, Building Division	Demonstrate compliance with geotechnical study, per Mitigation Measure 4.11-2(a).	Constr
4.11-2(b) Design of foundations and drainage facilities shall conform with Title 24 of the California Code of Regulations, the Uniform Building Code and recommendations contained in the site-specific geotechnical evaluations prepared by an appropriately licensed and qualified Engineer/Geologist as specified in Mitigation Measure 4.11-2(a). [see page 9]	Developer	Development Services, Building Division	Demonstrate compliance with CCR Title 24, UBC and geotechnical recommendations.	Buil
4.11-5(a) If below-grade construction is proposed, site-specific geotechnical investigation will be undertaken prior to the start of excavation to determine the depth to the groundwater for the affected site, and the	Developer	Development Services, Building Division	Prepare geotechnical study per Mitigation	

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	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing
need for subsurface drainage and the potential for caving of excavation walls. This investigation and subsequent analysis shall be made by an appropriately licensed and qualified engineer or geologist.	Developer	Development Services, Building Division	Measure 4.11-5(a). Demonstrate compliance with geotechnical recommendations, per Mitigation Measure 4.11-5(a), and City's Groundwater Discharge Policy.	Constructi
4.11-5(b) If dewatering of a construction site is required, subdrains, reinforced concrete retaining walls and/or waterproofing methods shall be used as necessary to eliminate the effects of subsurface groundwater conditions. The subdrain plan shall form part of the final plans for the project, and would be prepared with the recommendations of an appropriately licensed and qualified engineer or geologist.	Developer	Development Services, Building Division; Utilities Department	Submit dewatering plans to be undertaken per Mitigation Measure 4.11-5(b). Demonstrate compliance with dewatering provisions.	Gradi Buildi
4.11-5(c) Dewatering shall comply with applicable requirements established by the Central Valley Regional Water Quality Control Board and any	Developer	Development Services, Building Division,	Demonstrate compliance with applicable	Gr B

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Continental Plaza IV Development Agreement

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing
applicable local permit requirements, and shall be coordinated with the City's Flood Control and Sewers Division.		Utilities Department	requirements regarding dewatering from the CVRWQCB and City's Groundwater Discharge Policy.	
4.11-5(d) Moisture barriers around foundations shall be used where applicable to prevent moisture changes from adversely affecting soils beneath a structure.	Developer	Development Services, Building Division; Utilities Department	Demonstrate compliance with building code provisions regarding moisture barriers.	Building
4.11-5(e) Where required due to high groundwater, excavations shall be shored as required by the Office of Safety and Health Administration (OSHA) to preclude slope failures during the construction period. Shoring shall use standard stabilizing methods, such as tiebacks, as necessary to retain excavation areas.	Developer	Development Services, Building Division	Demonstrate compliance with OSHA requirements regarding excavations.	Grad Build
4.12 Hydrology and Water Quality				
4.12-2(a) Development in the Planning Area shall comply with City ordinances and zoning codes regulating residential and non-residential development in the AR zone (City of Sacramento Ordinance 90-005) 100-year flood plain.	Developer	Development Services, Building Division; Utilities Department	Demonstrate compliance with construction requirements for the AR zone and compliance with City regulations.	

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	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Tim Building
<p>4.12-2(b) If project development is not completed prior to removal of AR designation and 100-year protection has not been achieved, development of the proposed Planning Area shall comply with all applicable FEMA regulations.</p>	Developer	Development Services, Building Division; Utilities Department	Demonstrate compliance with construction requirements for the AR zone and compliance with City regulations.	Building
<p>4.12-3 A comprehensive erosion control plan shall be prepared by a registered civil engineer or a registered professional hydrologist prior to submittal of the final map to protect water resources from impacts due to siltation and sedimentation generated by project construction in the Planning Area. The plan shall be prepared in coordination with the Central Valley Regional Water Quality Control Board, and the City of Sacramento to assure compliance with applicable NPDES permit requirements for construction activities. The plan shall include a combination of the following Best Management Practices (BMPs), or equally effective measures or any other measures required by local codes and ordinances:</p> <p>(a) If feasible, project construction periods should be limited to the dry months of the year (May through October).</p> <p>(b) If project construction does occur during the rainy season (November through April), sediment traps, barriers, covers or other methods shall be used to reduce erosion.</p> <p>(c) Slopes, both cut and fill, shall not be steeper than those recommended by the detailed geotechnical report for the</p>	Developer	Utilities Department	Prepare and submit an Erosion Control and Sediment plan in accordance with Mitigation Measure 4.12-3 and the City's Technical Procedures Manual for Grading and Erosion and Sediment Control.	Building

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	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing
<p>Planning Area (see Mitigation Measure 4.11-1(a)).</p> <p>(d) Sediment basins, sediment traps, or similar sediment control Best Management Practices (BMP's) shall be installed before extensive ground alteration operations begin.</p> <p>(e) Temporary mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities.</p> <p>(f) Excavated materials shall not be deposited or stored where the material could be washed away by storm water runoff.</p>				
<p>4.12-4(a)</p> <p>Prior to development of any part of the Planning Area, a comprehensive runoff control plan shall be prepared by a registered civil engineer or registered professional hydrologist to protect water resources from impacts due to urban and landscape runoff generated by the project. This mitigation measure would be required for all Alternatives. The plan shall be prepared in coordination with the Central Valley Regional Water Quality Control Board, and the City of Sacramento to assure compliance with applicable NPDES permit requirements for new developments. The plan shall include a combination of the following Best Management Practice (BMP's), or equally effective measures:</p> <p>(i) Oil and grease separators shall be used to control roadway and parking lot contaminants.</p> <p>(ii) Streets and parking lots shall be cleaned and swept on a regular basis.</p> <p>(iii) Peak flow reduction and infiltration practices, such as</p>	Developer	Utilities Department	Prepare site-specific runoff control plan. This plan shall be prepared in accordance with the Technical Procedures Manual for Grading and Erosion and Sediment Control and the City/County Drainage Manual Volume 5, Manual of standards for Design of New	Grading

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Ti
<p>grass swales, infiltration trenches and grass filter strips, and detention and retention basins, shall be incorporated.</p> <p>(iv) Landscape areas including borders and medians shall use low water-using plants wherever feasible.</p> <p>(vi) Plants of similar water use shall be grouped to reduce overirrigation of low-water-using plants.</p> <p>(vii) Mulch shall be used in all non-lawn landscaped areas to a minimum depth of two (2) inches. Mulch applied on top of the soil will improve the water-holding capacity and reduce runoff.</p> <p>(viii) Existing trees and shrubs shall be preserved and protected where feasible, because established plants are often adapted to low-water-using conditions.</p> <p>(ix) Efficient irrigation systems shall be installed to minimize runoff and evaporation and maximize the water that will reach the plant roots such as drip irrigation, soil moisture sensors, and automatic irrigation systems.</p> <p>(x) Seasonal, climatical, and dosage fertilizer application restrictions shall be followed, as recommended by manufacturer.</p> <p>(xi) Slow release fertilizers shall be used.</p> <p>(xii) Where feasible, landscape areas shall be limited to 4:1 slopes to reduce runoff, unless such slopes form</p>	<p>Developer</p>	<p>Utilities Department</p>	<p>Development On-Site Stormwater Quality Control Measures. Note that "oil and grease separators" are not listed in this document due to their questionable effectiveness and dependence on proper maintenance. They are not the City's preferred method.</p> <p>Demonstrate compliance with runoff control measures.</p>	<p>Const</p>

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	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing
(xiii) landscape berms which are required to mitigate aesthetic and noise impacts. The use of plastic or other impervious materials to control weed growth in landscaped areas shall not be permitted.	Developer	Utilities Department	Demonstrate compliance with NPDES permit requirements.	Grading
4.12-4(b) Comply with joint City and County storm water NPDES permit requirements for the City's municipal storm water conveyance system.	4.13 Hazardous Materials			
4.13-2(b) The City shall require that extracted groundwater in the Planning Area be tested for the presence of hazardous materials, and that appropriate handling and disposal techniques be required accordingly.	Developer	Utilities Department, Development Services Department, Environmental Planning Services	If dewatering is to occur, determine whether dewatering activities will result in extraction of contaminated groundwater.	Grading
	Contractor	Utilities Department, Development Services Department,	If contaminated groundwater is extracted, handle in a manner that protects	Co

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Continental Plaza IV Development Agreement

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing
		Environmental Planning Services	construction workers and others from harmful exposure, as required by the City in cooperation with the DTSC, CVRWQCB, and SMAQMD.	
<p>4.13-3(b) The City shall require extracted groundwater that is to be discharged to the sanitary sewer be authorized by the City to be in compliance with its obligations to meet standards established by the CVRWQCB in order to reduce the risk of leakage of unacceptable levels of contaminants along the sewer lines, and to assure that the regional treatment plant can meet standards established under its NPDES permit, prior to discharge.</p>	Developer	Utilities Department, Development Services Department, Building Division	Obtain required disposal permits from the regional sanitation district.	Building
<p>4.13-3(c) If the City or regional treatment plant determines that groundwater</p>	Developer and Contractor	Utilities Department,	Comply with DTSC dewatering requirements and the City's Groundwater Discharge Policy.	Com

Continental Plaza IV Development Agreement

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	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Tim
<p>extracted during dewatering activities does not meet applicable standards for discharge into the city sewer system, contractors shall implement groundwater treatment systems, that treat groundwater to standards established by the CVRWQCB, City, and regional treatment plant.</p>		<p>Development Services Department, Building Division</p>	<p>County dewatering requirements.</p>	
<p>4.13-4(b) In the Richards Area, prior to obtaining a grading or building permit that requires dewatering, the contractor shall coordinate with the City and the CVRWQCB to ensure that dewatering does not interfere with any adjacent or on-site groundwater remediation.</p>	<p>Developer</p>	<p>Development Services Department, Building Division and Environmental Planning Services</p>	<p>Submit evidence that dewatering will not interfere with groundwater remediation.</p>	<p>Gradin</p>
<p>4.13-4(c) All dewatering in the Planning Area shall be coordinated with any on-site or adjacent groundwater remediation activities in accordance with measures agreed upon by DTSC, the City, the RWQCB, and the Southern Pacific Transportation Company or other developers, if appropriate. In the absence of such agreement, DTSC shall require contractors to obtain approval of dewatering activities prior to initiation of construction.</p>	<p>Developer</p>	<p>Development Services Department, Building Division and Environmental Planning Services; Utilities Department</p>	<p>Coordinate dewatering activities with appropriate agencies per Mitigation Measure 4.13-4(c).</p>	<p>Gradi</p>
<p>4.13-5(b) If asbestos fibers are suspected or identified in soils or existing building materials, then additional sampling shall be performed prior to any construction activities to identify asbestos-containing materials that may be contained in building materials or obscured behind walls, above ceilings, and beneath floors.</p>	<p>Developer</p>	<p>SMAQMD, Development Services Department, Building Division and Environmental Planning Services;, Sacramento</p>	<p>Provide written confirmation from Air Quality Management District and the Developer that test for asbestos has been conducted if</p>	<p>Dem Perm</p>

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	T
		County, Department of Environmental Health	demolition is required, or if asbestos fiber in soil are possible due to prior site uses.	
<p>4.13-5(c) Demolition activities affecting asbestos-containing material shall be performed by a licensed asbestos abatement contractor with properly trained personnel in accordance with all applicable federal, state and local regulations.</p>	Developer	Development Services Department, Building Division,	Submit evidence that asbestos abatement contractor is licensed to perform such work.	Demolition Permit
<p>4.13-8(a) All contractors in the Richards Area shall coordinate with the City, DTSC, and other involved agencies, as appropriate, to assure that construction activities shall not interfere with any adjacent and/or on-site remediation activities or unduly delay either project development or site remediation.</p>	Developer, Contractors	Development Services Department, Building Division and Environmental Planning Services	Provide written confirmation from DTSC and/or County Environmental that project construction will not interfere with remediation.	Grading
<p>4.13-8(b) All contractors in the Richards Area shall coordinate with the City, DTSC, and other involved agencies, as appropriate, to assure that accessible portions of the Richards Area containing hazardous materials contamination shall be covered, encapsulated, or otherwise rendered inaccessible to prevent unacceptable human exposure to hazardous materials.</p>	Contractor	Development Services Department, Building Division and Environmental Planning Services	If contaminants are present on the project site or adjacent properties, provide written confirmation from DTSC	Grading

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	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing
4.13-8(c) Active remediation sites in the Richards Area shall employ measures to protect the surrounding population and environment. Such measures could include, as appropriate, buffer zones, fencing, posting, site security, dust control, and perimeter air monitoring.	Property Owner	Development Services Department, Building Division and Environmental Planning Services	and/or County Health to ensure that areas in proximity to a contaminated site are inaccessible. Work with DTSC and/or County Health to identify measures deemed necessary to protect affected populations against exposure.	Grading F
4.13-9(b) Prior to issuance of building permits in areas of known groundwater contamination, the City shall assess the need for building features designed to protect against the risk of exposure to soil vapors in enclosed underground spaces. Such features could include vapor barriers and adequate ventilation.	Developer	Development Services Department, Building Division and Environmental Planning Services	Design or construct new buildings to protect against risk of exposure to soil vapors.	Build
4.13-12 In the event of a major flood event in the Planning Area that redistributes significant amounts of soils, responsible regulatory agencies shall require soils testing to determine if hazardous materials have been redistributed to areas where human exposure to soil is	City	Development Services Department, Building Division and Environmental	In event of major flood, require soils testing.	

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Continental Plaza IV Development Agreement

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing
possible.		Planning Services		
4.15 Water Supply				
<p>4.15-2 New local water distribution system piping will be installed concurrent with construction of the roadways that are proposed to serve the Planning Area. New water mains are considered to be a developer responsibility and will be installed at the developer's cost at the time the roadways are constructed.</p> <p>Proposed water mains will be sized and located to meet domestic and fire flow requirements. Water main size and location shall be verified at both the preliminary design and final design stage of project development.</p>	Developer	Utilities Department	Design the water distribution system to meet the specifications of the Utilities Department.	Grading or Building P
4.16 Wastewater Conveyance and Treatment				
<p>4.16-2(a) Detain existing storm drainage flows to the combined sewer system to offset the estimated sanitary sewage flow increase.</p>	Developer	Utilities Department	Pay fees or detain CSS storm drain flows as required by the Department of Utilities.	Build
4.17 Stormwater and Drainage				
<p>4.17-1(a) Construct a storm drainage system to accommodate increased storm water runoff resulting from development in the Planning Area.</p>	Developer	Utilities Department	Pay fees or detain CSS storm drain flows as	

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Continental Plaza IV Development Agreement

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing
4.17-1(c) Separate combined sewers in Railyards Area and Eastern Richards Area, or construct a substitute facility adequate to prevent outflows in the combined system.	Developer	Utilities Department	required by the Department of Utilities. Prepare a program to separate the combined system or a substitute facility to prevent outflows in the combined system and/or pay fair share costs of the system or construct a substitute facility.	Building P
4.18 Solid Waste				
4.18-1(a) The City of Sacramento shall require all new development within the Planning Area to participate fully in a comprehensive solid waste management program designed so that, on average, at least 50 percent of the solid waste generated within the area is diverted from landfilling to either recycling, re-use, or other disposal means such as cogeneration. All recycling and source reduction programs shall comply fully with the City of Sacramento Recycling and Solid Waste Reduction Ordinance.	Developer	Development Services Department, Building Division	Comply with Zoning Ordinance solid waste management requirements.	Bu

	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Ti
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ORDINANCE NO. 2007-

Adopted by the Sacramento City Council

APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SACRAMENTO AND GROVE INVESTMENT COMPANY, A CALIFORNIA GENERAL PARTNERSHIP AND CONTINENTAL PLAZA PHASE IV, LLC, A CALIFORNIA LIMITED LIABILITY CORPORATION FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE RICHARDS BOULEVARD AND NORTH 7TH STREET INTERSECTION. (APN 001-0020-017, 001-0020-018, 001-0020-0049, 001-0020-050, 001-0020-051) (P07-015)

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 Grove Investment Company, a California general partnership and Continental Plaza Phase IV, LLC, a California limited liability corporation (collectively, "the landowners"), a copy of which is attached hereto.

