



REPORT TO COUNCIL

City of Sacramento

17

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

PUBLIC HEARING
May 9, 2006

Honorable Mayor and
Members of the City Council

Subject: Appeal of Florin Road Subdivision Approval (Z05-186)

Location/Council District: 2730 Florin Road, Council District 8 (Attachment A-B)

Recommendation:

Staff recommends that the City Council take the following action: 1) Adopt the Notice of Decision and Findings of Fact denying the appeal of the decision of the Planning Commission thereby approving the tentative map to subdivide one 2.29 acre parcel into two parcels.

Contact: Sandra Yope, Associate Planner, 808-7158; Joy Patterson, Senior Planner, 808-5607

Presenters: Sandra Yope, Associate Planner, 808-7158

Department: Development Services Department

Division: Planning Division

Organization No: 4870

Summary:

The tenant of the existing commercial building on the site, Health For All (HFA), filed an appeal of the Planning Commission's decision on April 20, 2006. The reason for the third party appeal of the Planning Commission's denial of an appeal of the Zoning Administrator's approval of a Tentative Map to split the commercial property into two lots is as follows: "*The design of the subdivision or the proposed improvement will cause public health problems.*" A copy of the appeal is included in this staff report as Attachment D.

Committee/Commission Action:

On April 13, 2006, the Planning Commission denied the appeal and approved the project with a vote of five ayes to one no. Staff is recommending the City Council deny the appeal, thereby approving the project.

Background Information:

Project Summary: The applicant proposes to subdivide one parcel into two parcels for the purpose of future development. The parcel is developed with an 8,600 square foot commercial building that houses "Health For All," an adult day care facility and approximately 71 parking spaces. Both lots, as proposed, will meet all size and access requirements of the Subdivision Code. The project site is a corner lot located at the southeast corner of Florin Road and Loma Verde Way.

On October 6, 2005, the Zoning Administrator held a public hearing on a request for a tentative map to create two parcels from a single parcel with an existing 8,600 square foot commercial building and a special permit to allow off-site parking for the existing building in the General Commercial-Review (C-2R) zone. Once the parcel is subdivided, the existing parking will be on the new parcel. The Zoning Administrator approved the requests finding the project consistent with the General Plan, Community Plan, Zoning and Subdivision Codes. The tenant, HFA, appealed the Zoning Administrator's decision. The appellant claimed he had no notice of the hearing and was unable to voice his objections and therefore, appealed the approval. Basic issues included providing adequate parking for the existing use, compliance with the Subdivision Code, and proper hearing notification.

Planning Commission Hearing Summary: The Planning Commission initially conducted a hearing on the project on December 8, 2005. The focus of the hearing was the value of the adult day health care facility to the community and the need for the space on the parcel to operate and expand the day care center's operations. The Commission continued the item until January 26, 2006, in order for the tenant and property owner to meet and work out a tenable arrangement. The property owner with the concurrence of the appellant (tenant) requested a continuance of the project several more times to allow enough time to facilitate an agreement. No agreement was able to be reached so the item was heard on April 13, 2006. The issues raised at the hearing were the value of the day health care facility and the impact of allowing the subdivision to public health by affecting the operation of HFA. The Planning Commission staff report is included as Attachment F of this report. Staff supported the proposed project for the following reasons:

- 1) All required findings can be made to support approval of the proposed tentative map according to Title 16.24.090 of the City Code.
- 2) The proposed parcel map is consistent with the community and general plan designations and meets the requirements of both the Zoning Code and the Subdivision Code.
- 3) The site is already developed with a commercial building, entirely paved and suitable for additional commercial development. The site was previously evaluated for potential environmental impacts with the original development.
- 4) Subdividing the site into two lots will not cause public health problems because for purposes of a tentative map proposal, public health issues relate to infrastructure impacts such as affecting sewer capacity for an area due to development.

- 5) The site already has full improvements so the proposed map will not conflict with easements for public access.

Financial Considerations:

This project has no fiscal considerations.

Environmental Considerations:

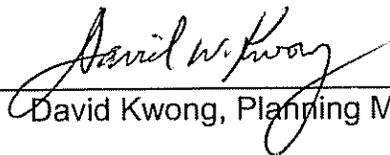
The proposed project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15315. Section 15315 allows for the division of property within urbanized areas. The project is consistent with the General Plan designation and all applicable General Plan policies, as well as the site's zoning designation. The site is no more than five acres in size and surrounded by urban uses. The site has no value as habitat and would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site can be adequately served by all required utilities and public services.

Policy Considerations:

Staff has determined that the proposed project is consistent with the site's General Plan designation of Community/Neighborhood Commercial and Office, the Airport Meadowview designation of Commercial, and the site's zoning designation of General Commercial-Review (C-2R). The proposed subdivision supports the City's Three Year Goal "Expand economic development throughout the city."

Emerging Small Business Development (ESBD):

City Council approval of these proceedings is not affected by City policy related to the ESBD Program. No goods or services are being purchased.

Respectfully Submitted by: 
David Kwong, Planning Manager

Approved by: 
William Thomas
Director of Development Services

Recommendation Approved:


for Ray Kerridge
City Manager

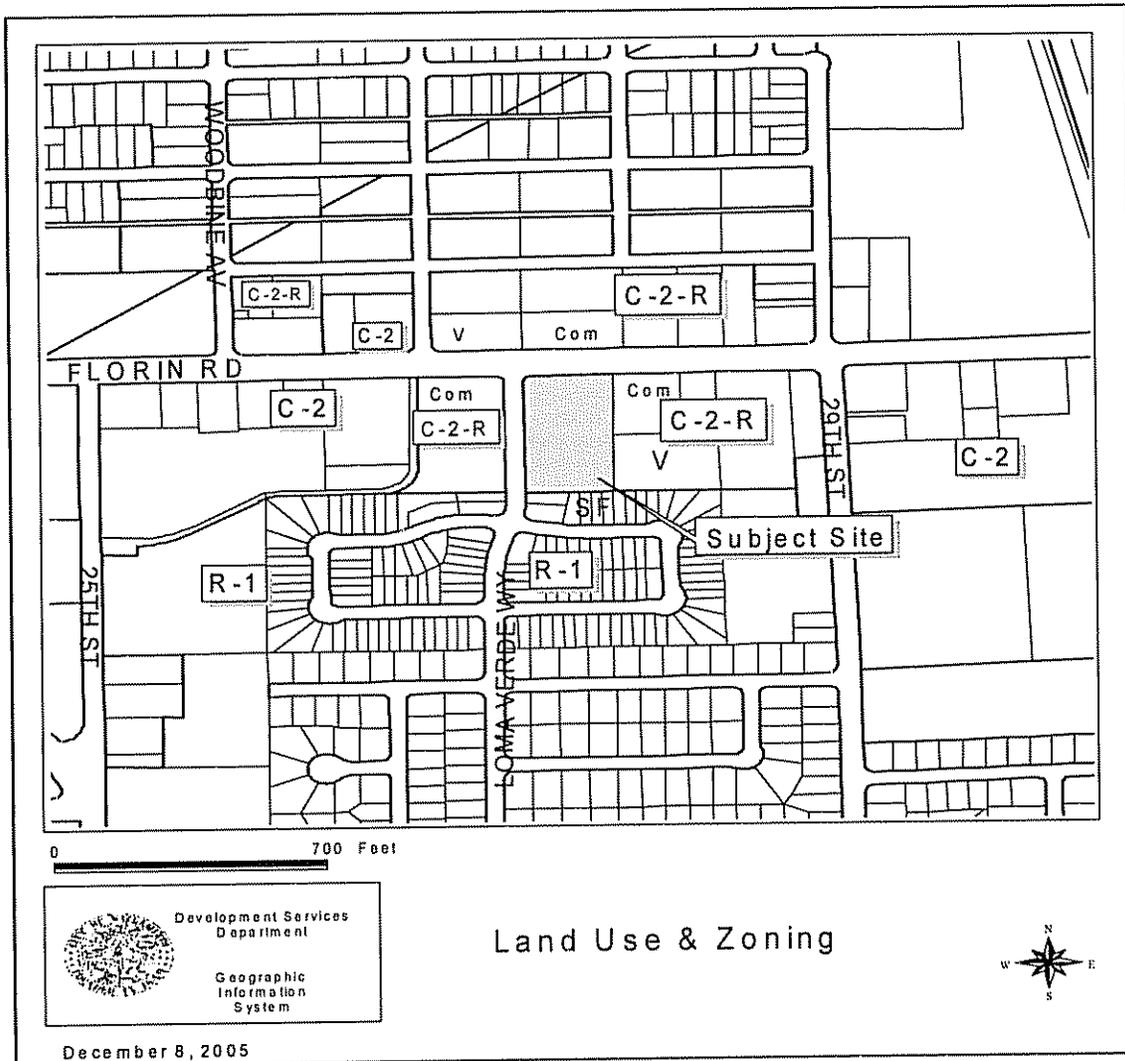
Table of Contents:

Pg. 1-4	Report
Pg. 5	Attachment A - Vicinity Map
Pg. 6	Attachment B - Land Use & Zoning Map
Pg. 7	Attachment C - Voting Record from Planning Commission – April 13, 2006
Pg. 8-13	Attachment D - Appeal from Health For All (Dr. Ikeda) – April 20, 2006
Pg. 14-19	Attachment E - Time Line from Property Owner
Pg. 20-23	Attachment F - Summary of Staff Report to Planning Commission, April 13, 2006
Pg. 24-28	Resolution to Deny the Appeal and Approve the Notice of Decision and Findings of Fact
Pg. 29	Exhibit A - Tentative Map

Attachment A- Vicinity Map



Attachment B - Land Use & Zoning Map



Attachment C- Voting Record from Planning Commission – October 13, 2005



City Planning Commission

Hearing Item			April 13, 2006
Item No.	Project No.	Title/Location	Action: Approved Denied Continued
6.	Z05-186	Appeal of Florin Road Subdivision Action	Approved

Commissioner	Motion (M) Second (S)	Yes	No	Abstain
Banes – Chair		√		
Boyd				
Notestine	M	√		
Taylor-Carroll				
Valencia		√		
Wasserman		√		
Woo	S		√	
Yee – Vice Chair		√		
Vacant				

CITY OF SACRAMENTO

DEVELOPMENT SERVICES DEPARTMENT
 915 I Street, New City Hall, 3rd Floor
 Sacramento, CA 95814

PLANNING DIVISION
 916-808-5419

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

DATE: 4.17.06

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning Commission on 4.13.06 (hearing date), for project number (~~05~~) Z05-186 when:.

- Special Permit for _____
- Variance for _____
- "R" Review for _____
- Other tentative map for lot split, one parcel into two parcels

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

Grounds For Appeal: (explain in detail, you may attach additional pages)
The designs of the subdivision or the proposed improvement will cause public health problems (see attached additional pages).

- ⇒ Property Location: 2730 Florin Road
- ⇒ Appellant: Richard M. Ikeda, H.D. Daytime Phone: (916) 441-2811
(please print) (cell) 549-4520
- ⇒ Address: 420 I street, #7, Sacramento, CA 95814
- ⇒ Appellant's Signature: Richard M. Ikeda, H.D.

THIS BOX FOR OFFICE USE ONLY	
FILING FEE: <input checked="" type="checkbox"/> \$1,192.00 By Applicant	RECEIVED BY: <u>Don Water</u>
<input type="checkbox"/> \$298.00 By Third Party	DATE: <u>April 20, 2006</u>
Distribute Copies To: CAS; DK; Project Planner; Mac Saetern (original & receipt)	
P# _____	Forwarded to City Clerk: _____

Attachment D- Appeal from Health For All (Dr. Ikeda)- April 13, 2006 -Pg 2

Health For All's Grounds For Appeal (2730 Florin Road)

Health For All, Inc (HFA) is a nonprofit community health corporation serving the health care needs of the poor and frail elderly in Sacramento as well as in Auburn, Lodi, and Waipahu, Hawaii. HFA is a tenant on the property which is the subject of the application for a lot split, and HFA has been the renter of the property since 1997, formerly under a lease with a predecessor owner (which has since expired). HFA operates an Adult Day Health Care (ADHC) Center on the property under a special permit, P96-107, granted by the City in 1997. The Center has been in continuous operation ever since. It commenced with a small population of 10 participants, and has now grown to more than 65 participants a day who come for adult day health care services. HFA plans to expand to serve up to 100 participants on the property, as the 1997 Sacramento Planning Commission report envisioned.

When HFA took over the 2.29 acre property, it was a vacant, abandoned former Woolworth's Garden Center in need of substantial repair and the building itself was slated for demolition. With a publicly funded loan, grants, donations, and its own funds and volunteers, HFA repaired and remodeled the building to make 7,000 square feet suitable for its programs. There is still 1,600 square feet in the building now used for storage of furniture and supplies, to be remodeled for ADHC activities. With this new space, HFA can increase its program, under the current use permit, to 100 participants, and accommodate the increasing numbers of wheelchair bound patients.

The physically and mentally disabled adults and the frail, elderly who come to this program, are in the lowest socio-economic group and are identified at high-risk for being permanently institutionalized. The physical, mental, and social stimulation the program provides allows them to remain in their own homes, with relatives and friends, and protects their independence. A program such as HFA's, is proven not only to prevent institutionalization, but can prevent hospitalization and redress the number of major costly acute illnesses that the poor and undereducated are more at-risk for. In addition, the respite for family and caretakers that this daily four hour program provides is a welcome time for caregivers to complete other tasks in their busy schedule. For the participants, the program is truly life saving. It allows them to live their lives in peace, and in their own familiar surroundings.

