

RESOLUTION NO. 2005-883

Adopted by the Sacramento City Council

December 6, 2005

DENYING SEIU-UHW WEST APPEAL OF THE PLANNING COMMISSION'S DECISION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND APPROVING THE ENTITLEMENTS NECESSARY TO DEVELOP THE SUTTER DISTRICT MASTER PLAN PROJECT AND ADOPTING A NOTICE OF DECISION AND FINDING OF FACT IN SUPPORT (P03-090)

**LOCATED 2722, 2730, 2800, 2801 L St., 1111 29th ST., 2700, 2706, 2710, 2715, 2720,
2721, 2727, 2731, 2815, 2831 CAPITOL AVE.; 1216 28TH ST.; 1315, 1217 N ST.;
2613, 2701 & 2720 N ST.**

**(APN'S: 007-0114-003; 007-0118-001; 007-0177-001; 007-0173-001-003; 007-0171-
002, 003; 007-0171-004-008, 017; 007-0172-001-005, 010, 013, 014, 016-019; 007-
0166-017) (P03-090)**

BACKGROUND

- A. November 10, 2005, the City Planning Commission approved various entitlements including Tentative Maps; Special Permits and Variances for the Sutter District Master Plan Project including a Special Permit for a Major Project, with conditions;
- B. On November 21, 2005, SEIU-UHW West filed an appeal of the decision of the Planning Commission approving the necessary entitlements for the Sutter District Master Plan on the basis that the project failed to comply with CEQA; and.
- C. On December 6, 2005, the City Council heard and considered evidence in the above-mentioned matter, and;

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

- Section 1. At the regular meeting of December 6, 2005, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the City Council takes The City Council denies SEIU –UHW West appeal and approves the Sutter District Master Plan Project as set forth below.
This action is made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

Environmental Impact Report: The Environmental Impact Report (EIR) has been certified and the Findings of Fact and Statement of Overriding Consideration have been adopted for the proposed Sutter District Master Plan Project and based on the findings provided in Resolution # _____ is hereby **approved**:

1. The City Council certifies that the Environmental Impact Report for the SMCS Project (herein EIR) which consists of the Draft EIR, and Final EIR (Response to Comments) and Appendices, has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures.
2. The City Council certifies that the EIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures, and constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.
3. The City Council certifies that the EIR has been presented to it and that the City Council has reviewed it and considered the information contained therein prior to acting on the proposed project.
4. Pursuant to CEQA Guidelines Sections 15091 and 15093, and in support of its approval of the SMCS Project, the City Council hereby adopts Findings of Fact and Statement of Overriding Considerations and a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented.

Tentative Maps to subdivide 24 parcels 9.6+ acres into 5 parcels and the Tentative Map to subdivide .74 + acres into 28 lots and 2 garage lots are hereby approved based upon the following findings of fact:

1. That the proposed map is consistent with the general plan or any applicable specific plan, or other applicable provisions of this code;
2. That the site is physically suitable for the type of development;
3. That the site is physically suitable for the proposed density of development;
4. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the planning commission may approve such a tentative map if any environmental impact report was prepared with respect to the project and a finding was made pursuant to Section 21081(c) of CEQA that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;

5. That the design of the subdivision or the type of improvements are not likely to cause serious public health problems;
6. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the planning commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the planning commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or
7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use. (Section 66474). (Ord. 2002-002 § 4, 2002)

The Major Project Special Permit is hereby approved based upon the following findings of fact:

1. The project is based upon sound principles of land use in that The project, as conditioned, has been designed to be compatible with surrounding uses, such as the Old Tavern, Sutter's Fort, the Pioneer Church, and various smaller neighborhood serving structures
2. The project will not be detrimental to the public health, safety and welfare in that it provides sufficient parking (per City Code) to accommodate the proposed development, has been designed to respect the pedestrian level and space, and incorporates several uses that will enhance and create neighborhood identity, such as the community parking garage and retail uses.
3. The project is consistent with the General Plan and Central City Community Plan in that the proposed development provides amenities such as the housing component and Children's Theater, and given that the project is consistent with City policy promoting the provision of quality medical services, residential development, and preserving neighborhood qualities.