SECTION 2

The City Council finds:

1. The agreement is consistent with the City's General Plan, Central City Community Plan and the Richards Boulevard Area Plan goals, policies, standards and objectives in that the Continental Plaza PUD supports and promotes the Central City's role as the region's office and employment center, reuses and revitalizes an existing developed area, and encourages the intensification of uses around light rail stations.
2. The Development Agreement should be encouraged since the first three phases of the Continental Plaza PUD contributed to the widening and street improvements of Richards Boulevard from 7th to 16th Street; the construction of the 7th Street extension through the UP Railyards connecting Richards Boulevard to the Central Business District; and, the preliminary work for the reconfiguration of the intersection at Richards Boulevard and North 16th Street.

3. The project would be unlikely to proceed in the manner proposed in the absence of a development agreement since the property owner may not be able to secure a State office use without having a fully entitled project.
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 City 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 Addendum to the previous 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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Exhibit A: Development Agreement – 1 Page

Exhibit A – Development Agreement

**A copy of the Development Agreement
is available for Review at:**

**City of Sacramento
Development Services Department
New City Hall
915 I Street, 3rd Floor
Sacramento, CA 95814
(916) 808-5381**

**8 a.m. - 5 p.m.
Monday through Friday**

Attachment 4

ORDINANCE NO. 2007-

Adopted by the Sacramento City Council

AMENDING TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) BY REZONING CERTAIN REAL PROPERTY FROM HEAVY INDUSTRIAL NORTH SPECIAL PLANNING DISTRICT (M-2(N)(SPD) AND HEAVY INDUSTRIAL CENTRAL SPECIAL PLANNING DISTRICT (M-2 (C)(SPD)) TO HEAVY INDUSTRIAL NORTH PLANNED UNIT DEVELOPMENT SPECIAL PLANNING DISTRICT (M-2 PUD/SPD) AND OFFICE BUILDING PLANNED UNIT DEVELOPMENT SPECIAL PLANNING DISTRICT (OB PUD/SPD). (P07-015) (APN: 001-0020-051)

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

SECTION 1. Title 17 of the Sacramento City Code (the Zoning Code) is amended by rezoning the property shown in the attached Exhibit A, generally described, known, and referred to as APN: 001-0020-051 and consisting of 1.00+/- acres, from Heavy Industrial (North) Special Planning District (M-2(N)-SPD) to Heavy Industrial (North) Planned Unit Development Special Planning District (M-2(N)-PUD-SPD).

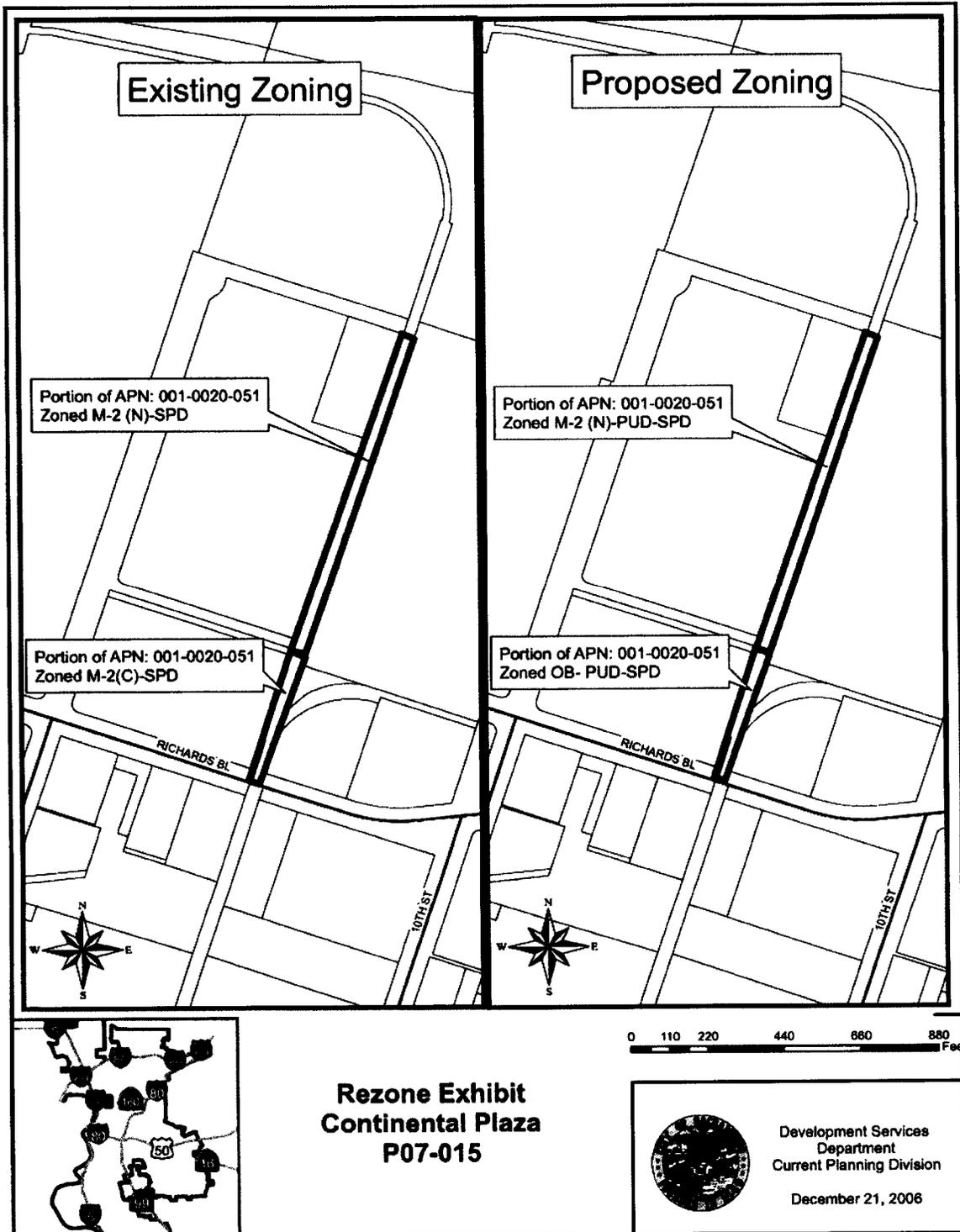
SECTION 2. Title 17 of the Sacramento City Code (the Zoning Code) is amended by rezoning the property shown in the attached Exhibit A, generally described, known, and referred to as APN: 001-0020-051 and consisting of 0.19+/- acres, from Heavy Industrial (Central) Special Planning District (M-2(C)-SPD) to Office Building Planned Unit Development Special Planning District (OB-PUD-SPD).

SECTION 3. Rezoning of the property shown in the attached Exhibit A, by the adoption of this Ordinance will be considered to be in compliance with the requirements for the rezoning of property described in the Comprehensive Zoning Ordinance, Title 17 of the City Code, as amended, as those procedures have been affected by recent court decisions.

SECTION 4. The City Clerk of the City of Sacramento is hereby directed to amend the official zoning maps, which are part of said Ordinance to conform to the provisions of this Ordinance.

Table of Contents:

Exhibit A: Continental Plaza Rezone Map



Attachment 5

RESOLUTION NO. 2007-

Adopted by the Sacramento City Council

**AMENDING THE CONTINENTAL PLAZA PUD GUIDELINES AND SCHEMATIC PLAN
LOCATED AT 425, 601 AND 611 NORTH 7TH STREET. (P07-015) (APN'S: 0010020-017,
018, 049, 050& 051)**

BACKGROUND

1. On July 12, 2007, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Continental Plaza PUD Guidelines and Schematic Plan Amendment (P07-015) (the "Project").

B. On August 28, 2007 the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.180.050(D) and 17.200.010(C)(2)(a) and (c) (publication and mail), and received and considered evidence concerning the 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 Project, the City Council approves the amendments to the Continental Plaza PUD Guidelines and Schematic Plan as shown in the attached Exhibits A and B based on the findings of fact as set forth below.

Section 2.

The City Council approves the Project based on the following findings of fact:

1. Environmental Determination: The EIR Addendum and Mitigation Monitoring Program for the Project have been adopted by Resolution No. _____.
2. The Amendments to the PUD conform to the General Plan, the Central City Community Plan, the Richards Boulevard Area Plan, and the Sacramento Blueprint; and
3. The PUD meets the purposes and criteria stated in the City Code (Title 17), in that the PUD facilitates the design of a well-planned facility that will provide a long lasting benefit to the community and the City.

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Exhibit A: Continental Plaza PUD Amended Guidelines

Exhibit B Schematic Plan

Amended Continental Plaza PUD Development Guidelines Section 1. Purpose and Intent to read as follows:

I. PURPOSE AND INTENT

Continental Plaza is a Planned Unit Development (PUD) consisting of an approximately 1,097,350 square foot office campus to be located at the northeast corner of Richards Boulevard and North 7th Street in the Richards Boulevard Planning Area of the Central City. The Continental Plaza Planned Unit Development is a four phase project, three phases of which have already been completed.

Phase I, completed in 1986, consists of a conversion of the 160,000 square foot Continental Can Manufacturing Facility (originally constructed in 1946) from industrial to office use. In 1991, a new 67,500 square foot, two story, Phase II office building was added to the complex. A two story, 59,850 square foot, Phase III office building was constructed in 1999, resulting in a total of 287,350 developed square footage in the first three phases of the Continental Plaza PUD.

In addition to the existing Phase I, II and III buildings, the Continental Plaza PUD makes provision for the construction of one additional new office building of 810,000 square feet (Continental Plaza Phase IV) and an eight story parking structure. While the Continental Plaza office campus is principally intended to accommodate State agencies, the Continental Plaza PUD is well suited to any office user seeking the efficiency, flexibility and cost-effectiveness of large floor plate designs in an attractive back-office setting.

These PUD Guidelines, as approved by the City of Sacramento City Council, shall govern the development of the Continental Plaza site and are intended to promote the following project objectives:

1. To allow for the expansion of the existing office space to accommodate additional requirements of State agencies;
2. To accommodate the State's plans for consolidation of State-occupied office space at a location that has been targeted by the City for such use;
3. To house office users seeking the efficiency, flexibility and cost-effectiveness of large floor plate designs in an attractive back-office setting;
4. To contribute to and enhance the operational efficiency and functional qualities of the existing Continental Plaza Phase I, II and III facilities (which already includes a 9,100 square foot cafeteria, a centralized mail facility, a 200 seat auditorium, two large classroom/training facilities, and an existing shuttle system linking Continental Plaza with the Central Business District and Capitol Area);

5. To provide a signature building to anchor the 7th Street corridor to the north and establish a design standard for the “lower cost, support office space” targeted by the Richards Boulevard Area Plan (RBAP) for this location.
6. To contribute to financing of the critical first phase of infrastructure for the Railyards Specific Plan (RSP) and Richards Boulevard Area Plan (including the widening of the I-5/Richards Boulevard undercrossing, the 7th Street extension and the Intermodal transportation facilities);
7. To provide a logical extension of downtown employment activity, commerce and trade;
8. To reinforce the use of major transit improvements planned for the area (including the Intermodal transportation facilities to be located in the Railyards Specific Plan area and the Light Rail Transit Station to be located west of the Continental Plaza site on Richards Boulevard); and
9. To provide the catalyst for the redevelopment of the Richards Boulevard area (now known as the River District), the landowners of which have formed a Property Owners Business Development District for their mutual benefit.

Amended Continental Plaza PUD Development Guidelines Section II. Force and Effect to read as follows:

II. FORCE AND EFFECT

These Guidelines are intended to act as a supplement to existing City codes and ordinances and shall control when more restrictive than such codes and ordinances or when inconsistencies arise between the provisions contained herein and the provisions of such codes and ordinances. Any amendments hereto shall be subject to the procedures established in Section 17.180 of the Sacramento City Code.

Amended Continental Plaza PUD Development Guidelines Section III. Schematic Development Plan to read as follows:

III. SCHEMATIC DEVELOPMENT PLAN

These development guidelines incorporate the Schematic Plan of the Continental Plaza PUD originally approved by the Sacramento City Council by Resolution No. 96-594 and amended by the Sacramento City Planning Commission on October 24, 2002. This Schematic Plan, showing building locations, parking layout and site circulation, is attached as Exhibit B. Amendments to the Schematic Plan are subject to review and approval as set forth in Section 17.180 of the Sacramento City Code.

Amended Continental Plaza PUD Development Guidelines Section IV. PROCEDURES FOR APPROVAL to read as follows:

Section IV. PROCEDURES FOR APPROVAL

All development in the Continental Plaza PUD is subject to review and approval as set forth in Sacramento City Code Section 17.180 to insure conformance with the PUD Schematic Plan and these Guidelines. However, if the proposed project otherwise requires a special permit, then review for conformity with the PUD Schematic Plan and these Guidelines would be part of the special permit process. A preliminary review of a development project may be required when the Planning Director determines that such review is essential to a thorough review.

All applications shall include information noted on the standard City checklist.

Since Continental Plaza Project is a PUD, development is not subject to City design review under Chapter 17.132 of the Zoning Code that otherwise is required for all development in the Richards Boulevard SPD. Section 17.120.020 exempts properties within a planned unit development from design review because the PUD project approval process incorporates design review. The Planning Director's Plan Review process will insure that projects within the Continental Plaza PUD comply with these Guidelines. Appeal of a Planning Director's decision regarding Plan Review for a project is set out in Chapter 17.220.

The following information shall be submitted with all applications:

1. Names and addresses of contractor, developer and architect.
2. Project site plan with dimensions taken from signed recorded plat.
3. All submissions must include topography showing existing grades and proposed grades at one foot intervals with spot elevations as required to clarify drawings; also show building corner elevations and floor landscaping.
4. Landscape plans, including shading calculations.
5. Retaining walls.
6. Locations and details of temporary and permanent signs, including dimensions.

If the specific signage program is not known, the applicant shall designate a zone or alternative zones on the building façade(s) on which attached signage may be located and the location or alternative locations of detached signage. The Planning Commission shall approve the acceptable location(s) or zone(s) as part of the Special Permit.

7. Temporary and permanent fences and fence material.
8. Front, side and rear setbacks from building to property lines.
9. Easements and rights-of-way, existing and proposed.
10. Pipes, berms, ditches, swales.
11. Driveways, parking areas, pedestrian circulation, and lighting, existing and proposed.
12. Locations and details of open space, including patios, seating areas, water features, pathways, etc.
13. Exterior storage and screening devices for trash, mechanical and communications equipment, and meters.
14. Location of light poles and transformers, with height and type indicated.
15. Utility plan, including services stubbed to site.
16. Mailboxes, if known.
17. Roof projections and/or roof plan and screening treatment.
18. Land use distribution, percent and square footage of site used for the following:
 - Building pads;
 - Surface parking and any other paved area;
 - Landscaping (includes on-site open space, private sidewalks, and patios)
19. Building elevations for all sides and height to top plate and top of roof.
20. Location of existing and proposed buildings.
21. Street names and right-of-way widths and driveways adjacent to the site.
22. Cross sections of structures indicating relationship to adjacent buildings and roadways.
23. Dimensions for typical parking stalls and maneuvering areas, including setbacks of building and building separation.
24. Bar scales of all plans.
25. Phasing scheme and proposed timing schedule for buildout.

26. Location and details regarding any on-site storage of hazardous or toxic material regulated by City Ordinance No. 82-097.
27. Transportation Management Plan providing a 35% trips reduction or, if applicable, a Transportation Management Plan incorporating additional measures into the plan to support parking reduction above the 1:600 parking ratio.
28. Statement of Recycling Information regulated by Title 17.72 of the Sacramento City Code.