Reduction in ADHC services, will pose a serious public health problem to the population of disabled adults, and frail, elderly participants in the program. Stedman's Medical Dictionary defines "public health" as the art and science of community health concerned not only with epidemiology and hygiene, but the prevention of diseases. Particularly for the poor in the Florin and Meadowview area, many would have been institutionalized except for this program, some would certainly be dead.

The Marks application proposes to divide into two, HFA's current 2.29 acre parcel that is still subject to the original use permit for health and government. HFA contends that substantial evidence in the record compels the conclusion that the division would violate its vested rights under the use permit, and would definitely be contrary to the public health and welfare. The land division will definitely cause serious public health problems within the meaning of the Subdivision Map Act, Government Code section 66474(f). Because of the public health problems, HFA contends that the city can and should grant the appeal, and deny the application for the subdivision.

HFA contends that if the division is permitted and the owners (Marks and DWB Partnership) determine that HFA may not occupy the entire 2.29 acre site, the viability of its ADHC

Attachment D- Appeal from Health For All (Dr. Ikeda)- April 13, 2006 -Pg 3

programs will be negatively impacted to the extent that it cannot continue to operate at its current level of service, and cannot expand to realize the full extent of the right vested under its use permit. If HFA is forced to vacate or cease use of a portion of the property due to the division of the parcel, its ability to render services will be curtailed because there will be inadequate areas of parking for staff, volunteers, visitors, and vehicles transporting patients to and from the Center, as well as, adequate fenced outdoor areas for participants to enjoy fresh air, sunlight and outdoor activities, and still permit vehicular circulation and parking.

Another point overlooked is during fire drills, there may be as many as 30 wheelchairs that must leave the building. There is already insufficient space to clear the building in the rear parking space to take the participants far enough away from the building to assure their safety. Because of this, the front parking area must remain under HFA's control, and also be used in case of fire.

When 911 emergency personnel are called, (not an infrequent occurrence), fire trucks and ambulances must have adequate parking and maneuvering area in the front of the building. HFA thus needs the use of the entire 2.29 acre site as the 1997 Sacramento Planning Commission report stated at that time. If the parcel is divided and the proposed new parcel in the front parking area becomes unavailable to HFA, definite serious public health problems can be foreseen.

HFA has offered to enter into a new lease with the current owners. When HFA refused to accede to monetary demands, such as payment of back property taxes and flood insurance, which HFA does not owe, the current owners refused to negotiate the terms of a new lease that will permit HFA to continue operation while seeking another suitable location. As a result, the new owners have threatened the continued existence of the HFA ADHC Center, making their application contrary to the public health and welfare, and impacting HFA's vested rights under its special permit. Any change can cause serious public health problems for this at-risk population in the Florin - Meadowview area.

HFA serves the most needy in the ADHC Center on Florin Road. 98% of our participants are Medi-Cal recipients. HFA hopes the City Council will take firm steps to preserve the ADHC Center as envisioned by the 1997 Sacramento Planning Commission. HFA hopes the City Council will act to protect the poorest and most vulnerable among us; disadvantaged by lack of education, by lack of money, by the fact that many come from foreign lands and could never get main stream jobs in California. However, they contributed while they did work in less desirable jobs. We should show our gratitude and generosity in their remaining years. These are people in danger of institutionalization. This ADHC Center allows them to break through their isolation, and bask in the warmth of good fellowship from staff and participants, now good friends and part of their extended family. HFA's participants radiate this warmth as one can see in the Christensen video, and HFA is sure our participants bring this optimism and good feeling to all that they come in contact with, relatives, friends, and even strangers. They are positive ambassadors and role models for those of us who will follow their foot steps on this final path.

Any visit to this Center or just a viewing of the video will show you how the program on Florin Road is a joy for participants and staff. There is a party at HFA everyday. The program is equivalent for vaccines for our children, which protects our kids from serious disease and disability. HFA's ADHC Center on Florin Road is a program for the poor and frail elderly and disabled adults. It prevents institutionalization, it breaks through isolation, and it encourages mental and physical fitness. It preserves the public health of the poorest of our population; it prevents institutionalization and unnatural death.



A non-profit community corporation

MEMO

To:

From: Dr Richard Ikeda, Executive Director

Date: April 3, 2006

Re: 2730 Florin Road, Sacramento, California

Background

Health For All, Inc. (HFA), is a community-based, 501 (c) (3), non-profit health and social services organization, that serves disadvantaged children, adolescents, young parents, adults, and frail elderly poor in Northern California since its incorporation in 1981. HFA helps the poorest of the Medi-Cal population, disadvantaged not only by lack of money, but also by cultural and educational barriers.

HFA has two major programs: the Adult Day Health Care (ADHC) Centers and the Community Clinics. The ADHC Centers are a combination of medical and social service centers for the frail elderly or mentally and physically disabled adults. The Centers provide preventive medical care, transportation, dietary, speech, occupational and physical therapy, social and recreational activities, psychological counseling, and health education. Participation at an ADHC Center prevents institutionalization of the elderly and disabled, and allows them to live productive and happy lives in their own communities. The community clinics are located in low-income areas of Sacramento. These clinics provide outpatient as well as preventive medical care and health education to low-income communities.

Each day HFA serves 65 to 70 frail, elderly, and physically or mentally disabled adults at the Florin Road ADHC Center. This program is highly successful in keeping poor elderly people in their own homes, with relatives, with friends, or even living independently. It saves the taxpayers of California many dollars by preventing high-cost 24 hour a day care. Forty percent are physically disabled and in wheelchairs. Eighty percent of the participants have some mental disability from mild Alzheimer's disease to frank psychoses.

On April 13, 2006, HFA is scheduled to go before the Sacramento Planning Commission to appeal the splitting of 2730 Florin Road into two separate lots. In November 2005, the zoning administrator approved the lot split. This would allow the new landlord to try and change the special use permit for the front parking lot.