The Special Permit for a Helistop is hereby approved based upon the following findings of fact:

1. The project is based upon sound principles of land use in that:

- a. the proposed helistop is integral to the function of the proposed hospital campus and will be used for scheduled, prearranged flights.
 - b. the project will not be detrimental to the public health, safety and welfare in that noise issues have been addressed in the Environmental Impact Report for the project, and the helistop is subject to federal and state regulations.
2. That the proposed development and given that the project is consistent with City policy promoting the provision of quality medical services.

The Special Permit to allow the development of 32 single family alternative housing units is hereby approved based upon the following findings of fact:

1. The project will not be detrimental to the public health, safety and welfare in that the proposed project has adequate off-street parking and adequate setbacks and stepbacks to respect the existing residential development in the area.
2. The project will not be detrimental to the public health, safety and welfare in that it provides sufficient parking (per City Code) to accommodate the proposed development, has been designed to respect the pedestrian level and space, and incorporates several uses that will enhance and create neighborhood identity, such as the community parking garage and retail uses.
3. The project is consistent with the General Plan and Central City Community Plan in that the use is consistent with the Central City Community Plan Multi-Family land use designation for the site and General Plan and Community Plan goal and policies related to the production of ownership housing units on infill properties in the Central City.

The Special Permits to allow heights in excess of that allowed in the Alhambra Corridor Special Planning for the WCC, SMH Building, the Community Parking Garage and the housing component are hereby approved based upon the following findings of fact:

1. The project is based upon sound principles of land use in that:
 - a. the proposed use is compatible with existing development and the buildings have been designed to reduce the height and the impact at the pedestrian level.
 - b. the project will not be detrimental to the public health, safety and welfare in that the proposed buildings have been designed to be sensitive to surrounding uses.

2. The project is consistent with the General Plan and Central City Community Plan in that the proposed development and given that the project is consistent with City policy promoting the provision of quality medical services and residential development.

The Variances to reduce the front yard set back from 10 feet to 0 feet in the Hospital (H) zone, to reduce the front yard setback from 5 feet to 0 feet in the General Commercial (C-2) zone and to reduce the street side yard setback from 5 feet to 0 feet in the General Commercial zone are hereby approved based upon the following findings of fact:

1. Granting the variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances.
2. Granting the variance would not be detrimental to the public welfare nor result in the creation of a public nuisance in that the projects has been designed so as to soften the effect of the setback encroachments on surrounding properties, and the project reinforces the urban edge.
3. Granting the Variance does not constitute a use variance in that the proposed uses are allowed under proposed zoning designations.

The Variance to reduce maneuvering width from 26 feet to 24 feet is hereby approved based upon the following findings of fact:

1. Granting the variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances.
2. Granting the variance would not be detrimental to the public welfare nor result in the creation of a public nuisance in that the project has been designed to provide adequate maneuvering space within the parking garage.
3. Granting the Variance does not constitute a use variance in that the proposed use is allowed under the proposed zoning.

CONDITIONS OF APPROVAL

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

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P03-090). The design of any

improvement not covered by these conditions shall be to City standard.

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied at the discretion of the Development Engineering and Finance Division:

- J1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments.
- J2. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P03-090).
- J3. Show all continuing and proposed/required easements on the Final Map.
- J4. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition.

DEF: Streets

- J5. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering and Finance Division. Improvements required shall be determined by the city. The City shall determine improvements required for each phase prior to recordation of each phase. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering and Finance Division.
- J6. This project shall require Historical Ornamental, Pedestrian street lighting. There is an existing lighting system in this project area. Improvements to the right-of-way may require modification to the existing systems. There are existing fire alarm facilities in the project area. The fire alarm system shall be relocated as part of the project as required.
- J7. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance

to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering and Finance Division.

- J8. The applicant shall make provisions for bus stops, shelters, etc. to the satisfaction of Regional Transit.
- J9. If necessary (as determined by the Development Engineering and Finance Division) the applicant shall dedicate and construct bus turn-outs for all bus stops adjacent to the subject site to the satisfaction of the Development Engineering and Finance Division.