Amended Continental Plaza PUD Development Guidelines Section V. Land Use Summary to read as follows:

V. LAND USE SUMMARY

The Continental Plaza site consists of three parcels. The existing Phase I and II buildings are located on an 11.92± gross acre parcel fronting 7th Street north of Richards Boulevard (Parcel A). The existing Phase III building is located on a 1.39± gross acre parcel fronting Vine Street (Parcel B). The Phase IV office building will be developed on an adjacent 4.75± gross acre parcel located at the northeast corner of the intersection of 7th Street and Richards Boulevard (Parcel C). Parking for the office complex (Phases 1, II, III, & IV) will be provided with surface and structured parking on Parcels A & B.

The zoning for Parcels A and B of the Continental Plaza site is Heavy Industrial Planned Unit Development/Special Planning District (M-2 PUD/SPD). The zoning for Parcel C of the Continental Plaza site is Office Building Planned Unit Development/Special Planning District (OB PUD/SPD).

In 2007, a former rail spur line along the eastern boundary of the Continental Plaza PUD property was incorporated into the PUD. Of the approximately 1.19± acres, about one acre is zoned Heavy Industrial Planned Unit Development Special Planning District (M-2 PUD/SPD) and about 0.19 acres is zoned Office Building Planned Unit Development Special Planning District (OB PUD/SPD). Prior to construction of the parking garage the property will need to be merged with the larger Continental Plaza property.

TABLE 1
Land Use Summary

Phase I (existing)	160,000± SF
Phase II (existing)	67,500± SF
Phase III (existing)	59,850± SF
Phase IV (to be constructed)	810,000± SF
Office (including 14,000± SF of ground floor retail)	

Parking Structure (between 1,238 and 3,000 spaces¹)
Child Care Facility (conversion of 4,300± SF of Phase I office space)

Total square footage (net of parking structure) 1,097,350± SF

¹ See Building Standards Section E1 below.

Amended Continental Plaza PUD Development Guidelines Section VI. BUILDING STANDARDS to read as follows:

Section VI.A 1 and 2 shall read as follows:

A. Allowable Development:

1. The overall building square footage (net of structured parking) in the Continental Plaza PUD shall not exceed 1,097,350 square feet.
 - a. For the purpose of calculating the Floor Area Ratio (FAR) for the Continental Plaza PUD, the area of the site shall include the 11.92± gross acre (10.62 net of ROW//IOD) Parcel A, the 1.39± gross acre (1.22 net of ROW//IOD) Parcel B, and the 4.75± gross acre (3.45 acres net of ROW//IOD) Parcel C. This methodology reflects the functional integration of these three parcels into a single office campus.
2. The overall building square footage on Parcels A and B (the northern lots) of Continental Plaza PUD shall not exceed 291,650 gross square feet of occupied building area and a parking structure not to exceed eight stories, 95 feet in height with sufficient capacity to accommodate approximately 3,000 spaces (See Building Standards Section E1 below). The building square footage includes 287,350 gross square feet of office development and a 4,300 gross square feet childcare facility.

Section VI. C 1 and 2 is amended to read as follows:

C. Height:

The following is the maximum height:

1. M-2 zone (Parcels A and B)
 - a. Office/Residential buildings -- 75 feet (measured from top of plate line)
 - b. Parking Garage

- i. Constructed with building permits issued and construction commenced on or before September 29, 2010 – eight (8) stories or 95 feet (measured from top parking deck whichever is less; last elevator stop and elevator equipment shall be permitted up to an additional 15 feet).
- ii. Constructed with building permits issued and construction commenced after September 29, 2010 – six (6) stories or 75 feet, whichever is less (measured from top parking deck whichever is less; last elevator stop and elevator equipment shall be permitted up to an additional 15 feet).

Section VI.D shall read as follows:

D. Setbacks: The Continental Plaza Planned Unit Development will ultimately be bounded on all four sides by existing and planned rights-of-ways as illustrated in the Facility Element for the Railyards Specific Plan & Richards Boulevard Area Plan. The Continental Plaza project site is bounded by Richards Boulevard to the south, North 7th Street to the west, the proposed Vine Street extension to the north and the proposed 8th/9th Street extension to the east. In addition, the Facility Element for the RBAP calls for a future new street to be located parallel to Richards Boulevard, between the northern portion of the Continental Plaza site (Parcels A and B) and the southern portion of the Continental Plaza site (Parcel C). Setbacks shall be measured from property lines of future rights-of-way, unless otherwise noted.

Setback areas shall be landscaped.

1. M-2 zone (Parcels A and B)

- a. 7th Street (west) - 25 feet
- b. Proposed Vine Street IOD/ROW (north) - 10 feet
- c. Existing interior property line (east)
 - i. Parking garage - 5 feet
 - ii. Office/Residential buildings - 10 feet
- d. Proposed new street (south) - 10 feet

2. OB zone (Parcel C)

- a. 7th Street (west) - 45 feet
 - i. This 45 foot setback shall be reduced ultimately to 23 feet once 7th Street taper is constructed.
- b. Proposed new street (north) - 10 feet
- c. Existing interior property line (east) - 10 feet

- d. Richards Boulevard (south) - 35 feet from existing property line
 - i. This 35 feet setback includes the future 30 foot wide right-of-way for the extension of the LRT line to the Dos Rio station. Upon dedication of the LRT ROW the setback shall be reduced to 5 feet. The development of the 30 foot LRT ROW provides a 24 foot track area and 6 foot sidewalk (north of the tracks). To provide the best configuration for the light rail line, it is recommended that the City and Regional Transit relocate the 9 foot sidewalk to the north side of the tracks and utilize the remaining six feet for landscaping in conjunction with the 5 feet provided by the building, thus providing 11' of landscaping between the sidewalk and the building.

Section VI. E 1 a, b and c is amended to read as follows:

E. Vehicle Parking:

Parking for Phase IV office building is provided on the northern parcels (Parcels A and B) of the PUD. In order to assure parking will remain available for the Phase IV office building an easement, deed restriction or other instrument satisfactory to the City Attorney shall be recorded that provides access to the parking for the perpetuity of the office building.

1. Office

- a. For office projects for which building permits are issued and construction commenced on or before September 29, 2010, the maximum amount of off-street vehicle parking permitted for office use shall be one space per 325 gross square feet of floor area. The minimum amount of off-street vehicle parking permitted for office use shall be one space per 600 gross square feet of floor area, unless additional TSM measures are implemented in accordance with Section VI.E.1.c below.
- b. For office projects for which building permits are issued and construction commenced after September 29, 2010, the maximum amount of off-street vehicle parking permitted for office use shall be one space per 500 gross square feet of floor area. The minimum amount of off-street vehicle parking permitted for office use shall be one space per 600 gross square feet of office area, unless additional TSM measures are implemented in accordance with Section VI.E.1.c below.

- c. Office parking may be reduced to above the 1:600 ratio up to a minimum amount of off-street vehicle parking of one space for every 1,000 gross square feet of floor area, provided that additional TSM measures, beyond those mandated by the Developer TSM Ordinance (35%), shall be implemented in order to support the reduction in parking. A developer Transportation Management Plan (TMP) shall be submitted concurrently with the application for development to justify the requested parking reduction.

Section VI. E 7 & 8 is hereby added to read as follows:

7. The Continental Plaza parking structure shall be operated and managed so as to provide opportunities for use of the facility by residents of and visitors to the Richards Boulevard Plan Area during those hours of the day when the structure is not in use to serve the parking requirements of the Continental Plaza Project.
8. The developer of Continental Plaza Phase IV shall make a good faith cooperative effort in collaboration with the developer of the Township 9 Project located at the northwest corner of Richards Boulevard and N. 7th Street to incorporate access to the Continental Plaza parking structure from Richards Boulevard and to reduce reliance on access to the facility from N. 7th Street.

Except as specifically amended by the above amendments to the Continental Plaza PUD Development Guidelines all other provisions of the Continental Plaza PUD Development Guidelines remain unchanged and in full force and effect.

Attachment 6**CONCLUSION TO PREPARE AN ADDENDUM TO
A CERTIFIED ENVIRONMENTAL DOCUMENT**

An addendum to a certified environmental document may be prepared if only minor technical changes or additions are necessary (CEQA Guidelines Section 15164). The City has decided to prepare an Addendum in that none of the following findings necessary to prepare a Subsequent Environmental Impact Report have been made pursuant to CEQA Guidelines Section 15162:

1. No substantial changes are proposed to the project which will require major revisions of the previous Environmental Impact Report.

In 1992, the applicant submitted plans for a 580,000± square foot building on the southern portion of the subject site (P92-309). In December 1994, an application was submitted for a 60,000± square foot building on the northern portion of the site (P94-126). In March, 1995, the applicant revised and resubmitted plans for an 810,000± square foot building on the southern portion of the site with a parking structure to be located on the northern portion of the site. In June, 1995, staff determined that one environmental document would be prepared for both projects (Draft Initial Study and Notification of the Use of the Railyards Specific Plan/Richards Boulevard Area Plan EIR and SEIR for the Continental Plaza Phase III and Phase IV). On August 22, 1996, the City Planning Commission recommended approval of the various entitlements for the project and forwarded to the City Council. On October 29, 1996, the City Council approved the various entitlements and created the Continental Plaza PUD. Approved entitlements included entitlements to develop two office buildings totaling 870,000 square feet (sf) and a six-story, 1,238 space parking garage on two lots of approximately 18 acres. The project consisted of the construction of a 60,000 sf, two-story office building (Continental Plaza III), child care facility, and a six-story parking structure on the northern portion of the site. On the southern portion of the project site, the applicant proposed to construct an 810,000 sf office building (Continental Plaza IV). Parking for all buildings (Continental Plaza I-IV) was to be provided on the northern lot through surface parking and the six story parking structure. An addendum prepared in 2001, Continental Plaza PUD Amendments (P01-125), included an updated transportation analysis and applicable mitigation measures.

The current entitlement requests for a development agreement and PUD amendments do not significantly alter the analysis in the previously certified environmental document and the alternatives identified in that document; therefore, an addendum is being prepared for this project. Although the addendum provides additional information and evaluation, none of the new information and evaluations will trigger a need for a subsequent Environmental Impact Report. The modifications of the previous entitlements for the proposed project are within the scope of analysis of the prior project and will not result in any new potential environmental impacts or any more severe impacts than those previously evaluated, identified, and proposed to be mitigated in the original Continental Plaza PUD environmental document.

2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions to the previous Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The proposed project is for a development agreement and PUD amendments to increase the maximum parking ratio from 1:600 to 1:325. Traffic analyses are based on proposed building square footage. Previous analyses have considered the development of an 810,000 sf office building and 4,300 sf child care facility within the existing Phase 1 office building. Since the proposed project would not increase the size of previously analyzed buildings, no new traffic impacts would be created. Since no new traffic impacts would be created, there would not be any new operational air quality impacts to analyze. The original environmental document analyzed a six-story, 1,238 space parking garage. The proposed project would provide for an eight-story, 95 foot, 3,038 space parking garage. Air quality impacts associated with the construction of a six-story versus an eight-story parking garage would be similar and, thus, the impacts would not be substantially more severe than those considered in the original environmental document. New information submitted for the proposed project would be considered minor technical changes and would be within the scope of the original environmental analysis.

3. No new information of substantial importance has been found that shows any of the following:

- a) The project will have one or more significant effects not discussed in the previous EIR and Addendum;
- b) Significant effects previously examined will be substantially more severe than shown in the previous EIR and Addendum;
- c) Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the proposed project; or
- d) Mitigation measures which are considerably different from those analyzed in the previous EIR and Addendum would substantially reduce one or more significant effects on the environment.

The proposed project involves the construction of a parking garage previously identified in the PUD Schematic Plan; however, the proposed height of the parking garage will be increased to 95 ft (eight stories). Development of the proposed project would not result in any new significant effects not discussed in the Continental Plaza PUD environmental document. Mitigation measures adopted for the previous environmental document are consistent with what has been previously analyzed.

Continental Plaza PUD
Addendum to the Continental Plaza PUD Environmental Document

(SCH 1996032045)

PROJECT INFORMATION

File Number / Project Name

P07-015 / Continental Plaza PUD

Project Location

The approximate 18-acre project site is located on Richards Boulevard along North 7th Street in the Richards Boulevard Special Planning District, APNs 001-0020-017, 018, 049, & 051.

Existing Plan Designations and Zoning:

The project site is designated by the General Plan as Special Planning District. The community plan designation is Industrial/Residential and Office. Existing zoning is Heavy Industrial Planned Unit Development Special Planning District (M-2 PUD/SPD) and Office Building Planned Unit Development Special Planning District (OB PUD/SPD).

Project Background

In 1992, the applicant submitted plans for a 580,000 sf building on the southern portion of the subject site (P92-309). In December 1994, an application was submitted for a 60,000 sf building on the northern portion of the site (P94-126). In March 1995, the applicant revised and resubmitted plans for an 810,000 sf building on the southern portion of the site with a parking structure to be located on the northern portion of the site. In June 1995, City staff determined that one environmental document would be prepared for both projects. On August 22, 1996, the City Planning Commission recommended approval of the various entitlements for the project. On October 29, 1996, the City Council approved the various entitlements and created the Continental Plaza PUD. Phase III was constructed in 1999; however, Phase IV (a twelve-story, 810,000 sf building fronting Richards Boulevard) was never constructed. On February 24, 2000, the City Planning Commission approved special permits for time extensions for various entitlements and the Mitigation Monitoring Plan. The time extension extended the period of the special permit to October 29, 2001. On October 2002, the Planning Commission re-approved the special permits for Continental Plaza Phase IV, extending the special permit to October 2007. The environmental document approved by the Planning Commission on October 2002 included an updated transportation and circulation analysis and applicable mitigation measures.

Project Purpose

The purpose of the project is to obtain the necessary entitlements to vest development rights of Continental Plaza Phase IV consisting of a 810,000 sf office building, off-site parking, and a 4,300 sf child care facility in the existing Phase I office building for an additional 10 years (2017). In addition, the applicant is requesting to amend the Continental Plaza Development (PUD) Guidelines with respect to parking and to incorporate the former rail spur to the east.

Project Components

The applicant is requesting a Development Agreement to vest development rights of

Continental Plaza Phase IV consisting of a 810,000 gsf office building, off-site parking and a 4,300 gsf child care facility in the existing Phase I office building for an additional 10 years (2017). In addition to the Development Agreement the applicant is requesting to amend the Continental Plaza Development (PUD) Guidelines with respect to parking. The request is to modify the maximum parking ratio from 1:600 to 1: 325 to be more competitive with suburban office development and to incorporate approximately 1.19 gross acres into the Continental Plaza PUD by amending the Schematic Plan to incorporate the former rail spur to the east.

Redline Copy

DEVELOPMENT
GUIDELINES

CONTINENTAL PLAZA PUD

Amended by CPC, October 24, 2002
Amended by CC.

I. PURPOSE AND INTENT

Continental Plaza is a Planned Unit Development (PUD) consisting of an approximately 1,100,000 square foot office campus to be located at the northeast corner of Richards Boulevard and North 7th Street in the Richards Boulevard Planning Area of the Central City. The Continental Plaza Planned Unit Development is a four phase project, three phases of which have already been completed.

Phase I, completed in 1986, consists of a conversion of the 160,000 square foot Continental Can Manufacturing Facility (originally constructed in 1946) from industrial to office use. In 1991, a new 67,500 square foot, two story, Phase II office building was added to the complex. A two story, 59,850 square foot Phase III office building was constructed in 1999, resulting in a total of 287,350 developed square footage in the first three phases of the Continental Plaza PUD. ~~The Continental Plaza Phase I, II and III buildings are currently occupied by the State Department of Health Services.~~

In addition to the existing Phase I, II and III buildings, the Continental Plaza PUD makes provision for the construction of one additional new office buildings of 810,000 square feet (Continental Plaza Phase IV) and ~~a sixan eight~~ sixan eight story parking structure. While the Continental Plaza office campus is principally intended to accommodate ~~additional requirements of the Department of Health Services or other State agencies,~~ the Continental Plaza PUD is well suited to any office user seeking the efficiency, flexibility and cost-effectiveness of large floor plate designs in an attractive back-office setting.