ADMINISTRATION

□ 420 I Street, #7 • Sacramento, CA 95814 • (916) 441-2811

ADULT DAY HEALTH CARE CENTERS

- 125 South Washington Street • Lodi, CA 95240 • (209) 367-1552
- 2730 Florin Road • Sacramento, CA 95822 • (916) 391-5591

CLINICS

- 923 V Street • Sacramento, CA 95818 • (916) 448-6553
- 577 Las Palmas Avenue • Sacramento, CA 95815 • (916) 924-6703

Attachment D- Appeal from Health For All (Dr. Ikeda)- April 13, 2006 -Pg 5

Mission, goals and objectives of the organization: Populations served and in what capacity:

Health For All is a nonprofit, multiethnic, community-based organization committed to providing health and social services to low-income people in the most ethnically diverse and impoverished areas in Sacramento County. This includes people who would not otherwise receive appropriate healthcare and social services, including disadvantaged children, adolescents, young parents and frail elderly. Health For All provides care for the most vulnerable and impoverished of the Medi-Cal population. Health For All operates two major programs: the Adult Day Health Care Centers and the Community Clinics. With the organization's emphasis on community outreach and community building, Health For All locates its Community Clinics and Adult Day Health Care Centers where the target patient population lives in the lowest income areas of Sacramento.

The Adult Day Health Care (ADHC) emphasis is on socialization, therapy, recreation, and health education. This program is designed to maintain and restore a person's capacity for self-care to the fullest extent possible, and to delay and/or prevent institutionalization. Participants are provided with a breakfast and a lunch in addition to physical, occupational, speech, and psychiatric therapies, health monitoring, care management, arts and craft, exercise and transportation for field trips to and from their residence.

Populations served and in what capacity:

ETHNICITY

African American	41%
API	9%
Caucasian	34%
Hispanic	15%
Other	1%

Languages spoken incl. English, different dialects of Filipino, Spanish and Hindec

AGE RANGE 27-98

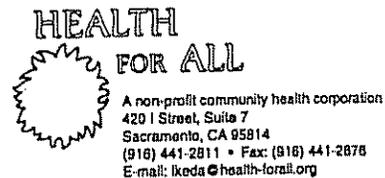
GENDER

Female	67%
Male	33%

PRIMARY DIAGNOSIS

Dementia	19%
CVA	26%
Psych	7%
DD	12%
*Other	36%

*HTN, DM, CP, CAD, CHF, COPD, PTSD, Arthritis/OA/RA/OP, ESRD, HIV, Huntington's Chorea



Attachment D- Appeal from Health For All (Dr. Ikeda)– April 13, 2006 -Pg 6

Health For All's Summary of Events in the History and Development of the
2730 Florin Road Adult Day Health Care Center

- In 1996, Health For All, Inc. (HFA) borrowed \$160,000 from the California Health Facilities Financing Authority (CHFFA) for tenant improvements to fix the abandoned building located at 2730 Florin Road.
- On the very day CHFFA made the loan, Dr Richard Ikeda was told by his general contractor that the building was to be demolished for non-payment of a lien Dr Ikeda immediately went to Sacramento Planning and paid a \$1,000 lien to the City to stop the abandoned building located at 2730 Florin Road, a public nuisance, from being torn down
- In February 1997, the Sacramento Planning approved HFA's special use permit to change the use from a "commercial garden center" to "health and government" use This permits 100 participants in the 8,600 square foot Adult Day Health Care (ADHC) building, and a front parking lot on Florin Road allowing 71 parking spaces
- In June 1997, the State Department of Health and the Department of Aging approved HFA's ADHC Center; HFA began operation of the center with ten participants
- In January 2002, HFA repaid the loan to CHFFA HFA also made its last payment as a sub-lessee to the Woolworth Realty Corporation
- On February 1, 2002, HFA began to lease the property located at 2730 Florin Road as the direct tenant (lessee) to the BNY Western Trust Company, custodian for the Sheet Metal Workers of Northern California Pension Trust Fund Up until this date, HFA was a sub-lessee On May 28, 2003, HFA signed a First Amendment to the lease extending the lease until December 31, 2003.
- On January 28, 2004, the landlord mailed a letter asking HFA to sign a Second Amendment to the lease, which would extend the lease until June 30, 2004 In this letter, in the second paragraph, it stated that within the next 30-days, Mr Boyd Cahill of TRI Commercial, Inc. would be in contact with HFA to "discuss the sale with you "
- In October 2004, a Mr Bradford Marks appeared and announced that he was the new owner of the building and land Dr Ikeda immediately telephoned McMorgan and Co , and Mrs Frances Gurriere stated that Mr. Marks was not the new owner
- In November 2004, Mrs Gurriere telephoned Dr. Ikeda and stated that he should immediately send an offer to buy the building and land from the Pension Trust Fund Dr. Ikeda complied and offered \$650,000. However, HFA's offer was turned down.
- On February 24, March 24, and April 6, 2006, Mr Marks wrote to Dr Ikeda demanding that HFA pay Marks' property taxes and flood insurance on the 2730 Florin Road property. Mr Marks refused to meet with Dr. Ikeda and Commissioner John Boyd to negotiate any future long-term lease until Marks' property taxes and flood insurance were paid by HFA

BAK

Attachment E- Time Line from Property Owner – Pg 1

**TIMELINE AND SUMMARY OF CORRESPONDENCE
BETWEEN
OTRE INVESTMENTS & DWB PARTNERS (“OTRE”) AND HEALTH FOR
ALL (“HFA”)**

1. **June 30, 2004** – HFA does not renew its lease on 2730 Florin Road, Sacramento (“Property”) prior to the lease expiration date of June 30, 2004. Therefore, HFA’s occupancy is a month-to-month tenancy.
2. **September 22, 2004** – OTRE receives fully executed contract to purchase Property from McMorgan & Company on behalf of the BNY Western Trust Company as Custodian for the Sheet Metal Workers of Northern California Pension Trust Fund (“Seller”). Both OTRE and Seller are represented by separate brokers
3. **September 29, 2004** – OTRE meets with HFA to discuss HFA’s future plans given that HFA did not renew the lease. HFA informs OTRE that it wants to remain as a tenant on Property.
4. **October 8, 2004** – OTRE meets with HFA to discuss new lease terms. HFA and OTRE verbally agree on extending HFA’s lease for a three to five year term. Under the oral agreement HFA’s rent will increase, but will remain at least 25% below market. OTRE informs HFA of its intention to split the lot. HFA is agreeable to lot split provided that parking and outdoor space are provided to HFA. The new lease terms are to be effective after OTRE closes on the Property.
5. **November 18, 2004** – OTRE requests that HFA sign an estoppel certificate for HFA’s existing month to month lease prior to closing.
6. **Late November, 2004** -- Approximately, one week after request to sign estoppel Dr. Ikeda (Executive Director of HFA) and HFA’s Director of Operations call Brad Marks of OTRE to state that they will not sign the estoppel and to voice their objection to OTRE’s purchase of Property. Dr. Ikeda states he is no longer agreeable to the terms negotiated at the October 8, 2004 meeting.
7. **December 1, 2004** – OTRE closes on the purchase of Property.
8. **December 2, 2004** – OTRE is copied on a letter from Seller’s attorney to HFA stating that (i) HFA made an offer to purchase Property on November 30, 2004 and (ii) Seller has already completed the sale.
9. **December 3, 2004** – OTRE sends letter to HFA announcing completion of purchase of 2730 Florin and welcoming HFA as tenant.
10. **January 19, 2005** – Meeting between Brad Marks of OTRE, Dr. Ikeda, Dean Okimoto (President HFA), C.C. Yin (McDonald’s Franchisee, Board of Director HFA and APAPA), Gary Kikomoto (independent real estate broker), Jerry Enomoto (prior U.S. Marshal), Pastor Jerome (uses Property for certain functions in the evening), Syd Highley (accountant for HFA) to discuss extending HFA’s lease and the lot split. Both parties communicate their desire to extend lease. OTRE explains that a rent increase will be required and agrees that the new rent shall remain significantly below market. HFA promises to deliver to OTRE a