DEF: Abandonment (Recorded on Map)

- J10. The applicant must satisfy the conditions of the Abandonment Clearance Letters prior to or concurrent with the recordation of the Final Map.

PUBLIC/PRIVATE UTILITIES

- J11. Dedicate an easement for the transformers to be installed to service both new buildings adjacent to the north side of the alley, size to be determined by both SMUD and the applicant.

CITY UTILITIES

- J12. Only one domestic water service per parcel is allowed. The project must comply with the requirements of City Code 13.04.070 and the Departments current Commercial Tap Policy to have more than one domestic water service. The existing Sutter General Hospital north of L Street and the proposed new Buhler Building south of L Street will be allowed to have separate domestic water services. Any new domestic water services shall be metered. Excess services shall be abandoned to the satisfaction of the Department of Utilities. The applicant should be advised that the tap record research and verification of tap locations by the field crews involved prior to sign-off of this condition may take a considerable amount of time, therefore, all requests should be submitted in a timely manner.
- J13. City water and sewer mains in alleys to be abandoned shall be relocated and reconstructed to the satisfaction of the Department of Utilities.
- J14. A public utility easement for underground utilities and a minimum vertical clearance of 17 feet between the roadway and overhead walkways shall be retained for the full width of street right of way to be abandoned for the construction of the overhead walkways over L Street and 28th Street.

The Tentative Map to subdivide .74 + acres into 28 lots and 2 garage

lots is hereby approved, subject to the following conditions (Housing Component):

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

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied at the discretion of the Development Engineering and Finance Division:

GENERAL: All Projects

- K1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments.
- K2. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P03-090).
- K3. Show all continuing and proposed/required easements on the Final Map.
- K4. Private reciprocal ingress, egress, maneuvering and parking easements are required for future development of the area covered by this Tentative Map. The applicant shall enter into and record an Agreement For Conveyance of Easements with the City stating that a private reciprocal ingress/egress, maneuvering, and parking easement shall be conveyed to and reserved from all Parcels, at no cost, at the time of sale or other conveyance of either parcel.
- K5. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition.

DEF: Streets

- K6. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering and Finance Division. Improvements required shall be determined by the city. The City shall determine improvements required for each phase prior to recordation of each phase. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or

replacement/reconstruction of any existing deteriorated curb, gutter sidewalk, and alley adjacent to the subject property per City standards to the satisfaction of the Development Engineering and Finance Division.

- K7. This project shall require Historical Ornamental, Pedestrian street lighting. There is an existing lighting system in this project area. Improvements to the right-of-way may require modification to the existing systems. There are existing fire alarm facilities in the project area. The fire alarm system shall be relocated as part of the project as required.
- K8. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering and Finance Division.
- K9. The applicant must ensure that the subject map improvements comply with A.D.A. requirements in all respects.
- K10. The applicant shall make provisions for bus stops, shelters, etc. to the satisfaction of Regional Transit.
- K11. The applicant shall dedicate (if necessary) and construct bus turn-outs for all bus stops adjacent to the subject site if deemed necessary by and to the satisfaction of the Development Engineering and Finance Division.

PUBLIC/PRIVATE UTILITIES

- K12. Dedicate public utility easements (PUE's) for underground facilities and appurtenances to the satisfaction of SMUD facilities coordinator.

CITY UTILITIES

- K13. Only one domestic water service will be allowed per parcel. Any new domestic water services shall be metered.
- K14. Provide separate metered domestic water services to each parcel. Any excess services must be abandoned to the satisfaction of the Department of Utilities.
- K15. Per Sacramento City Code, water meters shall be located at the point of service which is the edge of the public alley, back of curb for separated sidewalks or the back of walk for connected sidewalks.