These PUD Guidelines, as approved by the City of Sacramento City Council, shall govern the development of the Continental Plaza site and are intended to promote the following project objectives:

1. To allow for the expansion of the existing ~~Department of Health Services use~~ office space to accommodate additional requirements of ~~this State agency or other State agencies;~~
2. To accommodate the State's plans for consolidation of State-occupied office space at a location that has been targeted by the City for such use;
3. To house office users seeking the efficiency, flexibility and cost-effectiveness of large floor plate designs in an attractive back-office setting;
4. To contribute to and enhance the operational efficiency and functional qualities of the existing Continental Plaza Phase I, II and III facilities (which already includes a 9,100 square foot cafeteria, a centralized mail facility, a 200 seat auditorium, two large classroom/training facilities, and an existing shuttle system linking Continental Plaza with the Central Business District and Capitol Area);

5. To provide a signature building to anchor the 7th Street corridor to the north and establish a design standard for the “lower cost, support office space” targeted by the Richards Boulevard Area Plan (RBAP) for this location.
6. To contribute to financing of the critical first phase of infrastructure for the Railyards Specific Plan (RSP) and Richards Boulevard Area Plan (including the widening of the I-5/Richards Boulevard undercrossing, the 7th Street extension and the Intermodal transportation facilities);
7. To provide a logical extension of downtown employment activity, commerce and trade;
8. To reinforce the use of major transit improvements planned for the area (including the Intermodal transportation facilities to be located in the Railyards Specific Plan area and the LRT Station to be located west of the Continental Plaza site on Richards Boulevard); and
9. To provide the catalyst for the redevelopment of the Richards Boulevard area (now known as the Capitol Station River District), the landowners of which have formed a Property Owners Business Development District for their mutual benefit.

II. FORCE AND EFFECT

These Guidelines are intended to act as a supplement to existing City codes and ordinances and shall control when more restrictive than such codes and ordinances or when inconsistencies arise between the provisions contained herein and the provisions of such codes and ordinances. Any amendments hereto shall be subject to the procedures established in ~~Section 8 of the Zoning Ordinance~~ Section 17.180 of the Sacramento City Code.

III. SCHEMATIC DEVELOPMENT PLAN

These development guidelines incorporate the Schematic Plan of the Continental Plaza PUD originally approved by the Sacramento City Council by Resolution No. 96-594-594 and amended by the Sacramento City Planning Commission on October 24, 2002. This Schematic Plan, showing building locations, parking layout and site circulation, is attached as Exhibit A. Amendments to the Schematic Plan are subject to ~~the~~ review and approval of ~~the Planning Commission and City Council~~ as set forth in Section 17.180 of the Sacramento City Code. ~~Minor modifications, however, may be made to the Schematic Plan if the Zoning Administrator determines that the requested modification is consistent with the objectives and intent of these PUD Guidelines.~~

IV. PROCEDURES FOR APPROVAL

~~Development within the Continental Plaza office campus is subject to special permit approval by the City Planning Commission. Special permit development plans shall be prepared in conformance with the Schematic Plan and these PUD Guidelines.~~

~~A preliminary review of special permit applications may be required when the City determines that such review, by City, County, State and other agencies, is essential to a thorough review.~~

All development in the Continental Plaza PUD is subject to review and approval as set forth in Sacramento City Code Section 17.180 to insure conformance with the PUD Schematic Plan and these Guidelines. However, if the proposed project otherwise requires a special permit, then review for conformity with the PUD Schematic Plan and these Guidelines would be part of the special permit process. A preliminary review of a development project may be required when the Planning Director determines that such review is essential to a thorough review.

All applications shall include information noted on the standard City checklist.

Since Continental Plaza Project is a PUD, development is not subject to City design review under Chapter 17.132 of the Zoning Code that otherwise is required for all development in the Richards Boulevard SPD. Section 17.120.020 exempts properties within a planned unit development from design review because the PUD project approval process incorporates design review. The Planning Directors Plan Review process will insure that projects within the Continental Plaza PUD comply with these Guidelines. Appeal of a Planning Directors decision regarding Plan Review for a project is set out in Chapter 17.220.

The following information shall be submitted with ~~a special permit~~ all applications:

1. Names and addresses of contractor, developer and architect.
2. Project site plan with dimensions taken from signed recorded plat.
3. All submissions must include topography showing existing grades and proposed grades at one foot intervals with spot elevations as required to clarify drawings; also show building corner elevations and floor landscaping.
4. Landscape plans, including shading calculations.
5. Retaining walls.
6. Locations and details of temporary and permanent signs, including dimensions.

If the specific signage program is not known, the applicant shall designate a zone or alternative zones on the building façade(s) on which attached signage may be located and the location or alternative locations of detached signage. The Planning Commission shall approve the acceptable location(s) or zone(s) as part of the Special Permit.

7. Temporary and permanence fences and fence material.
8. Front, side and rear setbacks from building to property lines.
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13. Exterior storage and screening devices for trash, mechanical and communications equipment, and meters.
14. Location of light poles and transformers, with height and type indicated.
15. Utility plan, including services stubbed to site.
16. Mailboxes, if known.
17. Roof projections and/or roof plan and screening treatment.
18. Land use distribution, percent and square footage of site used for the following:
 - Building pads;
 - Surface parking and any other paved area;
 - Landscaping (includes on-site open space, private sidewalks, and patios)
19. Building elevations for all sides and height to top plate and top of roof.
20. Location of existing and proposed buildings.
21. Street names and right-of-way widths and driveway adjacent to the site.
22. Cross sections of structures indicating relationship to adjacent buildings and roadways.
23. Dimensions for typical parking stalls and maneuvering areas, including

setbacks of building and building separation.

24. Bar scales of all plans.
25. Phasing scheme and proposed timing schedule for buildout.
26. Location and details regarding any on-site storage of hazardous or toxic material regulated by City Ordinance No. 82-097.
27. Transportation Management Plan providing a 35% trips reduction, or, if applicable, a Transportation Management Plan incorporating additional measures into the plan to support parking reduction above the 1:600 parking ratio.
28. Statement of Recycling Information regulated by ~~Section 34 of the Zoning Ordinance~~ Title 17.72 of the Sacramento City Code.

V. LAND USE SUMMARY

The Continental Plaza site consists of three parcels. The existing Phase I and II buildings are located on an 11.92± gross acre parcel fronting 7th Street north of Richards Boulevard (Parcel A). ~~The future parking structure to be constructed with Phase IV will also be developed on this portion of the Continental Plaza site.~~ The existing Phase III building is located on a 1.39± gross acre parcel fronting Vine Street (Parcel B). The Phase IV office building will be developed on an adjacent 4.75± gross acre parcel located at the northeast corner of the intersection of 7th Street and Richards Boulevard (Parcel C). Parking for the office complex (Phases 1, II, III, & IV) will be provided with surface and structured parking on Parcels A & B.

The zoning for Parcels A and B of the Continental Plaza site is Heavy Industrial Planned Unit Development/Special Planning District (M-2 PUD/SPD). The zoning for Parcel C of the Continental Plaza site is Office Building Planned Unit Development/Special Planning District (OB PUD/SPD).

In 2007, a former rail spur line along the eastern boundary of the Continental Plaza PUD property was incorporated into the PUD. Of the approximately 1.19± acres, about one acre is zoned Heavy Industrial Planned Unit Development Special Planning District (M-2 PUD/SPD) and about 0.19 acres is zoned Office Building Planned Unit Development Special Planning District (OB PUD/SPD). Prior to construction of the parking garage the property will need to be merged with the larger Continental Plaza property

TABLE 1
Land Use Summary

Phase I (existing)	160,000± SF
Phase II (existing)	67,500± SF
Phase III (existing)	59,850± SF
Phase IV (to be constructed)	810,000± SF
Office (including 14,000± SF of ground floor retail)	
Parking Structure (between approximately 1,238 to <u>3,000</u> ¹ spaces)	
Child Care Facility (conversion of 4,300± SF of Phase I office space)	
Total square footage (net of parking structure)	1,097,350± SF

¹ See Building Standards Section E1 below.

VI. BUILDING STANDARDS

A. Allowable Development:

1. The overall building square footage (net of structured parking) in the Continental Plaza PUD shall not exceed 1,097,350 square feet.
 - a. For the purpose of calculating the Floor Area Ratio (FAR) for the Continental Plaza PUD, the area of the site shall include ~~both the 13.23± gross acre parcel (11.7± acres net of ROW/IOD) and the 11.92± gross acre (10.62 net of ROW/IOD) Parcel A, the 1.39± gross acre (1.22 net of ROW/IOD) Parcel B, and the 4.75± gross acre (3.45 acres net of ROW/IOD) Parcel C.~~ the 1.39± gross acre (1.22 net of ROW/IOD) Parcel A, the 4.75± gross acre (3.45 acres net of ROW/IOD) Parcel B, and the 11.92± gross acre (10.62 net of ROW/IOD) Parcel C. This methodology reflects the functional integration of these ~~two~~ three parcels into a single office campus.
2. The overall building square footage on Parcels A and B (the northern lots) of Continental Plaza PUD shall not exceed ~~290,500~~ 291,650 gross square feet of occupied building area and a ~~4,238~~ space parking structure not to exceed eight stories, 95 feet in height with sufficient capacity to accommodate approximately 3,000 spaces (See Building Standards Section E1 below). The building square footage includes ~~287,000~~ 287,350 gross square feet of office development and a 4,300 gross square feet childcare facility.
3. The overall building square footage on Parcel B C (the southern lot) of Continental Plaza PUD, shall not exceed 810,000 gross square feet.

4. The overall building square footage on the southern lot site, devoted to ground floor retail, commercial or service uses shall be a minimum of 14,000 square feet.
5. Residential uses, if proposed at a later date, shall be developed at a density of a minimum 25 du/nac and maximum of 65 du/nac.

B. Permitted Uses:

1. M-2 zone

- a. Office
- b. Multiple Family Residential
- c. Child Care Facilities
- d. Ground floor commercial, retail or service uses as follows:
 - i. art gallery
 - ii.. appliance repair shop
 - iii. bank, savings and loan
 - iv. barber, beauty shop
 - v. book, stationery store
 - vi. cleaners, laundry agency
 - vii. clothing store
 - viii. florist
 - ix. food store, bakery, delicatessen
 - x. laundromat
 - xi. restaurant, cafe,
 - xii. retail
 - xiii. photography studio
 - xiv. martial arts training
 - xv. video rental stores

2. OB zone

- a. Office
- b. Multiple Family Residential
- c. Child Care Facilities
- d. Ground floor commercial, retail or service uses as follows:
 - i. art gallery
 - ii. bank, savings and loan
 - iii. barber, beauty shop
 - iv. book, stationery store

- v. cleaners, laundry agency
- vi. clothing store
- vii. florist
- viii. food store, bakery, delicatessen
- ix. restaurant, cafe,
- x. retail
- xi. photography studio
- xii. video rental stores

C. Height:

The following is the maximum height

1. M-2 zone (Parcels A and B)

~~1. M-2 zone (Parcels A and B)~~ a. Office/Residential buildings -- 75 feet (measured from top of plate line)

b. Parking Garage

i. Constructed with building permits issued and construction commenced on or before September 29, 2010 – eight (8) stories or 95 feet whichever is less, (measured from top parking deck; last elevator stop and elevator equipment shall be permitted up to an additional 15 feet).

ii. Constructed with building permits issued and construction commenced after September 29, 2010 – 75 feet (measured from top parking deck; last elevator stop and elevator equipment shall be permitted up to an additional 15 feet).

2. OB zone (Parcel C) - 180 feet (measured from top of plate line)

- a. Penthouse for mechanical equipment, if provided, shall be permitted up to an additional 15 feet.

D. **Setbacks:** The Continental Plaza Planned Unit Development will ultimately be bounded on all four sides by existing and planned rights-of-ways as illustrated in the Facility Element for the Railyards Specific Plan & Richards Boulevard Area Plan. The Continental Plaza project site is bounded by Richards Boulevard to the south, North 7th Street to the west, the proposed Vine Street extension to the north and the proposed 8th/9th Street extension to the east. In addition, the Facility Element for the RBAP calls for a future new street to be located parallel to Richards Boulevard, between the northern portion of the Continental Plaza site (Parcels A and B) and the southern portion of the Continental Plaza site (Parcel B C). Setbacks shall be measured from property lines of future rights-of-way, unless otherwise noted. Setback areas shall be landscaped.

1. M-2 zone (Parcels A and B)

- a. 7th Street (west) - 25 feet
- b. Proposed Vine Street IOD/ROW (north) - 10 feet
- c. Existing interior property line (east)
 - Parking garage - 5 feet
 - Office/Residential buildings - 10 feet
- d. Proposed new street (south) - 10 feet

2. OB zone (Parcel B-C)

- a. 7th Street (west) - 45 feet
 - i. This 45 foot setback shall be reduced ultimately to 23 feet once 7th Street taper is constructed.
- b. Proposed new street (north) -10 feet
- a. Existing interior property line (east) - 10 feet
- b. Richards Boulevard (south) - 35 feet from existing property line
 - i. This 35 feet setback includes the future 30 foot wide right-of-way for the extension of the LRT line to the Dos Rio station. Upon dedication of the LRT ROW the setback shall be reduced to 5 feet. The development of the 30 foot LRT ROW provides a 24 foot track area and 6 foot sidewalk (north of the tracks. To provide the best configuration for the light

rail line, it is recommended that the City and Regional Transit relocate the 9 foot sidewalk to the north side of the tracks and utilize the remaining six feet for landscaping in conjunction with the 5 feet provided by the building, thus providing 11' of landscaping between the sidewalk and the building.

E. Vehicle Parking:

Parking for Phase IV office building is provided on the northern parcels (Parcels A and B) of the PUD. In order to assure parking will remain available for the Phase IV office building an easement, deed restriction or other instrument satisfactory to the City Attorney shall be recorded that provides access to the parking for the perpetuity of the office building. ~~In addition, the owner/operator of the parking garage should encourage reciprocal parking access of Continental Plaza with other developments in the Richards Boulevard area during off-peak hours.~~

1. Office

- a. For office projects for which building permits are issued and construction commenced on or before September 29, 2010, the maximum amount of vehicle parking permitted for office use shall be one space per 325 gross square feet of floor area. The minimum amount of off-street vehicle parking permitted for office use shall be one space per 600 gross square feet of floor area, unless additional TSM measures are implemented in accordance with Section VI.E.1.b. below.
- b. For office projects for which building permits are issued and construction commenced after September 29, 2010, ~~Off~~The maximum amount of off-street parking shall be developed at a ratio of one vehicle parking spaces for every vehicle parking permitted for office use shall be one space per 500 gross square feet of floor area. The minimum amount of off-street vehicle parking permitted for office use shall be one space per 600 gross square feet of floor area, unless additional TSM measures are implemented in accordance with Section VI.E.1.b below.
- c. ParkingOffice parking may be reduced to above the 1:600 ratio up to a minimum amount of off-street vehicle parking of one space for every 1,000 gross square feet of floor area, provided that additional TSM measures, beyond those mandated by the Developer TSM Ordinance (35%), shall be implemented in order to support the reduction in parking. A developer Transportation Management Plan (TMP) shall be

submitted concurrently with the ~~special permit~~ application for development to justify the requested parking reduction.

2. Restaurant - Vehicle parking shall not be required for a restaurant use that is a component of an office or residential project provided that the cafeteria use does not exceed 6,000 square feet per building.

Exception - vehicle parking shall not be required for a cafeteria, not exceeding 14,500 net square feet, that serves the office building and operates during the hours the office building is open.

- a. The minimum off-street vehicle parking spaces for a restaurant use, exceeding 6,000 gross square feet, provided such use is a component of a residential or office project is one space per 450 gross square feet of floor area.
3. Commercial/retail or service uses:
 - a. Vehicle parking shall not be required for a commercial or retail use provided that such use is a component of a residential or office project and provided that such use does not exceed 5,000 square feet of building occupancy per tenant.
 - b. One vehicle parking space per 450 gross square feet shall be required for a commercial or retail use provided such use is a component of a residential or office project and provided that such use does not exceed 9,600 gross square feet of building occupancy per tenant.
 - c. One vehicle parking space per 400 gross square feet shall be required for a commercial or retail use provided such use is a component of a residential or office project and provided that such use exceeds 9,600 gross square feet of building occupancy per tenant. The maximum amount of off-street vehicle parking permitted shall be one space per 300 gross square feet of floor area for commercial or retail use.
 4. Residential
 - A 1.5 parking spaces per unit
 - b. 1 guess space per 15 parking spaces
 5. All other uses shall comply with parking standards provided by the Zoning Ordinance.