Attachment E- Time Line from Property Owner – Pg 2

- timeline ("Timeline") for increasing its number of patients/revenue, which will allow it to afford such a rent increase.
11. **March 15, 2005** – OTRE sends HFA a maintenance notice from City of Sacramento ("City") to clean up and remove existing weeds and debris on Property. Under the terms of the existing lease, HFA is responsible for maintaining landscaping.
 12. **March 28, 2005** – OTRE sends HFA a letter (i) informing HFA that March rent payment is past due and (ii) re-requesting that HFA provide the Timeline promised at the January 19, 2005 meeting.
 13. **April, 2005** – Syd Highley of HFA communicates to OTRE that Timeline has been prepared and delivered to Dr. Ikeda. However, OTRE does not receive Timeline.
 14. **Late April 2005** – HFA Operations Director, Marie Young communicates to OTRE that Timeline will be prepared.
 15. **Mid May, 2005** – HFA President, Dean Okimoto, communicates to OTRE that he and Dr. Ikeda will prepare Timeline as soon as possible. Again, OTRE does not receive Timeline.
 16. **Late May, 2005** – Telephone conversation between Mr. Marks of OTRE and Dr. Ikeda regarding failure to deliver Timeline. Dr. Ikeda's cell phone loses reception mid-conversation. Dr. Ikeda does not return Mr. Marks' numerous "follow-up" voicemails.
 17. **June 1, 2005** – Due to HFA's inability to deliver the Timeline, OTRE mails a draft lease amendment to Dean Okimoto, Dr. Ikeda and Marie Young of HFA. The amendment memorializes the January 19, 2005 discussion between the parties as follows:
 - a. Lease term extension to December 31, 2008.
 - b. Phased rental rate increase. (New proposed rates are at least 25% below market.)
 - c. HFA to give approval of lot split provided HFA has adequate parking in rear parcel and retains access through front parcel.
 - d. Initial site plan showing location of subdivision, general parking area, and curb cuts included as exhibit to amendment.
 18. **June 2, 2005** – Letter to HFA requesting reimbursement of utility charges (which were ultimately paid) and requesting that HFA change utility bills into HFA's name as required by HFA's existing lease.
 19. **June 23, 2005** – Letter from Dean Okimoto to OTRE rejecting terms of draft amendment. Mr. Okimoto also requests a stay on negotiations until end of July, 2005 in order to study for CA bar exam. Enclosed with this June 23rd letter was a letter dated June 1st, 2005 from Fiscal Manager, Syd Highley of HFA to OTRE informing OTRE of HFA's 2004 financial condition and that Mr. Okimoto would represent HFA in lease negotiations going forward.
 20. **July 19, 2005** – On behalf of OTRE, civil engineer, Mike Himmelmann submits completed application for Tentative Parcel Map and Special Permit Application (for off-site parking) to City.
 21. **August 4, 2005** – OTRE meets with Dean Okimoto of HFA to discuss lease amendment.

Attachment E- Time Line from Property Owner – Pg 3

22. **August 4, 2005** – OTRE resends June 1, 2005 correspondence by facsimile to Mr. Okimoto as Mr. Okimoto stated he never received the OTRE proposed lease amendment that he previously rejected in his June 23, 2005 correspondence.
23. **August 9, 2005** – Letter to HFA again requesting that utility bills be changed into HFA's name and reimbursement for utility bills (which was previously paid by OTRE).
24. **September 2005** – OTRE places multiple calls to Dean Okimoto regarding lease amendment. Mr. Okimoto returns such calls by leaving voicemails for Mr. Marks between 1 AM and 5 AM without any effort to address the lease amendment.
25. **September 7, 2005** – Letter to HFA repeating request that all utility bills be changed to HFA's name.
26. **September 22, 2005** – Zoning Administration meeting postponed to October 6, 2005 after HFA voices concerns. OTRE meets with City Councilwoman Bonnie Pannell to address HFA's concerns.
27. **October 6, 2005** – Lot split approved by Zoning Administrator. HFA appeals decision to Planning Commission.
28. **October 19, 2005** – Letter to HFA repeating request to change the billing for all utility bills into HFA's name.
29. **November 1, 2005** – Letter to HFA requesting reimbursement for second installment of 2004-05 property taxes (which OTRE previously paid) and requesting that HFA pay the first installment of 2005-06 property tax by December 10, 2005 in accordance with the existing lease.
30. **December 8, 2005** – Initial Planning Commission ("PC") meeting. See Staff Report for details of meeting. At the meeting, Mr. Marks hand delivers to Dr. Ikeda a copy of the November 1, 2005 letter regarding the need for HFA to reimburse OTRE for property taxes.
31. **December 11, 2005** – OTRE leaves voicemail for Dean Okimoto requesting a meeting with HFA to discuss lot split.
32. **December 22, 2005** – Telephone conversation between Marty Carr (HFA's counsel) and Mr. Marks reserving January 4th or 5th for meeting with HFA.
33. **December 30, 2005** – OTRE faxes and mails a letter to Dr. Ikeda and Dean Okimoto to remind HFA of the proposed meeting date of January 4th or 5th and to confirm HFA's attendance.
34. **January 5, 2006** – No response from HFA regarding meeting. City sends e-mail stating HFA has informed City that HFA can meet on January 6. Given scheduling conflicts, meeting is postponed to January 23, 2006.
35. **January 10, 2006** – HFA submits to OTRE an unsolicited offer to purchase the Property. Offer delivered to OTRE by HFA's counsel, Steven Belzer & Marty Carr of Belzer & Carr ("HFA Counsel").
36. **January 13, 2006** – Letter from OTRE to HFA informing HFA that OTRE does not desire to sell the Property. Letter also states that OTRE is still willing to sign a lease amendment with similar terms to the June 1, 2005 proposal.
37. **January 19, 2006** – City sends e-mail confirmation of upcoming meeting on January 23 regarding Property to OTRE and HFA Counsel.
38. **January 23, 2006** – Meeting between city staff Bob Takanagwau [City Attorney], Steven Belzer & Marty Carr [HFA Counsel], Sandra Yope [City Planner], David

Attachment E- Time Line from Property Owner – Pg 4

- Kwong [Interim Planning Manager], David Boudreau & Brad Marks [OTRE].
HFA representatives notified of meeting but do not attend. OTRE presents site plan showing lot split with modifications since PC hearing on December 8, 2005. HFA Counsel states that they are unable to comment on site plan due to HFA's absence. PC meeting continued to February 9, 2006 to provide additional time for HFA to meet with OTRE regarding possible settlement.
- 39 **January 23, 2006** – After meeting with City and HFA Counsel, OTRE meets with PC member Red Banes regarding the proposed lot split & site plan
 40. **January 24, 2006** – OTRE leaves voice mail messages to both Dr. Ikeda and Mr. Okimoto requesting a meeting.
 - 41 **January 27, 2006** – OTRE leaves voice mail message for Mr. Okimoto requesting a meeting.
 42. **January 30, 2006** –OTRE faxes a meeting request to both Dr. Ikeda and Mr. Okimoto with a cc to HFA Counsel.
 43. **January 30, 2006** – Conversation with Marty Carr regarding meeting with HFA at the office of HFA Counsel on February 6th
 - 44 **February 1, 2006** – OTRE meets with Larry Carr of Florin Road Partnership who voices his support for a lot split which would increase commerce along Florin Road.
 - 45 **February 1, 2006** – OTRE meets with PC member Michael Notestine regarding proposed lot split & site.
 46. **February 1, 2006** – OTRE meets with City Councilwoman Bonnie Pannell, Matthew Bryant, and Sandra Yope to discuss lot split.
 - 47 **February 1, 2006** – OTRE meets with PC member John Valencia regarding the proposed lot split & site plan.
 - 48 **February 1, 2006** – OTRE receives fax copy of letter dated January 30, 2006 from Mr. Okimoto stating that Dr. Ikeda is willing to meet during week of February 5th. Letter also states HFA never received a response to HFA's offer to purchase Property.
 49. **February 2, 2006** – OTRE faxes letter to HFA requesting confirmation of February 6, 2006 meeting. Letter also includes site plans shown to HFA Counsel at January 23rd meeting (which HFA did not attend) and attaches prior January 13, 2006 correspondence to HFA rejecting HFA's offer to purchase Property.
 - 50 **February 3, 2006** – OTRE faxes letter to C. C. Yin urging Mr. Yin to attend February 6th meeting and also includes site plans
 51. **February 6, 2006** – Mr. Marks and Mr. Boudreau of OTRE meet with Dr. Ikeda, Steven Belzer and Marty Carr. OTRE communicates to HFA that it will consider HFA's requirement to occupy the Property in its entirety for a two year period.
 - 52 **February 6, 2006** – OTRE faxes site plans to PC member Joseph Yee and has conference call discussing lot split.
 53. **February 7, 2006** – Through negotiations with HFA Counsel on behalf of HFA, OTRE & HFA verbally agree to extend the lease for two years with a rental increase that results in the rent remaining significantly below market; provided that HFA (i) cures its lease defaults including payment of current and past due property taxes, payment of flood insurance premium, remittance of insurance certificates naming OTRE and its bank as additionally insured and (ii) rescinds its

Attachment E- Time Line from Property Owner – Pg 5

- appeals of the Zoning Administrator Tentative Map Approval and Special Permit Approval regarding the lots split. OTRE and HFA mutually agree to continue PC meeting from February 9 to March 9, 2006.
54. **February 8, 2006** – OTRE & HFA agreement is memorialized in a letter that is sent via facsimile and e-mail to HFA Counsel
 55. **February 14, 2006** – OTRE leaves voice mail and e-mail for HFA Counsel inquiring about a progress check on HFA's satisfaction of the conditions contained in the February 8th letter.
 56. **February 16, 2006** – OTRE leaves voice mail for HFA Counsel regarding progress check on satisfaction of conditions contained in February 8th letter. Marty Carr returns call and says that the conditions in the letter will be addressed on or before February 21, 2006. OTRE e-mails to HFA Counsel confirmation of conversation.
 57. **February 24, 2006** – OTRE sends letter via facsimile and certified mail to HFA (with a copy of the February 8th letter attached) stating that the renewal offer contained in February 8th letter will expire on March 2, 2006 and that the past due monetary payments and items listed therein are and will remain immediately due and payable regardless of whether HFA elects to extend lease.
 58. **March 1, 2006** – OTRE receives letter (sent to OTRE's former address) dated 2/21/06 from Jean Frederick, City of Sacramento Code Enforcement ("CSCE") stating that HFA is in violation of (i) its Special Permit for failure to maintain landscaping and install slats in fencing and (ii) the Sacramento City Nuisance Code due to accumulation of auto parts, inoperative vehicles, trash, junk, debris (including copiers, furniture, mattresses, beds, racks and other trash) on the Property.
 59. **March 1, 2006** - OTRE receives phone call and e-mail from Matt Armstrong of the City of Sacramento Police Department ("CSPD") stating that HFA has violated its Special Permit by allowing at least 19 community groups to use the Property after hours and on weekends. Mr. Armstrong also states that over 40 public complaints have been received by the CSPD for excessive noise being created by the 19 community group's using the Property in violation of local noise ordinances and the existing lease
 60. **March 2, 2006** – OTRE receives letter from HFA stating that HFA is willing to meet with OTRE to negotiate lease. HFA letter does not address specifics of OTRE letter of February 8th and also states that C.C. Yin would help represent HFA in coming to agreement on "new terms and conditions "
 61. **March 3, 2006** – OTRE's property manager delivers a letter to HFA via fax and certified mail informing HFA of (i) Special Permit violations per the 2/21/06 letter from CSCE and 3/1/06 e-mail from CSPD, (ii) Nuisance Code violations per 3/1/06 e-mail from CSPD, and (iii) noise ordinance and lease violations due to excessive noise emanating from the Property.
 62. **March 3, 2006** - OTRE delivers a letter to HFA via fax and certified mail which:
 - (a) offers to extend the terms of February 8th letter from the earlier deadline of March 2nd to March 10th provided that Special Permit, Nuisance Code, noise ordinance, and lease violations are cured.

Attachment E- Time Line from Property Owner – Pg 6

- (b) clarifies that OTRE's earlier offer to meet with C C Yin was made prior to the parties coming to a verbal agreement on the lease renewal and lot split
 - (c) states that OTRE is not willing to negotiate beyond the new deadline of March 10th due to HFA's inability to respond to February 8th letter
 - (d) states that if HFA fails to extend their lease by March 10th HFA will be treated as holdover tenant whereby their rent may double
63. **March 6, 2006** – HFA faxes letter to OTRE stating that HFA's offer still stands to meet and discuss "parking and rezoning issues" before March 9 PC meeting
64. **March 7, 2006** - OTRE faxes letter to HFA stating that OTRE will not negotiate with HFA until HFA cures its lease defaults and violations of applicable codes, ordinances, and the Special Permit. OTRE states that once the defaults are cured, OTRE would be willing to meet with HFA.
65. **March 8, 2006** – OTRE requests continuance of March 9th PC meeting. OTRE sends e-mail to HFA counsel reminding HFA counsel and HFA that March 10th is the deadline for HFA to cure its lease defaults and satisfy conditions of OTRE's letters dated February 8th and March 3rd. HFA agrees to continuance and PC meeting is continued to April 13, 2006.
66. **March 9, 2006** – HFA faxes letter to OTRE stating HFA is in the process of addressing code and Special Permit violations.
67. **March 10, 2006** - OTRE faxes letter to HFA clarifying that March 10th remains as the deadline for HFA to respond to the lease extension offer and to satisfy conditions in February 8th and March 3rd letters
68. **March 24, 2006** – OTRE delivers a Notice of Default to HFA via fax and certified mail. Notice describes each lease default as follows: (i) non-payment of property taxes, (ii) failure to provide certificates of insurance, (iii) failure to reimburse flood insurance premium, (iv) violation of City Nuisance Code for accumulation of waste on the Property, (v) violation of the Special Permit for allowing community groups to use the Property after hours and on weekends and (vi) violation of local noise ordinance due to excessive noise emanating from the Property.
69. **March 31, 2006** – OTRE speaks with Matthew Bryant of Councilwoman Bonnie Pannell's office to provide update on lack of progress with HFA and HFA's numerous lease defaults
70. **March 31, 2006** – OTRE meets with John Boyd to discuss lot split and site plan.
71. **April 4, 2006** – OTRE receives fax of letter from HFA dated March 27, 2006 in response to March 24, 2006 letter. Letter states HFA is adding OTRE to certificates of insurance and states code enforcement violations are almost cured. Letter does not address payment of property taxes or insurance.
72. **April 6, 2006** – OTRE sends letter to HFA reiterating that all lease defaults must be cured.

Attachment F- Summary of Staff Report to Planning Commission, April 13, 2006 - Pg 1

Summary: The Appeal of Florin Road Subdivision Approval was initially heard on December 8, 2005 and again on April 13, 2006 whereby the appeal was denied by the City Planning Commission with a vote of five ayes and one no. The following is a summary of the Planning Commission staff report:

PROJECT INFORMATION:

General Plan Designation: Community/Neighborhood Commercial & Offices
Airport Meadowview
Community Plan Designation: Commercial
Existing Land Use of Site: Office Building and Parking
Existing Zoning of Site: General Commercial-Review (C-2R)

Surrounding Land Use and Zoning:

North: C-2-R; Vacant
South: R-1; Residential
East: C-2-R; Commercial and Vacant
West: C-2; Commercial
Property Dimensions: 253 feet x 396 feet
Property Area: 2.29+ acres
Topography: Flat
Street Improvements: Existing
Utilities: Existing

BACKGROUND INFORMATION:

On February 13, 1997, the Planning Commission approved a Special Permit and Plan Review to locate a non-residential adult care facility for up to 100 persons within an existing 8,600 square foot building (P96-107). A number of "Good Neighbor" requirements were required as conditions of approval as well as a requirement to redesign the parking lot prior to issuance of building permits. Many of the conditions were not fulfilled by the applicant and current tenant "Health For All". The original approval required 31 parking spaces for the use.

SUBDIVISION/ZONING REQUIREMENTS:

The project site is a corner lot located at the southeast corner of Florin Road and Loma Verde Way. The applicant proposes to subdivide one parcel into two parcels for the purpose of future development. The parcel is developed with an 8,600 square foot commercial building that houses "Health For All", an adult day care facility and approximately 71 parking spaces. Both lots, as proposed, will meet all size and access requirements of the Subdivision Code.

Attachment F- Summary of Staff Report to Planning Commission, April 13, 2006 - Pg 2

All required findings can be made to support approval of the proposed tentative map. In order to deny a tentative map according to Title 16.24.090, the Zoning Administrator would have had to make one of the following findings:

1. That the proposed map is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this code;
2. That the site is not physically suitable for the type of development;
3. That the site is not physically suitable for the proposed density of development;
4. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;
5. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use, of, property within the proposed subdivision.

The proposed parcel map is consistent with the community and general plan designations and meets the requirements of both the Zoning Code and the Subdivision Code. The site is already developed with a commercial building and is entirely paved and is suitable for additional commercial development and was previously evaluated for potential environmental impacts with the original development. Subdividing the site into two lots will not cause public health problems. The site already has full improvements so the proposed map will not conflict with easements for public access.

Once the lot is split the existing parking lot located on the north side of the building will be on the newly created parcel. There is a large paved area to the rear (south) of the existing building that would be able to be developed with adequate parking for the existing use on-site. The Zoning Code requires all required parking to be located on-site. The applicant is requesting a special permit to allow off-site parking using the existing parking area until the new parcel is developed.

ZONING ADMINISTRATOR HEARING:

The project was originally scheduled for hearing before the Zoning Administrator on September 22, 2005; however the item was continued by staff for two weeks to allow the property owner to meet with Councilmember Pannell. The project was noticed ten days prior to the hearing date and the site posted on September 12, 2005. On September 22, 2005, three people initially showed up for the hearing. Staff met with

Attachment F- Summary of Staff Report to Planning Commission, April 13, 2006 - Pg 3

the three individuals in a separate room to discuss the project. One represented the neighborhood area to the south of the project and stated her concerns with the operations on the site seemingly separate from the operation of the day care facility, lack of responsiveness to the neighbors, and hours of outdoor activities. One represented "Health For All" to see what the project entailed and one represented the community of concern for adult facilities. Staff explained the project and that the proposal did not contain any proposed changes to "Health For All" other than an adherence to previous Special Permit Conditions and Zoning Code requirements for use of the site. Staff advised all three individuals of the new hearing date for the project and provided a contact number for any questions. Dr Ikeda from "Health For All" came later in the hearing and was advised by a staff planner that the item had been continued and of the new hearing date.

The project was heard on October 6, 2005 by the Zoning Administrator. No new noticing or posting was done for the continued item as it is not required and the people who had attended the September 22 meeting were personally (verbally) informed of the new hearing date. Staff received no additional calls prior to the hearing. Only the applicant and the property owner were present for the hearing. The project was reviewed, discussed, and approved with conditions. Staff continued to receive form letters in opposition to the rezone of the site and the elimination of "Health For All" which was not within the project proposal.

APPEAL: The tenant, Dr Ikeda-"Health For All", appealed the decision of the Zoning Administrator (see Attachment 3). The reason for the appeal stated "Tenant did not receive notice of the 10-6-2005 hearing and was therefore deprived of opportunity to appear and be heard." As discussed above, the project was properly noticed and posted for the original hearing date and was not required to be renoticed or reposted for the continuance. Additionally, both Dr Ikeda and a representative from his office were personally told of the new hearing date for the continued item as well as told by the Councilmember's office. Staff was unaware of any of the tenant's concerns prior to the appeal. After the appeal was submitted, staff contacted the appellant to learn of the concerns and was told it was over the elimination of the parking. Staff explained the parking was not being eliminated; however, the appellant wanted to discuss the issue before the Planning Commission.

PUBLIC/NEIGHBORHOOD/BUSINESS ASSOCIATION COMMENTS:

The site is located within the District 63 area. The project plans were sent to the association and staff received no comments. The project was noticed and staff received one call requesting additional information. Staff also received many letters and many form letters in opposition to the project because they believed the site would be rezoned and the current use "Health For All" eliminated. The proposed project does not involve a rezone or any activity to alter the current use of the existing building.

Attachment F- Summary of Staff Report to Planning Commission, April 13, 2006 - Pg 4

SUBDIVISION REVIEW COMMITTEE:

The proposed map was heard at the Subdivision Review Committee on September 7, 2005. During the hearing, minor changes were effected on the proposed conditions of approval specific to the map which were accepted by the applicant and approved by the Committee. The conditions are listed under Conditions of Approval.

RESOLUTION NO.

Adopted by the Sacramento City Council

May 9, 2006

A RESOLUTION ADOPTING THE NOTICE OF DECISION AND FINDINGS OF FACT DENYING THE APPEAL OF THE PLANNING COMMISSION DECISION TO DENY THE APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF THE FLORIN ROAD SUBDIVISION, LOCATED AT 2730 FLORIN ROAD. (Z05-186) (APN: 049-0021-036)

BACKGROUND

- A. On April 13, 2006, the City Planning Commission approved the requested entitlements;
- B. On April 20, 2006, the decision of the City Planning Commission approving these entitlements was appealed by a third party; and ;
- C. On May 9, 2006, the City Council heard and considered evidence in the above-mentioned matter.

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

- Section 1. At the regular meeting of May 9, 2006, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the City Council took the following actions for the location listed above:
- A. Environmental Determination: Categorical Exemption (Section 15315).
 - B. Denied the Third Party's Appeal of the Planning Commission's decision to deny the Appeal of the Zoning Administrator Tentative Map Approval to subdivide one parcel into two parcels totaling 2.29 partially developed acres in the General Commercial-Review (C-2R) zone.

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

Section 2. **FINDINGS OF FACT**

- A. Environmental Determination: The City Council finds that the project is Exempt pursuant to CEQA Section 15315.
- B. Tentative Map: The Appeal of the decision of the Planning Commission to deny appeal of the Zoning Administrator Tentative Map Approval to subdivide one parcel into two parcels is denied. The tentative map is approved subject to the following findings of fact:
1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision.
 2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, the Airport Meadowview Community Plan, and Chapter 16 of the City Code, which is a Specific Plan of the City. The City's General Plan and the Airport Meadowview Community Plan designate the site as Community/Neighborhood Commercial & Offices and Commercial respectively.
 3. The site is physically suitable for the type of development proposed and suited for the proposed density.
 4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 5. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.
 6. 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.

Section 3. **CONDITIONS OF APPROVAL**

- B. The Tentative Map to subdivide one parcel into two parcels totaling 2.29 partially developed acres in the General Commercial-Review (C-2R) zone (Exhibit A) is hereby approved subject to the following conditions of approval:

NOTE: The design of any improvement not covered by these conditions shall be to City standard.

GENERAL:

- B1) Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessment.
- B2) Private reciprocal ingress, egress, maneuvering and parking easements are required for future development of the area covered by this Tentative Map. The applicant shall enter into and record an Agreement For Conveyance of Easements with the City stating that a private reciprocal ingress/egress, maneuvering, and parking easement shall be conveyed to and reserved from Parcels A and B, at no cost, at the time of sale or other conveyance of either parcel.
- B3) Show all continuing and proposed/required easements on the Parcel Map.
- B4) Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk fronting the property along Florin Road and Loma Verde Way per City standards to the satisfaction of the Development Engineering and Finance Division.

PUBLIC/PRIVATE UTILITIES:

- B5) The owner/developer must disclose to future/potential owners the existing 69kV electrical facilities.

CITY UTILITIES:

- B6) Only one domestic water service is allowed per parcel. Any new domestic water services shall be metered. A new service to Parcel A may be deferred until the time of Building Permit.
- B7) Each parcel shall have a separate, metered irrigation service; provided that an owner or entity possessing an easement or other property right authorizing a common irrigation service for multiple parcels may request a common irrigation service for such parcels, and the DOU may, in its sole discretion, approve a Utility Service Agreement to provide a common irrigation service, on such terms and conditions as may be determined by the DOU. A new irrigation service to Parcel A may be deferred until the time of Building Permit.
- B8) Provide separate sanitary sewer services to each parcel to the satisfaction of the Department of Utilities.
- B9) Either the lots must be graded so that drainage does not cross property lines or the applicant must enter into and record an **Agreement for Conveyance of Easements** with the City stating that a private reciprocal drainage easement shall be conveyed to and reserved from each parcel as needed, at no cost, at the time of sale or other conveyance of either parcel. A note stating the following must be placed on the Final Map:

“THE PARCELS CREATED BY THIS MAP SHALL BE DEVELOPED IN ACCORDANCE WITH RECORDED AGREEMENT FOR CONVEYANCE OF EASEMENTS # (BOOK __, PAGE__).”

MISCELLANEOUS:

- B10) Fire service mains shall not cross property lines unless a reciprocal easement agreement is provided.
- B11) A reciprocal ingress egress agreement shall be provided for review by City Attorney for all shared driveways being used for Fire Department access.
- B12) PG&E owns and operates gas facilities which are located on the northerly portion within or adjacent to the proposed project boundaries. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.
- B13) Any existing private underground utilities that cross the new parcel line shall either be removed, rerouted, or an easement shall be provided.

ADVISORY NOTES:

- B14) The applicant/owner shall construct a parking lot on Parcel B that provides the required number of parking stalls needed for the existing commercial use prior to commencing development of Parcel A. The new parking lot shall meet City Zoning Code for shading, irrigation, stall size and maneuvering requirements.
- B15) The proposed project is located in the Flood zone 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 February 18, 2005. Within the A99 zone, there are no requirements to elevate or flood proof.
- B16) The applicant must comply with the City's 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.

Table of Contents:

Exhibit A Tentative Map