- K16. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.
- K17. A 12-inch water main extension with a fire hydrant at the end of the water main shall be constructed on N Street from 26th Street to the east boundary of the project to the satisfaction of the Department of Utilities.
- K18. Residential water taps shall be sized per the City's Building Department onsite plumbing requirements (water taps may need to be larger than 1-inch depending on the length of the house service, number of fixture units, etc.).
- K19. Provide sanitary sewer services to each parcel to the satisfaction of the Department of Utilities.
- K20. Surface and subsurface drainage, water and sanitary sewer facilities located within the private driveway and/or common parcels shall be private facilities maintained by the homeowner, HOA or a privately funded maintenance district. These facilities shall not be within public utility easements (PUE).
- K21. The applicant shall enter into and record an Agreement for Conveyance of Easements with the City, in a form acceptable to the City Attorney, stating that each parcel shall convey to the remaining parcels, as needed, **private easements** for storm drainage, water, and sanitary sewer at no cost at the time of sale or other conveyance of any parcel. A note stating the following shall be placed on the Final Map:
- "THE PARCELS CREATED BY THIS MAP SHALL BE DEVELOPED IN ACCORDANCE WITH RECORDED AGREEMENT FOR CONVEYANCE OF EASEMENTS # (BOOK __, PAGE __)."**
- K22. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.
- K23. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.
- K24. Post construction (permanent), stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Since the project is in an area served by a regional water quality control facility only source control measures are required. Refer to the "Guidance Manual for On-Site Stormwater Quality Control Measures" dated January 2000 for appropriate source control measures.

PPDD: Parks

- K25. The Applicant shall comply with City Code 16.64 (Parkland Dedication) and dedicate a park site at a location deemed acceptable to the City's PPDD; **and/or**, as determined by PPDD, request the City have prepared, at the applicants expense, a fair market value appraisal of the property to be subdivided and pay the required parkland dedication in lieu fees or, as an alternative to the appraisal process, pay the required parkland dedication in lieu fees based on the Community Planning Area "fixed market value " per acre of land as adopted by Sacramento City Council.
- K26. The applicant must provide proof they have initiated and completed the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annexed the project to an existing parks maintenance district prior to recording a Final (Parcel) Map. The applicant shall pay all city fees for formation of or annexation to special districts. The purpose of the district is to equitably spread the cost of neighborhood park maintenance on the basis of special benefit, in the case of an assessment district. In the case of a special tax district, the cost will be spread based upon the hearing report, which specifies the tax rate and method of apportionment. (Contact Development Services Department, Special Districts, Project Manager)

FIRE:

- K27. Provide the required hydrants in accordance with CFC 903.4.2 and Appendix III-B, Section 5.

The Major Project Special Permit to renovate the Sutter General Hospital and Buhler buildings and to construct the Women's and Children Center, the Sutter Medical Foundation Building, Community Parking Garage with ground floor retail, spanning structures and pedestrian bridges on 12.6± net acres in the proposed General Commercial Special Planning District (C-2 SPD) zone is hereby approved subject to the following conditions:

The Major Project Special Permit is hereby approved subject to the following conditions:

Development Engineering and Finance

- L1. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P03-090)
- L2. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. *All* improvements shall be designed and constructed to the satisfaction of the Development Engineering and Finance Division. Improvements required shall be determined by the city.

The City shall determine improvements required for each phase prior to recordation of each phase. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering and Finance Division.

- L3. All right-of-way and street improvement transitions that result from changing the right-of-way of any street shall be located, designed and constructed to the satisfaction of the Development Engineering and Finance Division. The center lines of such streets shall be aligned;
- L4. All new driveways shall be located, designed and constructed per City Standards to the satisfaction of the Development Engineering and Finance Division. Any existing site driveways to be maintained shall be redesigned and reconstructed, if necessary, per City Standards to the satisfaction of the Development Engineering and Finance Division.
- L5. The site plan shall conform to A.D.A. requirements in all respects. This shall include the replacement of any curb ramp that does not meet current A.D.A. standards.
- L6. The applicant shall record the Final Map and Lot Mergers associated with the subject project, which creates the lot pattern shown on the proposed site plan, prior to obtaining any Occupancy Permits.
- L7. The applicant shall provide a vehicle / pedestrian alert system within the Community Parking Garage, for the driveways located on 27th and 28th Streets, as shown on the site plan dated June 15, 2005. The improvements related to this condition shall be to the satisfaction of the Development Services Department.
- L8. Any public alleys adjacent to the project sites, to be maintained, shall be constructed / reconstructed per City Standards, including the placement of lighting, to the satisfaction of the Development Engineering & Finance Division.
- L9. The applicant shall enter into and record an Easement Agreement for Minimal Encroachments on City Right-of-Way with the City, in a form acceptable to the City Attorney and the Real Estate Division, in order to obtain an easement for the use of public right-of-way for all bridges, spanning structures, below-grade tunnels, and other portions of the building encroaching into the public right-of-way, as shown on the Site Plan dated March 21, 2005. Conditions of the agreement may include, but not limited to, the following:
 - 1. The applicant shall provide clearance letters from each of the affected City Departments / Divisions, Utility Companies, and other interested entities /