6. Two percent (2%) of all structured vehicle parking spaces shall be equipped with electrical outlets for electric vehicles. This will include

adequate power supply (120/240v. 40 amp) service to each parking stall.

7. The Continental Plaza parking structure shall be operated and managed so as to provide opportunities for use of the facility by residents of and visitors to the Richards Boulevard Plan Area during those hours of the day when the structure is not in use to serve the parking requirements of the Continental Plaza Project.

8. The developer of Continental Plaza Phase IV shall make a good faith cooperative effort in collaboration with the developer of the Township 9 Project located at the northwest corner of Richards Boulevard and N. 7th Street to incorporate access to the Continental Plaza parking structure from Richards Boulevard and to reduce reliance on access to the facility from N. 7th Street.

F. Bicycle Parking:

1. Office - One bicycle parking facility shall be provided for every 6,000 gross square feet of building area (net of structured parking). Fifty percent (50%) of the required bicycle parking facilities shall be Class I facilities.
2. Residential - One bicycle parking facility shall be required for every 10 units. Fifty (50%) percent of the required bicycle parking shall be Class I facilities.

G. Open Space:

1. Office Use:
 - a. The Continental Plaza Phase III and IV office buildings shall provide open space at a ratio of 1 square foot of open space per 10 square feet of development (1:10).
 - b. A minimum of 20% of the open space shall be provided on site.
 - i. Provisions shall be made for the balance of the open space obligation attributable to the Continental Plaza project either through conveyance to the City of an off-site open space location acceptable to the City and within the Richards Boulevard Planning Area or payment of an in lieu fee.
 - ii. Conveyance of off-site open space or an in lieu fee shall be subject to a Development Agreement or other similar agreement or arrangement by the City.

- c. Landscaped setback areas designed to contribute to the active or passive enjoyment of employees of the Continental Plaza Office campus may be counted towards the open space requirements. The landscape setback along Richards Boulevard shall be integrated into the open space design and shall be counted in the open space requirements. The interim landscape/plaza improvements in the 60 foot "new street" right-of-way shall also be counted as complying with the on-site open space requirements.
 - d. To the extent consistent with considerations of security, the open space area shall be oriented towards pedestrian linkages or located adjacent to people-oriented uses (such as retail or restaurants).
 - e. The open space area, shall incorporate, but not be limited to, one or more of the following features:
 - i. Landscaping (i.e. turf, trees, flower gardens, etc.)
 - ii. Decorative paving (i.e. tile, cobblestone, colored concrete, etc.)
 - iii. Public art pieces
 - iv. Water features (i.e. ponds, reflecting pools, etc.)
 - v. Seating areas
 - vi. Canopies
 - vii. Lighting
 - f. Open space features shall be complimentary to the building architecture. Design elements, material, colors and lighting should be contextual with the proposed building or existing adjacent buildings.
2. Residential
- a. On-site open space
 - i. A minimum of 80 square feet of common usable open space per unit is required. Such areas may include courtyards, gardens, recreational and similar areas.
 - ii. A minimum of 50 square feet of private usable open space per unit is required. this area is for the exclusive use of the unit. Such areas may include

decks, balconies and patios. Private usable open space shall be directly accessible for the associated unit.

b. Park Land Dedication

- i. Park land, if not previously dedicated, shall be provided through dedication of land or through the payment of in-lieu fees thereof, at the option of the City for park or recreational purposes according to the standards and formula contained in the Subdivision Regulations, Article XVI (Regulations for Dedications of Land Payment of Fees, or Both, of Park and Recreational Purposes).

H. Wall/Fencing Requirements:

1. Solid perimeter walls shall be discouraged unless required for noise mitigation. In such a case, landscaping along the fence shall be planted to minimize the visual effect of the wall.
2. Fencing necessary for the security of the site shall be open iron to a maximum of six feet in height, painted black or a similarly unobtrusive color.
3. Existing chain link fencing may be retained, provided that it is landscaped and maintained and not visible from any street frontages.

I. Temporary Structures:

1. Temporary structures, including but not limited to trailers, mobile homes and other structures not affixed to the ground, are permitted only during construction and shall be removed promptly upon completion of the construction activity.
2. Such temporary structures shall be inconspicuous as possible and shall cause no inconvenience to the general public.

VII. ARCHITECTURAL TREATMENT AND MATERIALS

- A. Continental Plaza Phase IV. Continental Plaza Phase IV shall be designed to provide a signature building to anchor the 7th Street corridor to the south and establish a design standard for the lower cost, support office space targeted by the Richards Boulevard Area Plan for this location.

1. Building Facades. The design of building facades should be clearly organized to distinguish between the building base (up to 40 feet),

the upper level streetwall facades (up to 85 feet) and a tower element that is above 85 feet in height.

2. **Building Bases.** The building base should be open in nature and designed in a way that creates visual interest and variety along the street frontage of Richards Boulevard, North 7th Street and the proposed new street, both from the perspective of the pedestrian and the passing motorist. Architectural features such as setbacks, colonnades, arcades, changes in materials and changes in wall planes are encouraged to provide visual relief and clearly articulate the building base from the upper level portions of the building. Because of the proximity of the building base to pedestrian level activity, special attention should be given to architectural detail including placement of joint lines, use of premium cladding at the pedestrian level and location of ventilation louvers for mechanical equipment away from points of pedestrian activity. Although the building base should employ transparent design features such as colonnades, areas of solidity should also be incorporated as the base elevation is articulated.
3. **Building Entries.** The building entry design should reflect a principal building orientation towards or adjacent to the corner of 7th Street and Richards Boulevard. Entries should be clearly defined with integrated canopies for weather protection and with adequate and distinctive lighting for safety and effect. Services entries should be located away from the major pedestrian activity points.
4. **Fenestration.** The fenestration above the building base, up to 85 feet in height, is intended to articulate the different masses of the building by use of curtain walls, ribbon windows, punched openings and sun protection devices such as overhangs, trellises, and canopies to provide an extra level of texture for different window types. Window openings should provide for a hierarchy of horizontal and vertical expression and should be recessed to offer shade and complexity to the building elevation. Patterns should reflect changes in building form, setbacks and proportions, and should avoid relentless grids and repetitive patterns. The solid portion of the walls should incorporate reveals, moldings, and changes in plane that reinforce the compositional design of the facade and offer shadow, detail and variety. This fenestration should contrast in appearance from the fenestration of the tower element.

5. **Tower Element.** The tower element should have a higher proportion of glass to wall to create a lighter appearance; fenestration may be flush with the building wall to reinforce this lightness. Glass curtain walls may be used if integrated with other design features to lighten the building mass. The tower element should emphasize the corner of 7th Street and Richards Boulevard by providing visual interest through special architectural features such as fenestration, massing, and expression of building structure. The design of the tower should be highly integrated with lower portions of the building, incorporating the same family of materials and creating a strong interlock between the base and the tower shaft. The tower should step back in profile toward the top and incorporate a distinctive roof treatment that creates a pleasing silhouette against the sky. Additional stepbacks in the tower element need not be employed. The combined effect of the design orientation and architectural features discussed above should be to acknowledge the tower element as the visual terminus of the 7th Street corridor.
6. **Roof Treatment.** Parapets and roofs should be designed with decorative treatments such as cornices and loggias to provide horizontal datum lines and add articulation and interest to the facade. Roof and/or parapet lines should be broken at intervals to provide for variation; such changes in treatment should correspond to building entries, corners and/or other compositional elements of the facade. All mechanical equipment shall be screened from view and architecturally integrated within the roof treatment of the building. Satellite dishes, communications equipment and helicopter pad requirements should also be integrated into the roof design.
7. **Building Materials.** Building materials shall convey solidity, durability and substance and be appropriate to the commercial function of the area. Recommended materials for the upper portions of the building and the tower element include precast concrete, glass-fiber reinforced concrete (GFRC), metal panels or other equivalent high quality materials. Highly reflective mirrored glass should be avoided as a primary building material for the facade.

VIII. ENVIRONMENTAL STANDARDS

A. Purpose and Intent

The purpose and intent of this section is 1) to encourage the creative and innovative use of materials and methods of construction, and 2) to prevent indiscriminate and insensitive use of materials and design. All buildings,

structures, paved areas and building materials, color schemes, and landscape elements shall be designed and constructed so as to create a desirable environment for the intended use and relate harmoniously to the surrounding community.

B. Landscaping

1. **Landscape Plans.** Detailed landscaped and irrigation plans shall be approved by the Planning and Development Department prior to issuance of a building permit. The detailed landscape and irrigation plans shall include a tree shading diagram for any on-site surface parking.
2. **General Landscaping.** Groundcovers interspersed with tree plantings will be employed to enhance the aesthetics of the Continental Plaza development. All landscaping referred to in this section shall be maintained in a healthy, neat and orderly fashion.
3. **Planting types.** A plant list for the Continental Plaza PUD shall be approved by the Planning and Development Department prior to the issuance of a building permit for the project. All trees, shrubs, and groundcover planting types shall conform to the Continental Plaza approved plant list unless and alternate type is approved by the Planning and Development Department.
4. **Irrigation.** All landscaped areas shall be irrigated with timed permanent automatic systems.
5. **Setback Areas.** Landscaping in these areas shall consist of an effective combination of trees, laws, groundcover and shrubbery. Backflow preventers located in the setback areas shall be attractively screened.
6. **Unpaved Areas.** All unpaved areas not utilized for parking and storage shall be landscaped utilizing groundcover and/or shrubbery and tree material.
7. **Pedestrian-Oriented Amenities.** The inclusion of pedestrian-oriented amenities such as benches in the landscaped areas is encouraged.
8. **Installation of Landscaping.** Prior to the issuance of any temporary or final occupancy permits, the project landscaping, including permanent automatic irrigation systems, shall either be installed or a security, in the form satisfactory to the City, shall be posted to insure installation as soon as climatically possible after occupancy.

C. Walkways and Courtyards

Walkways shall be designed indicating a relationship with street access, transit stops, parking areas, commercial and retail space and adjacent structures. Walkways shall be designed with pedestrian health and safety in mind. Pedestrian walkways shall be landscaped to provide shade in the summer.

Walkways and courtyard materials shall be compatible with the exterior wall materials of the buildings. Layout and design shall provide comfort and safety to pedestrians and should include pedestrian-oriented amenities such as benches, water fountains, etc.

D. Treatment of Parking Areas

1. Landscaping. All landscaping shall be installed and maintained with the objective of maximizing the growth potential of the plant material. Parking areas should be planted with trees which moderate the effects of the climate. Trees shall be planted and maintained throughout the parking lot area so as to ensure that, within 15 years after construction, at least 50% of the parking area will be shaded at noon on August 21st.
2. Lighting. Lighting shall be designed to contribute to the public safety and conform as well to a sense of pedestrian scale, where appropriate. Light standards shall be no higher than 20 feet. The configuration of light fixtures should be designed to minimize glare on adjacent streets and properties. Light fixtures should be off set from trees so as not to be obscured by overhanging limbs.
3. Curbs, walls, decorative fences with effective landscaping or similar screening devices shall be located along the perimeter of parking lots and enclosed storage areas except at entrances and exits indicated on approved plans. Such barriers shall be designated and located to prevent parked vehicles from extending beyond property lines of parking lots or into landscaped spaces where parking is prohibited and to protect public right-of-way and adjoining properties from damaging effects of surface drainage from parking lots. Minimum stall dimensions shall correspond to standards provided in the City Zoning Ordinance except that the front two feet of all stalls (the area into which the vehicle bumper overhangs) may be incorporated into the adjacent landscape or walkway improvements, provided that the adjacent landscape or walkway improvements are a minimum of six (6) feet in depth, resulting in a net decrease of two (2) feet of the required surface depth of the parking stall. A continuous six (6) inch raised concrete curb shall be provided along all landscaped areas and walkways abutting

parking or drives.. Curbs and drives shall be constructed in accordance with the latest requirements of the City of Sacramento.

E. Exterior Lighting

1. Lighting shall be designed in such a manner as to provide safety and comfort for occupants of the development and the general public.
2. Lighting design shall be such as not to produce hazardous and annoying glare to motorists and building occupants, nearby residents, or the general public.
3. Lighting shall be oriented away from the properties adjacent to the Continental Plaza PUD.
4. Exterior lighting fixtures shall be similar and compatible throughout the Continental Plaza PUD.

F. Loading and Service Areas

Loading and service areas should generally be located behind buildings and away from primary roadways. In locating these areas, primary consideration should be given to the adjoining land uses. Design mechanisms such as walls and landscaping should be utilized to conceal the loading and storage activities from public view.

G. Energy Conservation

1. The Continental Plaza buildings shall be designed to meet current state and federal energy requirements at the time of construction.
2. Developers, builders and architects shall work with relevant utilities during the initial stages of project development to maximize energy efficiency and reduce infrastructure needs and developer cost. The purpose of this coordination is to ensure that energy efficiency and load management measures are considered to the maximum extent feasible for all developments in order to substantially reduce overall energy use in the community.
3. Site Design. Building should be oriented to provide appropriate solar access/exposure and shading for improved efficiency. Natural ventilation and day lighting should also be considered to reduce cooling and heating loads and to provide alternatives to more energy-intensive mechanical/electrical systems.
4. Building Design. Construction should maximize energy efficiency potential through the utilization of: exterior building materials that

are well insulated and shaded where appropriate; window shading strategies/devices and effective shading coefficients; the use of light colored paints and building materials for interior and exterior surfaces; and the use of efficient lighting systems and day lighting louvers and controls/sensors to reduce dependence on artificial lighting and to reduce cooling loads. In addition, water consumption features as well as efficient heating, ventilating and air conditioning systems, pumps, motors and energy management systems should be employed where economically feasible. Opportunities for passive and active solar design (photovoltaics, solar domestic hot water) and the inclusion of alternative and renewable energy systems should be explored.

5. Landscaping shall be designed to shade walks, streets, drives and parking areas so as to minimize surface heat gain and shall, at a minimum, comply with the Water Conservation Landscape Requirements and all other current City of Sacramento standards.
6. Outdoor lighting should be designed to provide the minimum level of site lighting commensurate with site security.

H. Garbage Services/Trash Enclosures

1. The Continental Plaza development shall participate fully in a comprehensive solid waste management program designed that on the average 50 percent of the solid waste generated with the PUD is diverted from the landfill to recycling, re-use or other disposal means such as cogeneration. All recycling and source reduction programs shall comply with the City of Sacramento Recycling and Solid Waste Reduction Ordinance.
2. These facilities shall not create a nuisance and shall be inconspicuously located. Trash enclosures shall meet City design requirements.
3. All exterior garbage, refuse and recycling areas shall be concealed by a screening wall.
4. Such facilities shall relate appropriately to the buildings they serve and shall not be obtrusive or detract from the building design theme.

I. Utility Connections, Mechanical Equipment an Communications Equipment

1. Mechanical and communications equipment, utility meter and storage tanks shall not be visible at ground level.

2. If concealment within the building is not possible, then such utility elements shall be concealed by screen walls, which shall be appropriately landscaped.
3. All utility lines providing electric service directly to the site shall be underground.
4. All mechanical equipment shall be located so as not to cause a nuisance or discomfort from noise, fumes, odors, etc.
5. Penthouse and mechanical and communications equipment screening shall be of a design and material compatible with the building siding, with colors to match the roof or building.
6. Placement of mechanical and communications equipment, utility meters, backflow preventers, substations, and storage tanks shall minimize their visibility particularly from the public rights-of-way. Visual barriers such as wall or landscaping shall be used when such equipment cannot be placed out of view, provided such barriers do not significantly impede the proper functioning of the equipment.

J. On-Site Drainage

Adequate drainage facilities shall be provided in accordance with City of Sacramento standards.

K. Hazardous Materials

All buildings or structures containing hazardous materials shall be labeled at all doorways with easy to read signs. The signs shall provide emergency response teams with information on the hazardous contents of the building or structure and proper containment procedures. Labeling should be based on existing systems (such as the National Fire Protection Association 704 system) and approved by the City Fire Department.

IX. SIGN CRITERIA

A sign program for the Continental Plaza development shall be submitted to the Department of Planning and Community Development subsequent to the City Planning Commission special permit hearing and shall be approved prior to the installation of any signage. The sign program is intended to assure that all Continental Plaza signage is harmonious with the Continental Plaza building and site. The sign program shall set forth the locations and details of temporary and permanent signage, including sign dimensions and comply with the following requirements:

- a. Two detached signs per parcel not to exceed 24 square feet.

- i. All detached signs shall be monument type signs not to exceed 24 square feet each. The height of the monument sign shall not exceed six feet. All detached signs shall be located ten feet from any property line or driveway in order to provide a clear vision area.
- b. One attached sign per building not to exceed 16 square feet.
 - i. Attached signs shall be placed flat against a building or designed as part of an architectural feature. No height limit is specified for signs placed flat against the wall of a building.

CITY OF SACRAMENTO
DEPARTMENT OF PLANNING & DEVELOPMENT
ZONING ADMINISTRATOR
1231 I Street, Sacramento, CA 95814

ACTION OF THE ZONING ADMINISTRATOR

On Wednesday, November 17, 2004, the Zoning Administrator approved with conditions a time extension of three years for the Continental Plaza, Phase IV office building and parking, and approved with conditions a three-year time extension for a child care center in the existing Phase I building, for the project known as Z04-210. Conditions of approval for the project are listed on pages 2 through 5.

Project Information

Request: Zoning Administrator Time Extension for Continental Plaza, Phase IV, located on 18.25 acres in the Continental Plaza Planned Unit Development, Richards Boulevard Special Planning District OB-PUD-SPD and M2-N-PUD-SPD zones:

Zoning Administrator Special Permit Three-Year Time Extension to construct a 810,000 square foot office building in the Continental Plaza PUD;

Zoning Administrator Special Permit Three-Year Time Extension for off-site parking;

Zoning Administrator Special Permit Three-Year Time Extension to operate a 4,300 square foot child care center within the existing 159,316 square foot Phase I building in the Heavy Industrial, Richards Boulevard Special Planning District Zone (M2-SPD)

Location: 425 North 7th Street (D1, A1)

Assessor's Parcel Numbers: 001-0020-017, 001-0020-018, 001-0020-049, & 001-0020-050

Applicant: Bruce E. Nott
3184 J Airway Avenue
Costa Mesa, CA 92626

Property Owner: Grove Investment Company, a California general partnership
3184 J Airway Avenue

Costa Mesa, CA 92626

Project Planner: Monica May

General Plan Designation:	Special Planning District
Central City Community Plan Designation:	Office; and Industrial-Residential
Existing Land Use of Site:	Office and Warehouse
Existing Zoning of Site:	OB-PUD, OB-PUD-SPD, and M2-N-PUD-SPD

Surrounding Zoning

North: M2-N-PC-SPD

South: M2-C-SPD

East: M2-N-SPD & M2-C-SPD

West: M2-N-SPD & M2-C-SPD

Property Dimensions:	Irregular
Property Area:	18.25
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

Project Plans: Exhibits A through M

Previous Files: P01-125

Background Information: On October 24, 2002, Planning Commission approved entitlements for Phase IV of Continental Plaza (P01-125). The project included special permits for the construction of the Phase IV office building and off-site parking garage, and to operate a child care center in the existing Phase I Building. The project has not changed since it was previously approved and can be reviewed by the Zoning Administrator.

Additional Information: The applicant is requesting a three-year time extension for the previously approved Phase IV Special Permits which were approved by the Planning Commission on October 24, 2002 (project number P01-125). The first three phases are already constructed. Phase IV consists of demolishing one existing building and constructing a 12-story office building and off-site parking to serve the office building, and modifications to the Phase 1 office building in order to locate a child care center within that building.

The site has been posted and the project has been noticed to property owners within 100 feet of the subject site. No public comments were received by staff.

Environmental Determination

Time Extension requests have been determined not to require environmental review.

CONDITIONS OF APPROVAL:

(Original conditions are listed in Notice of Decision and Findings of Fact, of the original P01-125 report.)

General

The applicant shall comply with previous conditions of approval of P01-125 unless modified with this approval.

The new expiration date shall be October 24, 2007.

Development Engineering and Finance

Applicant shall comply with all previous conditions of approval (P01-125).

Fire

(Fire did not condition the original P01-125.) Fire does not have any objection to the three-year time extension. The following Fire comments apply to the Special Permit Time Extensions of the above referenced project:

The Continental Plaza – Phase IV office building shall meet the minimum requirements of the City of Sacramento's high rise ordinance.

Fire service mains shall not cross property lines unless a reciprocal easement agreement is provided.

Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

Provide a water flow test. (Contact Department of Utilities at 916-808-5371.)

Provide the required fire hydrants in accordance with CFC 903.4.2 and Appendix III-B, Section 5.

Provide appropriate Knox access for site.

Roads used for Fire Department access that are less than 28 feet in width shall be marked "No Parking Fire Lane" on both sides; roads less than 36 feet in width shall be marked on one side.

Locate and identify Fire Department Connections (FDCs) on address side of building within 40 feet of a fire hydrant.

Utilities

The Department of Utilities has the following conditions and comments on the applicant's request for a Zoning Administrator Special Permit Three-Year Time Extension plan to construct an 810,000 square foot office building in the Continental Plaza PUD:

Any new domestic water services shall be metered. Only one domestic water service per

parcel will be allowed.

Multiple fire services are allowed per parcel and may be required.

All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.

The project is served by the Combined Sewer System (CSS). Without mitigation the project will have an impact on the CSS. Therefore, impacts from the project to the CSS must be mitigated to the satisfaction of the Department of Utilities. If mitigation of impacts is not practical, the developer may enter into an impact fee agreement with the City or pay a fee based upon the projects estimated sanitary sewer flows prior to the issuance of a building permit. The fee will be used for improvements to the CSS.

A drainage study and shed map as described in Section 11.7 of the City Design and Procedures Manual is required. This study and shed map shall be approved by the Department of Utilities. Finished lot pad elevations shall be a minimum of 1.2 feet above the 100-year HGL and a minimum of 1.5 feet above the controlling overland release. Finish lot pad elevations shall be approved by the Department of Utilities.

An on-site surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. All on-site systems shall be designed to the standard for private storm drainage systems (per Section 11.12 of the Design and Procedures Manual).

The applicant shall show all easements that serve the subject parcel and proposed utilities including services that cross property lines.

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 improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.

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

Post construction, 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 not served by a regional water quality control facility and is greater than 1 acre, both source controls and on-site treatment control measures (e.g. vegetated swale, media filtration, water quality pond) are required. On-site treatment control measures may affect site design and site configuration and therefore, should be considered during the early planning stages. Improvement plans must include the source controls and on-site treatment control measures selected for the site. Refer to the "Guidance Manual for On-site Stormwater Quality Control Measures", dated January 2000, for appropriate source control measures and recommended on-site control measures.

ADVISORY NOTES:

Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site fire suppression systems.

The proposed project is located in the 100-year floodplain, designated as an A99 zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective May 22, 2000. Within the A99 zone, there are no requirements to elevate or flood proof.

The Department of Utilities has no comments or conditions to place on the applicant's request for a Zoning Administrator Special Permit Time Extension Plan for the off-site parking and has no comments or conditions for the Zoning Administrator Special Permit Time Extension Plan for the operation of the child care center.

Joy D. Patterson
Zoning Administrator

A use for which a Special Permit / Variance is granted must be established within two years after such permit is approved. If such use is not so established the Special Permit / Variance shall be deemed to have expired and shall be null and void. A Special Permit use and Variance which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically commenced. If no building permit is required the use shall be deemed established when the activity permitted has been commenced.

The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File (original)
ZA Log Book
Applicant

Attachment 9

CITY PLANNING COMMISSION ITEM # ____
SACRAMENTO, CALIFORNIA OCTOBER 24, 2002
MEMBERS IN SESSION: PAGE 92

P01-125 - Continental Plaza PUD Amendments

- REQUEST:
- A. Environmental Determination: Addendum to previous EIR;
 - B. Mitigation Monitoring Plan;
 - C. PUD/ Guideline Amendments to modify text regarding timing and development;
 - D. Special Permit to construct an 810,000 square foot office building in the Continental Plaza PUD;
 - E. Special Permit for off-site parking for the proposed 810,000 square foot office building;
 - F. Special Permit to operate a 4,300 square foot child care facility within the existing 159,316 SF Phase I office building in the Heavy Industrial (M-2-SPD) zone.

LOCATION: 425 North 7th Street
 APN: 001-0020-017, -018, -049, -050
 Central City Community Plan
 Sacramento Unified School District
 Council District 1

APPLICANT/ OWNER:	Bruce Nott, Investment Company, (714) 754-1420 3184 J Airway Avenue Costa Mesa, CA 92626
PLANS BY:	Cleve Livingston 400 Capitol Mall, Suite 1650 Sacramento, CA 95814
APPLICATION FILED:	September 27, 2001
APPLICATION REVISED:	February 15, 2002
STAFF CONTACT:	Ted Kozak, (916) 264-1944

SUMMARY:

The applicant has submitted to amend the Continental Plaza Planned Unit Development (PUD) Guidelines, deleting the sunset clause that would have expired the PUD on October 29, 2001. The PUD was originally established in 1996 (P92-309/ P94-126). Additionally, the applicant wishes to construct Phase IV of the PUD, operate a child care center, and construct an off-site parking garage on an adjacent parcel located to the northeast.

RECOMMENDATION:

Staff recommends approval of the project, subject to conditions and revised language in the PUD Guidelines. This recommendation is based on its consistency with the Richards Boulevard Area Plan policies which envisions a transition of land uses from the current industrial uses to a mixed use district. Further, the applicant=s wish to eliminate the Asunset@ language of the Continental Plaza PUD Guidelines is reasonable in order to give the applicant additional time to complete the project. Therefore, the applicant=s proposal for the PUD Amendments for the final build-out phase of the PUD is appropriate.

PROJECT INFORMATION:

General Plan Designation:	Special Planning District
Community Plan Designation:	Office
Existing Land Use of Sites:	Office and Warehouse
Existing Zoning of Sites:	OB-PUD-SPD/ M-2-PUD-SPD

Surrounding Land Use and Zoning:

North: Industrial; M-2-N-PC-SPD zone
 South: Industrial; M-2-C-SPD zone
 East: Industrial; M-2-N-SPD zone
 West: Industrial; M-2-C-SPD/ M-2-N-SPD zone

Setbacks*:	Required	Provided
7 th Street:	25'	17' - 25'
Richards Bl :	15'	35'
Interior P/L:	5'	5'
St. Frontages:	10'	12' - 38'

*unchanged from previous Phase III and IV approvals

Property Dimensions:	Northern Lots - 565' x 751'
	Southern Lots - 265' x 565' (Phase IV)
Overall Property Area:	Northern Lots 13.5 gross acres 11.7 net acres
	Southern Lots 4.75 gross acres 3.45 net acres

Square Footage of Buildings: Northern Lots: (existing)
 Phase I - 160,000 square feet
 Phase II - 67,500 square feet
 Phase III - 59,850 square feet (expansion)
 - six story parking structure

Total Phases I-IV: Southern Lots: (proposed)
 Phase IV - 810,000 square feet
 1,097,350 square feet

Height of Buildings: Phase I - 25 feet, 1 story
 Phase II - 33 feet, 2 stories
 Phase III - 33 feet, 2 stories
 Phase IV - 170 feet, 12 stories

Exterior Building Materials: Phase III - Concrete
 Phase IV - Glass, Precast concrete

Roof Material: Phase III - Asphalt
 Phase IV - Cap sheet roof

Parking Provided: Phase I - III 642 spaces
 Vine Street IOD loss of 79 spaces
 New Street IOD loss of 16 spaces
 Phase IV 898 spaces
 Total 1,445 spaces

Parking Ratio Continental Plaza I - IV: 1:749

Parking Required:	Min. (1:1000)	Max. (1:600)
Phase I & II	227	378
Phase III	60	100
Phase IV	810	1,350
Total	1,097	1,828

Street Improvements: Existing and to be provided
 Utilities: Existing

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Building Permit	Building Division

BACKGROUND INFORMATION:

The project area consists of four Tax Assessor=s Parcels and four recorded lots totaling 18.25 gross acres. The subject project does not affect the configuration of any of the lots and therefore

will not change the Continental Plaza Schematic Plan. However, language within the PUD Guidelines will hereafter refer APN: 001-0020-049 as Parcel A; APN: 001-0020-050 as Parcel B; and APN: 001-0020-017 and 001-0020-018 as Parcel C (see Exhibit 1B).

Parcel A contains an existing one story, 160,000 gross square foot office building formerly known as the Continental Can Manufacturing Facility, built in 1946, and a new two story 67,500 square foot office building, built in 1991; Parcel B contains an existing two story, 59,850 square foot office building, built in 1998; and Parcel C is currently developed with one warehouse building which will be demolished at the outset of construction for Phase IV.

On January 14, 1988, the Planning Commission approved a Special Permit for the conversion of a 159,000 square foot can production plant to office (aka Continental Plaza Phase I) and the construction of a new 67,500 square foot office building (aka Continental Plaza Phase II) in the Heavy Industrial (M-2) zone on the northern portion of the project site (P87-459). The issue at the time of the request was the traffic impacts associated with the increased intensity of development in the Richards Boulevard area. At the time of the proposal, Public Works was working on forming an Assessment District for this area to address the traffic impacts. In August 1995, an Assessment District was formed to address Richards Boulevard improvements from North 3rd Street to North 7th Street.

In July, 1990, the City Council acting as the Redevelopment Agency, adopted the Richards Boulevard Redevelopment Plan and directed the preparation of a land use plan for the area. In December, 1993, the City Council certified the EIR and amended the General Plan, designating the Railyards and Richards Boulevard area as a Special Planning District and amended the Central City Community Plan to incorporate the Railyards and Richards Boulevard area into the Central City Community Plan and designate land use (M93-108). In December, 1994, the City Council certified a Supplemental EIR (SEIR) and adopted the Railyards Specific Plan (M93-118) and the Richards Boulevard Area Plan (M93-121) and various other documents necessary to implement the Railyards Specific Plan (RSP) and Richards Boulevard Area Plan (RBAP).

During the above planning process in 1992, the applicant submitted plans for a 580,000 square foot building on the southern portion of the subject site (P92-309). In December 1994, an application was submitted for a 60,000 square foot building on the northern portion of the site (P94-126). In March, 1995, the applicant revised and resubmitted plans for an 810,000 square foot building on the southern portion of the site with a parking structure to be located on the northern portion of the site. In June, 1995, staff determined that one environmental document would be prepared for both projects. On August 22, 1996, the City Planning Commission recommended approval of the various entitlements for the project and forwarded to the City Council. On October 29, 1996, the City Council approved the various entitlements and created the Continental Plaza PUD.

On February 24, 2000, the City Planning Commission approved a Special Permit Time Extensions for various entitlements with additional mitigations to the Mitigation Monitoring Plan which allowed for an additional three years from the time of original project approval for the applicant to construct the Phases III and IV buildings. Phase III was constructed in 1999; however, Phase IV was never constructed and the Special Permits to construct the building expired on October 29, 2001. The sunset clause was added to the PUD since the current applicant at the time did not own the Phase IV site, but had an option to buy. The owner of the Phase IV site at that time was concerned that he would be burdened with the development of the Phase IV building should the current applicant, the Bruce Nott Investment Company, decide not to purchase the site.

STAFF EVALUATION: Staff has the following comments:A. Policy Considerations

The General Plan designates the site as Special Planning District and the Central City Community Plan designates the northern portion (built-out Phases I -III) of the site as Industrial/ Residential and the southern portion as Office. The proposed project is consistent with the General Plan and Central City Community Plan which identifies Richards Boulevard area as a new growth area that provides opportunities for more intensive employment and residential uses in close proximity to planned transit.

Staff, therefore, supports the office development since it furthers the following goals and policies of the General Plan, the Central City Community Plan, the Richards Boulevard Area Plan, and the Smart Growth Principles, as adopted by the City Council (Resolution 2001-805):

General Plan Goals and Policies

- Quality of Life - A valuable asset for each community is the open space and parks that are provided for recreational purposes. . . .@ (GP Sec 1-30)
- . . . provide continued support of private and public efforts that promote the Central City=s role as the region=s commercial office, employment, and cultural center. . . .@ (Sec. 1-33)
- . . approve development in the City=s new growth areas that promotes efficient growth patterns and public service extensions, and is compatible with adjacent development. (Sec. 1-33)
- Promote the re-use and revitalization of existing developed areas, with special emphasis on commercial and industrial districts@. (Sec, 4-1)
- Improve the street circulation system in order to provide access to new development.@ (Sec. 5-14)
- Encourage mixed use developments to generate greater pedestrian activity.@ (Sec 5-22)

Central City Community Plan Goals and Policies

- Provide for improved community facilities and infrastructure that can serve existing and future needs within the area. (p 57)
- Provide for the intensification of commercial and office uses within walking distance of the intermodal transportation terminal and planned light rail extensions.@
- Provide a system of parks and recreational facilities that serves the needs of future residents and employees, . . . A (p 60)

Richards Boulevard Area Plan Policies

The Richards Boulevard Area Plan (RBAP) designates this site as Transit Oriented Office. A Light Rail Station is proposed to be located on the north side of Richards Boulevard between the new alignment of 5th and the proposed new 6th Street.

- Direct the development of new office uses to the southern portion of the Richards Boulevard planning area, where such development would be served by planned regional transit facilities.@ (p.30)
- Configure land uses and development intensity in a way that reinforces transit ridership and supports public investment in transit facilities, particularly the planned Intermodal Terminal and the extension of light rail service through the area.@ (p.32)

Smart Growth Principles

- Take advantage of existing community assets by emphasizing joint use of existing areas.
- Strengthen and encourage growth in existing communities by targeting infrastructure investments in infill and reuse areas.

Strategic Plan

- Promote and support economic vitality.

2. PUD Guideline Amendments

Parcel A (Northern parcel), (APN: 001-0020-049) Parcel B, (Northern parcel) (APN: 001-0020-050), and Parcel C (Southern parcels), (APN: 001-0020-017 and -018) previously referred to Parcels A and B, are henceforth referred as Parcels A, B, and C, respectively, and are kept on file under P92-309/ P94-126 (see Exhibit 1B for illustration). Any references to other Parcels are hereby discontinued.

The applicant=s request requires PUD Guideline Amendments to the Purpose and Intent, Force and Effect, Land Use Summary, and Building Standards Sections of the Continental Plaza PUD. The majority of the amendments are refining the existing project development. The applicant=s request to amend the PUD Guidelines, which are also attached as Exhibit 1O, with amended text in italics, are as follows:

I. PURPOSE AND INTENT

Continental Plaza is a Planned Unit Development (PUD) consisting of an approximately ~~4,100,500~~ 1,097,350 square foot office campus to be located at the northeast corner of Richards Boulevard and North 7th Street in the Richards Boulevard Planning Area of the Central City. The Continental Plaza Planned Unit Development is a four phase project, ~~two~~ three phases of which have already been completed.

Phase I, completed in 1986, consists of a conversion of the 160,000 square foot

Continental Can Manufacturing Facility (originally constructed in 1946) from industrial to office use. In 1991, a new 67,500 square foot, two story, Phase II office building was added to the complex. A two story, 59,850 square foot Phase III office building was constructed in 1998, resulting in a total of 287,350 developed square footage in the first three phases of the Continental Plaza PUD. The Continental Plaza Phase I, II and III buildings are currently occupied by the State Department of Health Services.

In addition to the existing Phase I, II and III buildings, the Continental Plaza PUD provides for the construction of ~~two~~ one additional new office buildings at a maximum of 810,000 square feet (~~Continental Plaza Phase III and IV, respectively~~) and a six story parking structure on the northern Parcel A of the PUD. While ~~Phase III and IV~~ of the Continental Plaza office campus is principally intended to accommodate additional requirements of the Department of Health Services or other State agencies, the Continental Plaza PUD is well suited to any office user seeking the efficiency, flexibility and cost-effectiveness of large floor plate designs in an attractive back-office setting.

These PUD Guidelines, as approved by the City of Sacramento City Council, shall govern the development of the Continental Plaza site and are intended to promote the following project objectives:

1. To allow for the expansion of the existing Department of Health Services use to accommodate additional requirements of this State agency or other State agencies;
2. To accommodate the State's plans for consolidation of State-occupied office space at a location that has been targeted by the City for such use;
3. To house office users seeking the efficiency, flexibility and cost-effectiveness of large floor plate designs in an attractive back-office setting;
4. To contribute to and enhance the operational efficiency and functional qualities of the existing Continental Plaza Phase I, II and III facilities (which already includes a 9,100 square foot cafeteria, a centralized mail facility, a 200 seat auditorium, two large classroom/training facilities, and an existing shuttle system linking Continental Plaza with the Central Business District and Capitol Area);
5. To provide a signature building to anchor the 7th Street corridor to the north and establish a design standard for the Alower cost, support office space@ targeted by the Richards Boulevard Area Plan (RBAP) for this location.
6. To contribute to financing of the critical first phase of infrastructure for the Railyards Specific Plan (RSP) and Richards Boulevard Area Plan (including the widening of the I-5/Richards Boulevard undercrossing, the 7th Street extension and Intermodal-Terminal transportation facilities);
7. To provide a logical extension of downtown employment activity, commerce and trade; ~~and~~
8. To reinforce the use of major transit improvements planned for the area (including Intermodal Terminal transportation facilities to be located at 7th Street

and North B Street in the Railyards Specific Plan area and the LRT Station to be located west of the Continental Plaza site on Richards Boulevard); and

9. To provide the catalyst for the redevelopment of the Richards Boulevard area (now known as the Capitol Station District), the land owners of which have formed a Property Owners Business Development District for their mutual benefit.

II. FORCE AND EFFECT

These Guidelines are intended to act as a supplement to existing City codes and ordinances and shall control when more restrictive than such codes and ordinances or when inconsistencies arise between the provisions contained herein and the provisions of such codes and ordinances. Any amendments hereto shall be subject to the procedures established in ~~Section 8~~ Section 17.196 of the ~~Zoning Ordinance~~ City Code.

~~This PUD is intended to provide the catalyst for the redevelopment of the Richards Boulevard area. As such if the projects as depicted in the Schematic Plan are not constructed within 2 years of the adoption of the PUD, this PUD and Guidelines will become null and void. If the special permit authorizing the projects depicted in the Schematic Plan is extended, this PUD and Guidelines will be automatically extended for the same time period.~~

V. Land Use Summary

The Continental Plaza site ~~will~~ consists of ~~two~~ three parcels. The existing Phase I and Phase II buildings are located on ~~a 13.23~~ an 11.92 gross acre parcel fronting 7th Street north of Richards Boulevard (Parcel A). ~~The future Phase III building and the parking structure to be constructed with Phase IV will also be developed on this portion of the Continental Plaza site.~~ The existing Phase III building is located on a 1.39 gross acre parcel fronting Vine Street (Parcel B). The Phase IV office building will be developed on an ~~adjacent 4.75 gross acres parcel~~ located at the northeast corner of the intersection of 7th Street and Richards Boulevard (Parcel B C). Parking for the office complex will be provided with surface and structured parking on Parcels A and B.

The ~~proposed~~ zoning for ~~the 13.23 gross acre portion~~ Parcels A and B of the Continental Plaza site is Heavy Industrial Planned Unit Development/Special Planning District (M-2 PUD/SPD). The ~~proposed~~ zoning for ~~the 4.75+ gross acre portion~~ Parcel C of the Continental Plaza site is Office Building Planned Unit Development/Special Planning District (OB PUD/SPD).

TABLE 1
Land Use Summary
Phase I (existing)

		160,00
		0 SF
Phase II (existing)		67,500
		SF
Phase III (to be constructed existing)	60,000	59,850 SF
Phase IV (to be constructed)		810,000 SF
Office (including 14,000+ SF of ground floor retail)		

Parking Structure (approximately 1,238 spaces)

Total square footage (net of parking structure) ~~1,097,500~~ 1,097,350 SF

VI. Building Standards

C. Height:

The following is the maximum height

1. M-2 zone (~~Parcel A~~ Parcels A and B) - 75 feet (measured to top of plate line)
2. OB zone (~~Parcel B~~ Parcel C) - 180 feet (measured to top of plate line)

Penthouse for mechanical

E. Vehicle Parking:

Parking for Phase IV office building is provided on the northern parcels (~~Parcel A~~ Parcels A and B) of the PUD. In order to assure parking will remain available for Phase IV office building, an easement, deed restriction, or other instrument satisfactory to the City Attorney shall be recorded that provides access to the parking for the perpetuity of the office building. In addition, the owner/ operator of the parking garage should encourage reciprocal parking and access of Continental Plaza with other developments in the Richards Boulevard area during off-peak hours.

3. Off-Site Parking

The City's Zoning Ordinance requires a Special Permit to establish off-site parking lot in any zone. Within the Central City and for retail/ commercial uses, a Special Permit may be granted to locate required and non-required off-street vehicle parking on a parcel within a three hundred (300) foot radius to the subject site if the parcels designated for off-site parking are under the same ownership as the subject the lot is intended to serve. As mentioned above, parking for the Phase IV office building is provided on the northern parcel of the PUD; therefore, a Special Permit is required.

4. Childcare Center

The applicant proposes to operate a 100 student, 4,300 square foot, Childcare Center within the existing 159,316 square foot Phase I building. A Childcare Center is allowed with in a Zoning Administrator=s Special Permit in the Heavy Industrial (M-2) zone contingent upon meeting the following criteria, as required

by Section 17.24.050.52 of the Sacramento City Code:

1. Parking

A freestanding Childcare Center or a Childcare Center in a mixed use project, such as this one, shall provide one parking space per every eight children licensed for the center. A parking facility for the Childcare Center shall be oriented to allow for child drop-off and pick-up areas which do not create traffic congestion or parking problems. The proposed project provides for a drop-off and pick-up area, along with reserving at least thirteen (13) parking stalls solely for the use of the childcare center, located north of the Phase I building.

2. Fences

If the proposed center abuts a zone or use other than residential, the fence height and type shall be determined by the Zoning Administrator or Planning Commission. In all instances, play areas shall be adequately fenced. For the proposed project, the entire play area for the Childcare Center will be bordered by a 6 foot high masonry wall which satisfies this requirement.

3. Outdoor Play Area

Outdoor play areas shall be separated from vehicular circulation, parking areas, equipment enclosures, storage areas, refuse, and recycling areas. As mentioned above, the masonry wall will provide sufficient separation between the play area and the other uses and structures on the site.

4. Noise

All indoor or outdoor activity areas anticipated to emit loud noise shall be mitigated to comply with the City's Noise Ordinance. Outdoor playground areas located in areas where the noise level is greater than the maximum Anormally acceptable@ level of seventy (70) dB Ldn, as indicated by the City's General Plan, must be mitigated to comply with this requirement. A noise study measuring sound levels on the site were measured to be all lower than the 70 dB Ldn threshold. The highest sound level measured at 100 feet from the centerline of Richards Boulevard was 67 dB. Considering the play area will be sheltered on all sides by masonry structures, the sound levels within the play area will be considerably lower than those values measured.

5. Site Design and Neighborhood Compatibility

The proposed Childcare Center shall be designed in a manner to be compatible with adjacent land uses and the surrounding area. With the

provision of the 6 foot masonry wall, and the approximately 136 foot play area setback from the proposed northern property line, the Childcare Center will be sufficiently designed to be separated from the adjacent properties.

5. Site Plan Design/Zoning Requirements

1. Parking/Circulation

Within the Development Guidelines for the Continental Plaza Planned Unit Development, Phases I to IV offices allow a maximum of 1,828 parking spaces (1:600 ratio) and require a minimum of 1,082 spaces (1:1,000). Parking for Phase IV will be located on Parcel A. The Childcare Center, proposed to be located in the existing Phase I building, requires one parking space for every 8 children. With 100 children, the Childcare Center requires 13 parking spaces, all of which are to be provided in a parking area located along the north side of the Phase I building. The project is conditioned to require 13 designated parking spaces for Childcare use only. The applicant proposes to provide 1,450 parking spaces (1,437 spaces for offices at a ratio of 1:753), which falls within the parking range allowed in the PUD. Therefore, staff believes that the proposed number of parking spaces are appropriate.

Building Design

The Continental Plaza Phase IV building is to be designed to provide a signature building to anchor the south/ central approach of the Richards Boulevard area and establish a design standard for the lower cost, support office space, targeted by the Richards Boulevard Area Plan for this location.

The project site is located within the Central City Design Review Area. The project required an application for the proposed renovation of the existing building (DR02-049) which was reviewed and approved during the regular September 18, 2002, Design Review and Preservation Board (DR/PB) meeting. The application was exactly the same design proposal as the 1994 DR/PB approval; therefore, Design Review determined again that the design complies with the intent of the Central City design guidelines.

Open Space

The PUD Guidelines for the Continental Plaza PUD and the project conditions require that 22,400 square feet of open space is to be provided off-site in the event the open space requirement cannot be met on-site. Staff supports the amount of open space proposed since the proposed Site Plan for Phase IV allocates 32,450 square feet for open space, which exceeds the PUD requirement. Potentially, the amount of provided on-site open space will be reduced below 22,400 square feet when Anew street@ is constructed; therefore, at that time the owner will be required to provide off-site open space or pay an

in-lieu fee to offset loss of on-site open space.

PROJECT REVIEW PROCESS:

Environmental Determination

On October 29, 1996, the Planning Commission certified the Environmental Impact Report for the Continental Plaza III and IV project (P92-309/ P94-126). Potentially significant environmental issues regarding Land Use & Planning, Transportation/ Circulation and Parking, Traffic - Related Air Quality, Traffic-Related and Operational Noise, and Storm Drainage/ Combined Sewer System were discussed and mitigated in this document. The proposed project was analyzed in this previous environmental document. No new issues or new information is known that would trigger additional environmental analysis. Section 15162 of the Guidelines for Implementation of the California Environmental Quality Act Public Resources Code provides that an additional Environmental Impact Report need not be prepared unless subsequent changes are proposed in the project, substantial changes occur with respect to the project circumstances, or new information of substantial importance to the project becomes known or available. The Mitigation Monitoring Plan that has been prepared for the mitigation measures that were identified in the previous Environmental Impact Report are applicable to the proposed project.

Public/Neighborhood/Business Association Comments

The project has been routed and noticed to several public and business associations. There have been no comments received.

Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. No comments regarding this project have been received.

PROJECT APPROVAL PROCESS: The City Planning Commission has the authority to recommend approval or disapproval of the project.

RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

- A. Ratify the Addendum to the Continental Plaza III & IV EIR;
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Mitigation Monitoring Plan;
- C. Adopt the attached Notice of Decision and Findings of Fact approving the PUD/

Guidelines Amendment to modify text regarding timing and development on 4.75 acres in the Office Planned Unit Development Special Planning District (OB-PUD-SPD) zone;

- D. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to construct a 810,000 square foot office building in the Continental Plaza PUD;
- E. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit for off-site parking for the proposed 810,000 square foot office building; and
- F. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to operate a 4,300 square foot child care facility within the existing 159,316 SF Phase I office building in the Heavy Industrial (M-2-SPD) zone.

Report Prepared By,

Report Reviewed By,

Ted Kozak, Associate Planner

Jeanne Corcoran, Senior Planner

Attachments

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1	Mitigation Monitoring Plan
Exhibit 1B	Parcel Layout Summary
Exhibit 1C	Site Plan
Exhibit 1D	PUD Schematic Plan with future right-of-way
Exhibit 1E	Landscaping Plan
Exhibit 1F	North and East Elevations
Exhibit 1G	South and West Elevations
Exhibit 1H	Ground Level Plan
Exhibit 1I	2 nd , 3 rd , and 4 th Level Plan
Exhibit 1J	5 th Level Plan
Exhibit 1K	6 th to 10 th Level Plan
Exhibit 1L	11 th and 12 th Level Plan
Exhibit 1M	Parking Garage Elevations
Exhibit 1N	Parking Garage Floor Plans
Exhibit 1O	Amended PUD Guidelines
Attachment 2	Vicinity Map
Attachment 3	Land Use & Zoning Map

NOTICE OF DECISION AND FINDINGS OF FACT FOR CONTINENTAL PLAZA PUD

**AMENDMENTS, LOCATED AT 427 NORTH 7th STREET SACRAMENTO, CALIFORNIA
IN THE OFFICE PLANNED UNIT DEVELOPMENT SPECIAL PLANNING DISTRICT (OB-
PUD-SPD) AND HEAVY INDUSTRIAL PLANNED UNIT DEVELOPMENT SPECIAL
PLANNING DISTRICT (M-2-PUD-SPD) ZONES. (P01-125)**

At the regular meeting of October 24, 2002, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. Ratified the Addendum to the Continental Plaza III and IV EIR;
- B. Approved the Mitigation Monitoring Plan;
- C. Approved the PUD/ Guideline Amendments to modify text regarding timing and development on a total of 18.25 gross acres in the Office Planned Unit Development Special Planning District (OB-PUD-SPD) and Heavy Industrial Planned Unit Development Special Planning District (M-2-PUD-SPD) zones;
- D. Approved the Special Permit to construct a 810,000 square foot office building in the Continental Plaza PUD;
- E. Approved the Special Permit for off-site parking for the proposed 810,000 square foot office building;
- F. Approved the Special Permit to operate a 4,300 square foot child care facility within the existing 159,316 SF Phase I office building in the Heavy Industrial (M-2-SPD) zone.

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. **Addendum to the EIR:** The Addendum is ratified based upon the following findings:
 1. The Addendum was prepared for the above-identified project pursuant to the requirements of CEQA; and
 2. Based upon the Initial Study, there is no substantial evidence that the project will have a significant effect on the environment.
- B. **Mitigation Monitoring Plan:** The Mitigation Monitoring Plan is approved based upon the following findings of fact:
 1. One or more mitigation measures have been added to the above-identified project;

2. A Mitigation Monitoring Plan has been prepared to ensure compliance and implementation of the mitigation measures for the above-identified project, a copy of which is attached as Exhibit 1A;
 3. The Mitigation Monitoring Plan meets the requirements of Public Resources Code Sec. 21081.6.
 4. The Mitigation Monitoring Plan is approved, and the mitigation measures shall be implemented and monitored as set forth in the Plan.
3. PUD/ Guideline Amendments to modify text regarding timing and development on a total of 18.25 gross acres in the Office Planned Unit Development Special Planning District (OB-PUD-SPD) and Heavy Industrial Planned Unit Development Special Planning District (M-2-PUD-SPD) zones: The PUD/ Guideline Amendments are approved subject to the following findings of fact and conditions of approval:
1. The proposed amendments to the PUD Schematic Plan do not alter the height or setback requirements established by the PUD.
 2. The proposed amendments to the PUD Schematic Plan do not change the types or intensities of land uses.
- D/E/F. Special Permit to construct a 810,000 square foot office building in the Continental Plaza PUD, to operate off-site parking for the proposed 810,000 square foot office building, and to operate a 4,300 square foot child care facility within the existing 159,316 SF Phase I office building in the Heavy Industrial (M-2-SPD) zone: The Special Permits are approved subject to the following findings of fact and conditions of approval:
1. The overall project is based upon sound principles of land use in that:
 - a. the proposed use will not adversely affect the peace and general welfare of the surrounding industrial area;
 - b. the proposed use will stimulate the revitalization of the area; and,
 - c. the proposed use will contribute to amenities necessary to transition the area from predominately industrial area to a mixed use district.
 2. The overall project will not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - a. adequate parking and lighting is provided;
 - b. the proposed use and new building development adds a positive element to the area; and,

- c. the increase in employment opportunities adds to the vitality of the area.
3. The overall project is consistent with the General Plan and the Central City Community Plan=s goals and policies in that:
 - a. The project promotes development in new growth areas for efficient growth patterns and public service extensions;
 - b. The project promotes the re-use and revitalization of existing developed areas; and,
 - c. The project supports and is consistent with the Richard Boulevard Area Plan which designates this site as Industrial/ Residential (Parcels A & B) and Office (Parcel C).
4. The project is consistent with the General Plan.

CONDITIONS OF APPROVAL

D/E/F. The Special Permits are hereby approved subject to the following conditions of approval:

- D/E/F1. Comply with requirements included in the Mitigation Monitoring Plan (MMP) developed by the Environmental Services Division and approved by the Planning Commission. The Mitigation Monitoring Program contains all mitigation measures adopted by the Planning Commission in the Findings of Fact and Statement of Overriding Considerations for approval regarding the proposed project. In addition, 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.
- D/E/F2. The applicant shall comply with the City of Sacramento=s Grading, Erosion, and Sediment Control Ordinance.
- D/E/F3. The applicant shall provide the required handicap parking spaces as required by Title 24 of the City Code and the Americans with Disabilities Act (ADA) standards.
- D/E/F4. A 14,000 square foot cafeteria/ retail component shall be provided on the ground floor of the building.
- D/E/F5. The location and design of signage shall be reviewed and approved by the Department of Public Works, Planning and Building Department, and Design Review staff prior to issuance of any permits.
- D/E/F6. Thirteen parking spaces located to the east of the play yard shall be identified and marked for use by the child care facility.

D/E/F7. The applicant shall obtain all necessary building permits prior to construction.

Public Works

D/E/F8. Prior to submittal of legal descriptions of the Irrevocable Offers of Dedication (IOD) or an application of a grading permit, building permit or any other permit related to development of the site, the applicant shall provide a revised site plan indicating the existing and proposed right-of-way lines, all existing and proposed property lines, dimensions, location of IODs and street names. This plan shall be approved by the Department of Public Works.

D/E/F9. Prior to the issuance of a building permit to construct the office building and parking structure, dedicate right-of-way on the north side of Richards Boulevard as necessary to provide a total of 48 feet from the centerline to the north right-of-way.

D/E/F10. Prior to the issuance of a building permit to construct the office building property owner shall execute and record Irrevocable Offers of Dedication (IOD) for the streets set forth below in a manner and form satisfactory to Public Works. IODs shall be required for:

1. North 7th Street, to provide a total of 60 feet east of the centerline plus appropriate taper to the south property line at Richards Boulevard;
2. "New street" (30 feet south of the centerline, the centerline is assumed to be located 389 feet north of the centerline of Richards Boulevard, per documents submitted as part of the project application); and
3. Richards Boulevard, from 48 feet north of the centerline of Richards Boulevard to 78 feet north of the centerline of Richards Boulevard.

D/E/F11. Prior to the issuance of occupancy permit, design and construct North 7th Street to a 40 foot half street to the satisfaction of Public Works.

D/E/F12. Prior to the issuance of a building permit to construct the office building property owner shall execute and record an agreement with the City to design and construct "new street" to the satisfaction of Public Works, at the sole cost to the property owner/developer, upon written demand by the City. The agreement shall specify the manner in which the City may make its demand, the timing of design and construction of new street after such demand is made; and shall further provide that the City may proceed with design and construction of "new street" if property owner/developer fails to proceed with such design and construction as provided in the agreement, and thereafter obtain reimbursement. The street shall be constructed per the Facility Element of the Railyards Specific Plan (RSP) and Richards Boulevard Area Plan (RBAP). In lieu of a performance bond, deposit or other financial security, the agreement shall establish the property as security for performance of the obligations to design and construct

"new street".

- D/E/F13. Prior to the issuance of a building permit to construct the office building property owner shall execute and record an agreement with the City to design and construct southerly one-half of Vine Street to the satisfaction of the Department of Public Works, at the sole cost to the property owner/developer, upon written demand by the City. The agreement shall specify the manner in which the City may make its demand, the timing of design and construction of the southerly one-half of Vine Street after such demand is made; may allow the property owner/developer to be reimbursed for overwidth pavement per the Overwidth Pavement Reimbursement Policy; and shall further provide that the City may proceed with design and construction of the southerly one-half of Vine Street if property owner/developer fails to proceed with such design and construction as provided in the agreement, and thereafter obtain reimbursement. The street shall be constructed per the Facility Element of the RSP and RBAP. In lieu of a performance bond, deposit or other financial security, the agreement shall establish the property as security for performance of the obligations to design and construct the southerly one-half of Vine Street".
- D/E/F14. Upon dedication and construction of "new street", Vine Street and North 7th Street, all areas adjacent to these streets shall be developed in accordance with the PUD Guidelines, RSP/RBAP Facility Element and to the satisfaction of Planning and Community Development and Public Works Departments. Prior to issuance of building permit to construct the office building, the applicant shall submit a new site plan for review and approval of Planning and Development and Public Works demonstrating how areas adjacent to the proposed new rights-of-way shall interface with the new roadways (e.g. landscaping, driveway, pedestrian access, parking).
- D/E/F15. Property owner shall be responsible for maintenance of all IOD areas until the City formally accepts dedication.
- D/E/F16. Upon dedication and construction of Anew street@, Vine Street and North 7th Street, all areas adjacent to these streets shall be developed in accordance with the PUD Guidelines, RSP/ RBAP Facility Element and to the satisfaction of Planning and Building Department and the Department of Public Works.
- D/E/F17. Prior to building permit issuance for Continental Plaza Phase IV, pay the Transportation Impact Fee of the Railyards/ Richards Boulevard Area Infrastructure Financing Plan as adopted by the City Council on March 10, 1998 by Ordinance No. 98-011. The Transportation Impact Fee has been calculated based on the costs of constructing the Railyards/ Richards Boulevard Area Stage One Infrastructure and Facilities including the widening of the Richards/ I-5 undercrossing from five to seven lanes. The Transportation Impact Fee shall be paid based on the fee in effect at the time payment is made.
- D/E/F18. The parking structure shall be constructed with the construction of Continental Plaza Phase IV (810,000 s.f.).

- D/E/F19. Access to parking structure shall be limited to patrons and employees of Continental Plaza during normal business hours. During off business hours, parking may be made available to the public provided security measures reviewed and approved by the Police Department are in place.
- D/E/F20. Prior to issuance of a building permit to construct the office building, provide reciprocal access, parking, and maneuvering easements between Parcels A, B, and C, as shown in Exhibit 1B (assessor parcel numbers 001-0020-017, -018, -049, and -050). If the parcels are under one ownership, provide reciprocal access, parking, and maneuvering easements at the time of sale or lease.
- D/E/F21. Parking spaces and driveways shall be to City standards.
- D/E/F22. Prior to issuance of a building permit to construct the office building, a TMP shall be submitted, reviewed and approved by the Public Works Department.
- D/E/F23. Prior to issuance of building permit for either the 810,000 square foot building or the parking garage the applicant shall have either:
1. Dedicated to the City, at no cost to the City, 22,400+ square feet of open space in an off-site location within the Richards Boulevard Planning Area satisfactory to the City; or
 2. Paid an in-lieu fee to the City, in the amount specified below. The in-lieu fee shall be calculated pursuant to the formula and procedure set forth in Subdivision Regulations (City Code Title 16, Section 16.64.050) (i.e., the fair market value of the land, plus twenty percent (20%) for off-site improvements such as utility line extensions, curb, gutter and pavement and street lights); provided that the appraisal required by Section 16.64.050 shall be based upon the appraised fair market value of the property with the entitlements granted by this approval, including the approvals by the Council or the requested rezone(s) and plan amendments. The appraisal shall be made not more than 90 days prior to the date of application for building permit.
- D/E/F24. Prior to issuance of building permit, the applicant shall submit revised plans incorporating additional open space elements into the open space area designated along Richards Boulevard (RT alignment), to the satisfaction of the Planning and Community Development Department.
- Utilities
- D/E/F25. This project is served by the Combined Sewer System (CSS). Without mitigation the project will have an impact to the CSS. Therefore, impact from the project to the CSS must be mitigated to the satisfaction of the Department of Utilities. If mitigation of impacts is not practical, the developer may enter into an impact fee agreement with the City or pay a fee based upon the projects=

estimated sanitary sewer flows prior to the issuance of a building permit. The fee will be used for improvements to the CSS.

D/E/F26. A drainage study and shed map as described in Section 11.7 of the City Design and Procedures Manual is required. This study and shed map shall be approved by the Department of Utilities. The 10-year and 100-year HGLs shall be shown on the improvement plans. The 10-year HGL shall be no higher than 6 inches below the lowest DI. Finished lot pad elevations shall be a minimum of 1.00 feet above the 100-year HGL and approved by the Department of Utilities.

D/E/F27. One domestic water service per parcel shall be allowed.

D/E/F28. Any new domestic water services shall be metered.

D/E/F29. Post construction, 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 not served by a regional water quality control facility and is greater than 1 acre, both source controls are required for (1) commercial/ industrial material storage, (2) commercial/ industrial outdoor loading/ unloading of materials, (3) commercial/ industrial vehicle and equipment fueling, (4) commercial/ industrial vehicle and equipment maintenance, repair, and washing, (5) commercial/ industrial outdoor process equipment operations and maintenance, and (6) commercial/ industrial waste handling. Storm drain message is required at all drain inlets. On-site treatment control measures are also required and may affect site design and site configuration and therefore, should be considered during the early planning stages. Improvement plans must include the source controls and on-site treatment control measures selected for the site. Refer to the A Guidance Manual for On-Site Stormwater Quality Control Measures@, dated January 2000, for appropriate source control measures and recommended on-site control measures.

Police

D/E/F30. Prior to issuance of building permit, security measures reviewed and approved by the Police Department shall be incorporated into the parking structure.

D/E/F31. Project lighting shall be provided as follows: 1.5 footcandles of minimum maintained illumination per square foot of parking space during business hours and 0.25 footcandles of minimum maintained illumination per square foot of surface on any walkway, alcove, passageway, etc, from one-half hour before dusk to one-half hour after dawn. All light fixtures are to be vandal resistant.

D/E/F32. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.

D/E/F33. The applicant shall agree to a Good neighbor policy@. The Good neighbor policy@ shall require that if any significant problems arise and that the City

receives complaints about the use, the City will commence with Special Permit revocation hearings at the cost of the property owner. The revocation hearing shall be at the discretion and direction of the Planning Commission.

D/E/F34. Landscaped areas shall be maintained so that shrubs do not exceed a maximum height of 30 inches and the lowest branches of the trees are maintained at a height of six feet or higher.

D/E/F35. Dumpsters shall be locked.

D/E/F36. Access to the parking structure shall be limited to patrons and employees of Continental Plaza during normal business hours. During off business hours, parking may be available to the public provided security measures reviewed and approved by the Police Department are in place.

D/E/F37. Continental Plaza Phase IV shall comply with the City=s High Rise Ordinance.

D/E/F38. The developer/ property owner maintain all landscaped areas adjacent to the sidewalks located in the right of way of Richards Boulevard, Anew street@, North 7th Street, and Vine Street, to the satisfaction of the Department of Public Works. If available, the developer/ property owner may enter into a lighting and landscaping maintenance district acceptable to the City.

D/E/F39. Decorative lighting shall be maintained as not to obstruct or diminish lighting level throughout the project.

D/E/F40. Applicant shall sign an agreement delegating the sworn employees of the Sacramento Police Department to act as applicant=s agent for the sole purpose of enforcing Section 602 (k) of the California Penal Code and that applicant agrees to properly post property, aid in the investigation and prosecution of such cases. The posting shall consist of notices, in block lettering, with the wording:

NO TRESPASSING
VIOLATORS WILL BE PROSECUTED
UNDER 602 (K) C.P.C

CHAIRPERSON
ATTEST:

SECRETARY TO CITY PLANNING COMMISSION

DATE (P01-125)