agencies as deemed necessary by the City. The applicant shall satisfy any conditions included as part of the clearance letters.

1. The scope of the easements shall be as negotiated between the City and the applicant in drafting the agreement. All terms and conditions of the agreement shall be to the satisfaction of the City.
- L10. Prior to the issuance of building permits, the applicant shall provide sufficient proof that the above described Easement Agreement for encroachment into public right-of-way has been secured and recorded.
- L11. The design of walls, fences, signage, and landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Development Engineering and Finance Division.
- L12. For the Community Parking Garage, Foundation or basement dewatering discharges to the CSS and/or storm drainage system will not be allowed for the Sutter Medical Center Parking Garage unless the dewatering discharges are mitigated to the satisfaction of the Department of Utilities. The CSS and storm drainage system in the area does not have adequate capacity to allow for dewatering discharges for foundations or basements. Foundations and basements shall be designed without the need for dewatering to the satisfaction of the Department of Utilities.
- L13. The applicant shall provide an ADA accessible, continuous path of travel for all public sidewalks and corner curbs. A detailed survey of the existing condition of the path of travel may be required in order to identify the defects that may need to be corrected. Path of travel issues typically include, but may not be limited to: sidewalk widths, obstructions, cracks, vertical off-sets in the sidewalk surface, curb ramps and driveway and curb cuts.
- L14. The applicant shall provide acorn-style street lighting, consistent to those recently installed around Marshall Park, subject to City standards and to the satisfaction of the Development, Engineering and Financing Section:
 - a. Adjacent to the project site, including Sutter General Hospital,
 - b. On the opposite sides of the street from the project site, and
 - c. On the west side of 29th Street and both sides of 28th Street from N to the light rail station on R St.

- d. Work with property and/or business owners to facilitate an assessment district to fill in lighting throughout the Sutter District between K and P Streets and 25th to 29th Streets.
 - e. If such an assessment district is formed, the applicant shall be credited/reimbursed for the cost it incurs to install street lighting under b and c above.
- L15. A building permit for the parking garage shall not be issued unless the residential component of the project has started construction, or unless a building permit for the residential component is issued concurrently.
- L16. No on-street parking by construction workers shall be allowed. Prior to issuance of building permit, the applicant shall obtain off-site, off-street parking for construction workers and provide a parking management program that prohibits on street parking by construction workers, subject to the review and approval of the Planning Director. The applicant shall use all reasonable efforts to enforce the parking management program to ensure that construction workers do not utilize on-street parking.
- L17. The parking garage shall be designed to provide adequate screening of parking lot lighting and vehicle lights to surrounding properties.

Planning

- L18. The project shall be required to comply with the conditions of approval of the Design Review/Board (DR05-150, DR05-190, DR05-226, DR05-238).
- L19. The project shall provide setbacks as shown on the plans submitted.
- L20. The applicant shall designate 1949 parking spaces for use by the SGH, WCC, Buhler Building, and SMF Building.
- L21. Neither the applicant nor any of its affiliates shall apply for the rezoning of any residentially zoned real property located within the Central City Community Plan area east of 16th Street, but outside the property boundaries formed by the south edge of K Street, the east edge of the Capital City Freeway (Business 80) right-of-way, the north edge of N Street, and the east edge of 27th Street, except for that property located at 2600 L Street which currently houses a residential care facility. For purposes of this condition, "residentially zoned real property" shall include, but not be limited to property having any one of the following zoning designations: R-1, R-1A, R-1B, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, RMX, RO.
- L22. Sutter shall establish a "hot line" during construction so that nearby residents and business can call with complaints or questions.
- L23. Sutter shall work with residents in the adjoining neighborhood to restrict residential

permit parking to one hour and to extend restricted parking to evenings and weekends.

- L24. The City Council encourages Sutter (a) to fully participate in an annual community stakeholder process pursuant to Health and Safety Code section 127340 et seq. regarding reaching an agreement with the community as to how best to meet its social obligations to the community, including, among other things, access to healthcare. This agreement can then be memorialized in its Community Benefit Plan, which should include mechanisms to periodically assess the Plan's effectiveness.

The Special Permit for a Helistop is hereby approved subject to the following conditions:

- N1. Prior to issuance of certificate of occupancy the applicant/developer/owner shall obtain and file with the city clerk and maintain in full force and effect liability insurance insuring said permittee, its officers, agents and employees, its lessees and tenant in the sum or at least one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per accident, and fifty thousand dollars (\$50,000.00) property damage, naming the city as an additional insured, or such additional sums as recommended by city staff.
- N2. The maximum number of take-offs and landings to be permitted for the helistop shall be limited to ten (10) per day, not to exceed 200 per year. Sutter will provide to the Planning Director, on an annual basis, due January 30 of each year, a report outlining the number of take-offs and landings per day and per year.
- N3. Prior to occupancy permit the applicant shall comply with requirements of the City Code Title 12.92 as amended by the City Council.

The Special Permit to allow the development of 32 single family alternative housing units is hereby approved subject to the following conditions:

- O1. The applicant shall make all reasonable efforts to provide two ADA accessible and adaptable units on site. The applicant shall coordinate with the Development Engineering and Finance Division and Building Division to ensure that adequate interface between the onsite and offsite improvements is achieved.
- O2. The project shall be required to comply with the conditions of approval of the Design Review Board (DR05-226).

ADVISORY NOTES:

The following advisory notes are informational in nature and are not a requirement of this Tentative Map (Sutter Commercial Components):

1. The proposed project is located in the Flood zone designated as an X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the X zone, there are no requirements to elevate or flood proof.
2. Due to potential flooding in the area during heavy storms the Department of Utilities recommends the lowest finished floor elevation of the living space of the structures should be a minimum of 1.5 feet above the highest adjoining back of sidewalk elevation.
3. Many projects in the City of Sacramento require on site booster pumps for fire suppression and domestic water systems. 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 system.
4. Sutter Medical Center projects that connect to the City's N Street and 29th Street Sewer Replacement Project have mitigated for Sutter's impact to the combined sewer due to their contribution to the sewer replacement project.

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

5. The proposed project is located in the Flood zone designated as an X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the X zone, there are no requirements to elevate or flood proof.
6. Due to potential flooding in the area during heavy storms the Department of Utilities recommends the lowest finished floor elevation of the living space of the structures should be a minimum of 1.5 feet above the highest adjoining back of sidewalk elevation.
7. Many projects in the City of Sacramento require on site booster pumps for fire suppression and domestic water systems. 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 system.
8. This project is served by the Combined Sewer System (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 feasible, the developer/property owner will be required to pay the Combined Sewer System

Development Fee prior to the issuance of any building permit. The current estimated fee to be paid at time of Building Permit will be \$105 per townhouse plus any increases to the fee due to inflation. The existing use of the project site is a parking lot which did not contribute sewer flows to the CSS. Therefore, no credit for existing flows will be deducted from the estimated project impact to the CSS. The fee will be used for improvements to the CSS.

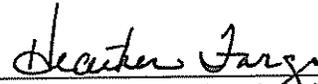
Adopted by the City of Sacramento City Council on December 6, 2005 by the following vote:

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

Noes: None

Abstain: None

Absent: None.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk