



REPORT TO PLANNING COMMISSION City of Sacramento

915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING
July 12, 2007

Members of the Planning Commission

Subject: Continental Plaza Planned Unit Development (PUD). A request to enter into Development Agreement with the City of Sacramento, rezone approximately 1.19 gross acres, and modify the PUD Guidelines and Schematic Plan for Continental Plaza PUD on approximately 18.25 acres in the Heavy Industrial North Planned Unit Development Special Planning District (M-2 N PUD/SPD) and Office Building Planned Unit Development Special Planning District (OB PUD/SPD). (P07-015)

- A. Environmental Determination: Addendum to previous Environmental Impact Report;
- B. Mitigation Monitoring Plan
- C. Development Agreement;
- D. Rezone of approximately one (1.0) acre from Heavy Industrial North Special Planning District (M-2N SPD) to Heavy Industrial –North Planned Unit Development Special Planning District (M-2 N PUD/SPD) and approximately 0.19 acres from Heavy Industrial Central Special Planning District (M-2 C SPD) to Office Building Planned Unit Development Special Planning District (OB PUD/SPD).
- E. Amendment to Continental Plaza Planned Unit Development (PUD) Development Guidelines;
- F. Amendment to Continental Plaza Planned Unit Development (PUD) Schematic Plan

Location/Council District:

425, 601 and 611 North 7th ST

Assessor's Parcel Numbers: 001-0020-017, 018, 049, 050 & 051

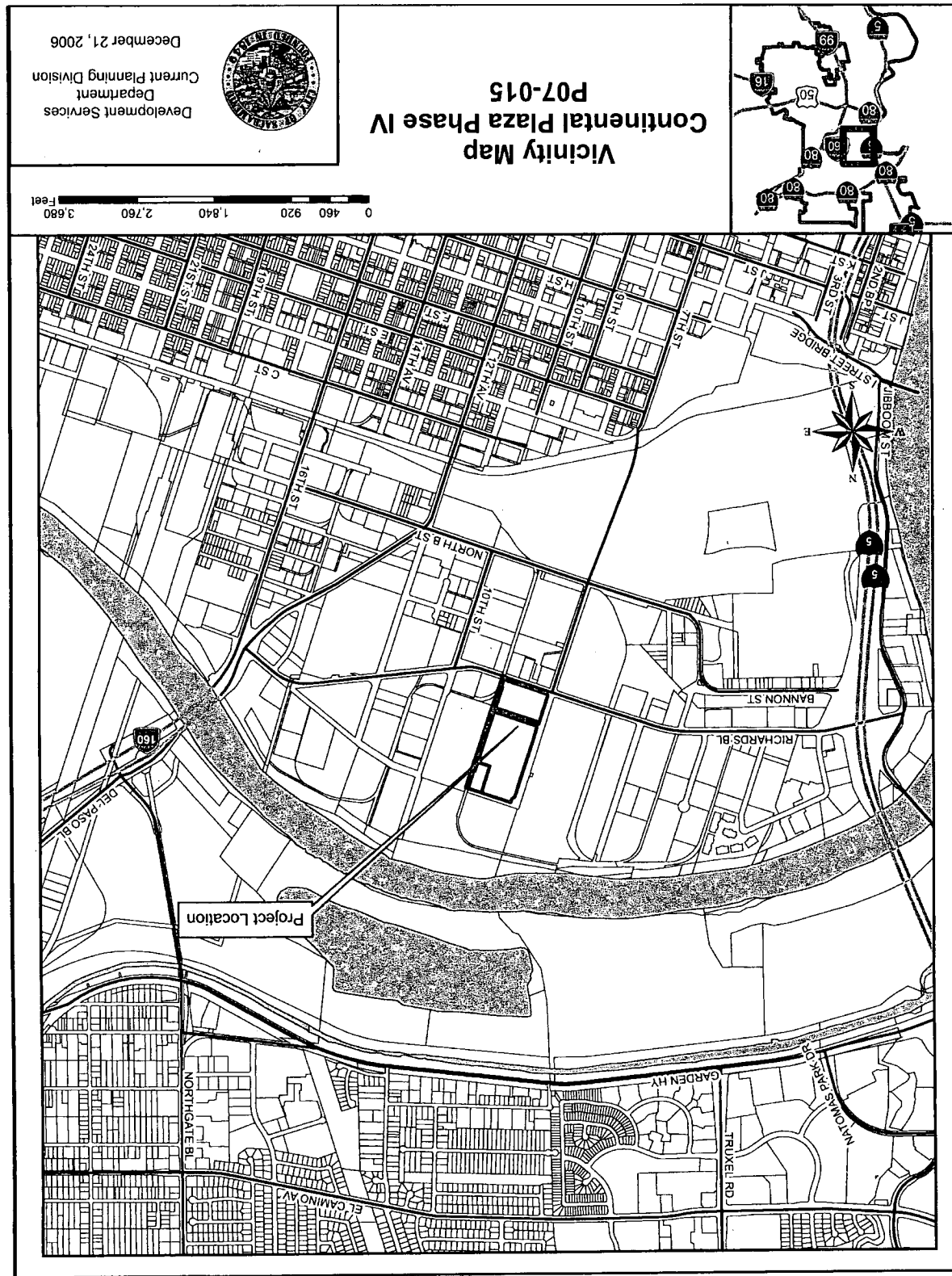
Council District 1

Recommendation: Staff recommends the Commission recommend approval and forward to City Council. The City Council must approve A-F.

Contact: Michael York, Associate Planner, (916) 808-8239, Jeanne Corcoran, Senior Planner, (916) 808-7816

July 12, 2007

Planner, (916) 808-7816



From: "Carolyn McConnell" <cmcconnell@bclslaw.com>
To: "Jeanne Corcoran" <JCORCORAN@cityofsacramento.org>, "Michael York" <MYork@cityofsacramento.org>
Date: 07/06/2007 3:48:09 PM
Subject: RE: Continental Plaza IV

Message from Cleve Livingston:

Jeanne and Mike,

The members of Continental Plaza IV, LLC are Grove Investment Company, a California general partnership; Ernest Gallardo; and Jack Flanigan.

Cleve

-----Original Message-----

From: Jeanne Corcoran [mailto:JCORCORAN@cityofsacramento.org]
Sent: Thursday, July 05, 2007 3:27 PM
To: Carolyn McConnell
Subject: Continental Plaza IV

Carolyn, we will need 15 copies (11 X 17) of the approved plans for Continental Plaza IV for the Planning Commission. Please advise me as to when these would be available. Also Cleve was also going to provide me the names of partners for Continental Plaza LLC.

Jeanne Corcoran
Senior Planner
New City Hall
915 I Street, 3rd Floor
Sacramento, CA 95814-2604
916-808-5317 (Office)
916-808-7185 (Fax)

CC: "Bruce Nott" <mplatter@groveinv.com>, "Ernie Gallardo" <ernieg@mrc1.com>

Subject: Continental Plaza PUD (P07-015)

July 12, 2007

Applicant: Cleve Livingston, Inc., (916) 854-7481, 8950 Cal Center Drive, Bldg 1, suite 115, Sacramento, CA 95826

Owner: Grove Investment Company; Continental Plaza IV, LLC; 3184 K Airway Avenue, Costa Mesa, CA 92626

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

Table 1: Project Information
General Plan designation: Special Planning District
Central City Community Plan designation: Industrial/Residential and Office
Existing zoning of site: Heavy Industrial Planned Unit Development/Special Planning District (North)(M-2 PUD/SPD(N); Office Planned Unit Development Special Planning District (OB- PUD/SPD)
Existing use of site: Office; warehouse
Property area: 18.25± net acres

Background Information:

Continental Plaza PUD consists of three lots which contain the four phases of Continental Plaza PUD development. Phase I and II, located at 601 North 7th Street, converted an existing one story, 160,000 gross square foot warehouse building formerly known as the Continental Can Manufacturing Facility, built in 1946, to an office use and developed a new two story 67,500 square foot office building, built in 1991. Phase III, located at 611 North 7th Street was developed with a new two story, 59,850± square foot office building, built in 1998. The remaining lot at 425 North 7th Street is currently developed with a warehouse building which will be demolished at the outset of construction for Phase IV.

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

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

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

On February 24, 2000, the City Planning Commission approved a Special Permit Time Extensions for various entitlements and the Mitigation Monitoring Plan. Phase III was constructed in 1999; however, Phase IV was never constructed. The time extension extended the period of the special permit to October 29, 2001.

On October 2002, the Planning Commission re-approved the special permits for Continental Plaza Phase IV, since the previous approval and time extension had expired and approved minor amendments to the PUD Guidelines (P01-125). In 2004, the Zoning Administrator approved a three year time extension for the various entitlements of Continental Plaza Phase IV (Z04-210), extending the special permit to October 2007.

Public/Neighborhood Outreach and Comments: The project was routed to the River District Association. The River District has provided verbal response in support of the Development Agreement and PUD changes.

Environmental Considerations: The Development Services Department, Environmental Planning Services has reviewed the project for compliance with the requirements of the California Environmental Quality Act (CEQA). The Development Agreement and the amendments to the PUD Guidelines and Schematic Plan are determined to be within the scope of the Draft Initial Study and Notification of the Use of the Railyards Specific Plan/Richards Boulevard Area Plan EIR and SEIR for the Continental Plaza Phase III and Phase IV adopted on October 29, 1996. An Addendum to the adopted **Continental Plaza PUD EIR** has been prepared in accordance with CEQA Guidelines Section 15164. The

Addendum describes the proposed development of the **Continental Plaza PUD** project, evaluates the potential environmental effects of the proposed project, and provides justification for use of an Addendum. The analyses and mitigation measures in the Draft Initial Study and Notification of the Use of the Railyards Specific Plan/Richards Boulevard Area Plan EIR and SEIR for the Continental Plaza Phase III and Phase IV are applicable as amended in the **Continental Plaza PUD Addendum**. With implementation of the mitigation measures identified in the Addendum, the proposed project will result in less than significant impacts to the physical environment.

Policy Considerations:

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

The City of Sacramento is currently updating the General Plan, during this process the City Council adopted a vision for the future of the City, as well as several guiding principles to help guide the update and achieve this vision. This was done to ensure that new developments submitted during the ongoing update comply with the goals and policies that are being incorporated into the General Plan through the update. The applicable guiding principles that this proposal complies with include:

- 1) Promote the reuse and revitalization of existing developed areas, with special emphasis on commercial and industrial districts; and
- 2) Promote economic vitality and diversification for the local economy.

General Plan Goals and Policies

... provide continued support of private and public efforts that promote the Central City's role as the region's commercial office, employment, and cultural center. ... (Sec. 1-33)

Promote the re-use and revitalization of existing developed areas, with special emphasis on commercial and industrial districts. (Sec. 4-1)

Encourage mixed use developments to generate greater pedestrian activity. (Sec 5-22)

Central City Community Plan Goals and Policies

Provide for the intensification of commercial and office uses within walking distance of the intermodal transportation terminal and planned light rail extensions. (p. 57)

Richards Boulevard Area Plan Policies

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

Direct the development of new office uses to the southern portion of the Richards Boulevard planning area, where such development would be served by planned regional transit facilities. (p.30)

Configure land uses and development intensity in a way that reinforces transit ridership and supports public investment in transit facilities, particularly the planned Intermodal Terminal and the extension of light rail service through the area. (p.32)

Smart Growth Principles

Take advantage of existing community assets by emphasizing joint use of existing areas.

Strengthen and encourage growth in existing communities by targeting infrastructure investments in infill and reuse areas.

Strategic Plan

Promote and support economic vitality.

Staff, therefore, supports the Development Agreement and amendments to the PUD Guidelines and Schematic Plan since it furthers the above goals and policies of the General Plan, the Central City Community Plan, the Richards Boulevard Area Plan, and the Smart Growth Principles, as adopted by the City Council (Resolution 2001-805):

Development Agreement:

The City of Sacramento may enter into a binding agreement with any qualified applicant for the development of property within the city. The City has agreed to enter into a development agreement with the property owner of Continental Plaza PUD in order to vest their approved entitlements (Z04-210) for an additional ten years (Oct 2017). In so doing, the City recognizes that the completion of the Phase IV building plays a critical role in the success of the redevelopment of Richards Boulevard Area Plan and certain redevelopment related objectives such as the accommodation of the State's plans for consolidation of State-occupied office space at a location that has been targeted by the City; to provide a logical extension of downtown employment activity, and to reinforce the use of major transit improvements planned for the area, in this case the extension of light rail to the airport.

With the approval of the Development Agreement no additional entitlements, with the exception of the garage structure, will be required. Since the Development Agreement is vesting the Special Permit approved in 2001 (P01-125) and extended by the Zoning Administrator in 2004 (Z04-210).

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In approving a development agreement the City Council will need to make the following findings:

1. The agreement is consistent with the City's General Plan, Central City Community Plan and the Richards Boulevard Area Plan goals, policies, standards and objectives in that the Continental Plaza PUD supports and promotes the Central City's role as the regions office and employment center; reuses and revitalizes an existing developed area and encourages the intensification of uses around light rail stations.
2. The Development Agreement should be encouraged since the first three phases of the Continental Plaza PUD contributed to the widening and street improvements of Richards Boulevard from 7th to 16th Street; the construction of the 7th Street extension through the UP Railyards connecting Richards Boulevard to the Central Business District; and, the preliminary work for the reconfiguration of the intersection at Richards Boulevard and North 16th Street.
3. The project would be unlikely to proceed in the manner proposed in the absence of a development agreement since the property owner may not be able to secure a State office use without having a fully entitled project.
4. The landowner will incur substantial costs in order to provide public improvements, facilities or services from which the general public will benefit;
5. The landowner will participate in all programs established and/or required under the general plan or any applicable specific or community plan and all of its approving resolutions (including any mitigation monitoring plan), and has agreed to financial participation required under any applicable financing plan and its implementation measures, all of which will accrue to the benefit of the public;
6. The landowner has made commitments to a high standard of quality and has agreed to all applicable land use and development regulations.

PUD Guidelines and Schematic Plan

Guidelines:

The applicant is requesting to amend various sections of the PUD Guidelines to address the change in parking that is being requested. Currently parking for Continental Plaza PUD is to be developed at a ratio of one parking space for every 600 gross square feet of office development. The applicant is requesting to modify the parking ratio to a maximum of one parking space for every 325 gross square feet of office development. The applicant is requesting this modification in order to be competitive with office uses outside the Central City area, and to accommodate the parking needs of potential users. The parking ratio of 1:500 is based on an area that is highly served by transit. While the proposed PUD will be located in

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close proximity of a light rail station, it is not anticipated that the light rail station will be developed for another 5-10 years. Transit in this area is by bus which runs approximately every half hour which is not sufficient to serve 1.1 million square feet of office space.

In order to accommodate the parking the applicant is also requesting to modify the height of the parking structure to 95' or eight stories. Under the current PUD Guidelines the proposed parking structure is proposed at six stories to accommodate approximately 1,238 parking spaces. Since the applicant proposes to increase the size and height of the parking structure and plans were not available at the time of this request for the Development Agreement, a Planning Director Plan Review will be required for the development of the parking structure for consistency with the PUD Guidelines, design of the structure and to evaluate the need of another access point to the site, if necessary.

Staff has no objections to increasing the amount of parking permitted on-site since the parking will be accommodated in a parking structure with little visibility from the street and the applicant, as stated in the PUD Guidelines and the Development Agreement will permit the parking structure to be used after hours and on weekends for various activities that may occur as development occurs under Township 9.

For your convenience a clean copy (Attachment 6) and a redlined copy (Attachment 5) of the PUD Guidelines have been attached.

Schematic Plan:

The applicant has recently purchased the adjacent rail spur property to the east. The Schematic Plan is proposed to be amended to include this property, approximately 1.19± net acres. The Richards Boulevard Area Plan encourages the use of these rail spur lines as right-of-ways to create a finer grid pattern in the area. As proposed the applicant will utilize a portion (middle) of the spur line for the parking garage, permitting if necessary the development of a street on the northern and southern ends of this spur line (Attachment 7). Development Engineering in consultation with the Department of Transportation (DOT) has determined that it would be unnecessary for this potential street to connect in a north-south direction. Prior to construction of the parking garage a lot line merger will need to be completed.

The applicant has provided a potential scenario (Attachment 8) for the development of an access point from Richards Boulevard. It has not been determined at this point whether this access will be a driveway or a street. Should this access point be provided additional analysis will be required as to the impact on the roadway system and amendments to the conditions of approval of the project (Z04-210).

Rezone

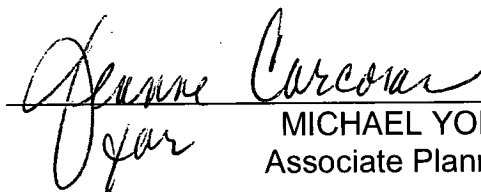
Incorporating the spur line acreage into the Continental Plaza PUD, a rezone is necessary to attach the PUD designation as well as making the southern portion of the rail spur consistent with the zoning currently in place for Parcel C which is the Office Building (OB) designation. Staff has no objections to incorporating this property into the Continental Plaza Schematic Plan in order to accommodate the garage since the north/south connection can still be maintained on

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a limited basis should a north/south connection be required in the future and the property to be incorporated will be rezoned consistent with the existing PUD zoning.

Respectfully submitted by:



MICHAEL YORK
Associate Planner

Recommendation Approved:



JEANNE CORCORAN
Senior Planner

Recommendation Approved:



GREGORY BITTER
Principal Planner

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Pg	Exhibit C – Ordinance Approving a Rezone
Pg	Exhibit D – Resolution Approving PUD Guideline Amendments & Schematic Plan
Pg	Attachment 2 – Conclusion for Preparation of Addendum
Pg	Attachment 3 - PUD Guidelines Redline Copy
Pg	Attachment 4 – PUD Schematic Plan with access off of Richards Bl.
Pg	Attachment 5 - Z04-210 Continental Plaza IV Time Extension
Pg	Attachment 6 – P01-125 Continental Plaza IV Special Permit
Pg	Attachment 7 – Land Use and Zoning Map

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Attachment 1: Recommended Findings and Conditions (P07-015)

- A. The Planning Commission has reviewed and considered the information contained in the **Addendum to the Continental Plaza PUD EIR and Mitigation Monitoring Program** for the Project in making the recommendations set forth below (Exhibit A).
- B. The Planning Commission recommends approval and forwards to the City Council the **Development Agreement** for the Project as set forth in Exhibit B.
- C. The Planning Commission recommends approval and forwards to the City Council the **Rezoning** for the Project as set forth in Exhibit C.
- E. The Planning Commission recommends approval and forwards to the City Council the **Amendment to the Continental Plaza Planned Unit Development (PUD) Development Guidelines**, as set forth in Exhibit D.
- F. The Planning Commission recommends approval and forwards to the City Council the **Amendment to the Continental Plaza Planned Unit Development (PUD) Schematic Plan** as set forth in Exhibit E.

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Exhibit A

EIR Addendum – Findings – City Council Resolution

RESOLUTION NO. 2007-

Adopted by the Sacramento City Council

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

BACKGROUND

A. On July 12, 2007, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Continental Plaza Planned Unit Development (PUD).

B. On [DATE], the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section [CODE SECTION NUMBER], and received and considered evidence concerning the Continental Plaza PUD.

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

Section 1. The City Council finds as follows:

A. On ____, pursuant to the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, the City Council certified an environmental impact report (EIR) and, having reviewed and considered the information contained in the EIR, adopted findings of fact and findings of overriding consideration, adopted a mitigation monitoring program, and approved Continental Plaza IV Special Permit (P01-125), Special Permit Time Extension (Z04-210) and Continental Plaza PUD Development Agreement (P07-015).

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

1. Add approximately 1.19 gross acres to the Continental Plaza PUD;
2. Modify PUD Guidelines for parking from one parking space per 600 gross square feet of office space (1:600) to one parking space per 325 gross square feet of office space (1:325);

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

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

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

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

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

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

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

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

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

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

4. Mitigation measures which are considerably different from those analyzed in the previously certified EIR would substantially reduce one or more significant effects on the environment.

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

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

A. The mitigation monitoring program has been adopted and implemented as part of the Project;

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

C. The mitigation monitoring program meets the requirements of CEQA Section 21081.6 and the CEQA Guidelines section 15091.

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

Section 6. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

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Exhibit A: Mitigation Monitoring Program

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Recording

Exhibit A

Mitigation Monitoring Plan

Not

Required

-
-
-

MITIGATION MONITORING PLAN
FOR

Continental Plaza (P01-125)
(204-210; P07-015)

Type of Environmental Document:
Addendum to Negative Declaration

Prepared By:
EIP Associates

Prepared For:
City of Sacramento Planning Division

Date:
October 24, 2002

Adopted By:
City of Sacramento, Planning Commission

Date:

Attest:

Secretary

**CITY OF SACRAMENTO
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Neighborhoods, Planning and Development Services Department, 1231 I Street, Room 300, Sacramento, CA 95814, pursuant to CEQA Guidelines Section 15097.

Project Description

Project Name/File Number: Addendum to the Continental Plaza Phase III and IV EIR

City of Sacramento Contact Person: Ted Kozak
City of Sacramento, Planning and Building
1231 I Street, Room 300
Sacramento, California 95814
(916) 264-1944
(916) 264-5328 (Fax)

Applicant: Bruce E. Nott
Address: 3184-J Airway Avenue
Costa Mesa, California 92624

Project Location

The Continental Plaza Phase IV Project (Proposed Project) is located in the Richards Boulevard planning area of the Central City area at the northeast corner of Richards Boulevard and North 7th Street in the City of Sacramento. The Richards Boulevard planning area (Richards Area) is generally bounded by the American River, the Sacramento River, the Southern Pacific Railroad, and Sutter's Landing Park. Nearby uses consist primarily of warehousing and light industry, with residential development (the Dos Rios and Basler-Dreher neighborhoods) and the Dos Rios Elementary School in the eastern portion of the plan area. The 18-acre project site is bounded by Richards Boulevard to the south, North 7th Street to the west, the proposed Vine Street extension to the north, and the California Lottery office complex to the east. The northern portion of the project site is designated Industrial/Residential, which allows continuation and expansion of existing light industry while designating sufficient land for long-term housing development. The southern portion of the project site is designated Office-Transit. The project site and adjacent areas are zoned M-2(SPD). The Assessor Parcel Numbers are 001-0020-017 and 001-0020-018.

At present, the northern portion of the project site is occupied by a 159,316 square-foot, single-story office building (Continental Plaza Phase I), a 67,500 square-foot office building constructed in 1991 (Continental Plaza Phase II), and a 59,850 square-foot office building constructed in 1998 (Continental Plaza Phase III), all leased to the State Department of Health Services, and a 920-space parking lot. A warehouse occupies the Proposed Project

**CITY OF SACRAMENTO
MITIGATION MONITORING PLAN**

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(916) 264-1944
(916) 264-5328 (Fax)

Applicant: Bruce E. Nott
Address: 3184-J Airway Avenue
Costa Mesa, California 92624

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Project Location

The Continental Plaza Phase IV Project (Proposed Project) is located in the Richards Boulevard planning area of the Central City area at the northeast corner of Richards Boulevard and North 7th Street in the City of Sacramento. The Richards Boulevard planning area (Richards Area) is generally bounded by the American River, the Sacramento River, the Southern Pacific Railroad, and Sutter's Landing Park. Nearby uses consist primarily of warehousing and light industry, with residential development (the Dos Rios and Basler-Dreher neighborhoods) and the Dos Rios Elementary School in the eastern portion of the plan area. The 18-acre project site is bounded by Richards Boulevard to the south, North 7th Street to the west, the proposed Vine Street extension to the north, and the California Lottery office complex to the east. The northern portion of the project site is designated Industrial/Residential, which allows continuation and expansion of existing light industry while designating sufficient land for long-term housing development. The southern portion of the project site is designated Office-Transit. The project site and adjacent areas are zoned M-2(SPD). The Assessor Parcel Numbers are 001-0020-017 and 001-0020-018.

At present, the northern portion of the project site is occupied by a 159,316 square-foot, single-story office building (Continental Plaza Phase I), a 67,500 square-foot office building constructed in 1991 (Continental Plaza Phase II), and a 59,850 square-foot office building constructed in 1998 (Continental Plaza Phase III), all leased to the State Department of Health Services, and a 920-space parking lot. A warehouse occupies the Proposed Project

site.

Original Project Description

The Continental Plaza EIR (Draft Initial Study and Notification of the Use of the Railyards Specific Plan/Richards Boulevard Area Plan EIR and SEIR for the Continental Plaza Phase III and Phase IV) (certified EIR) was certified, and the original Continental Plaza Phase IV Special Permits were approved on October 29, 1996, as part of an entitlement package that included a rezone, a Planned Unit Development, a Schematic Plan and Development Guidelines (the Continental Plaza Phase IV Entitlements). A time extension of the Continental Plaza Phase IV Special Permits, together with a Supplemental EIR and Mitigation Monitoring Plan, were approved by the City Council on February 22, 2000.

The original Phase III and Phase IV project is a planned unit development (PUD) for the 18-acre Continental Plaza site. The PUD consists of the existing two office buildings, (Phases I and II) and construction of two new office buildings (Continental Plaza Phase III and Phase IV). In addition, Phase IV of the Proposed Project will include construction of a parking structure and remodeling of the Phase I building to create a day care center.

Phase III Expansion

Under the original project, a two-story, 59,850 square-foot office building was constructed in the northeastern corner of the project site. The building provides space for approximately 250 employees. The building required the removal of approximately 196 to 206 of the existing 920 onsite parking spaces, leaving 704 to 714 spaces. Access to this portion of the site is provided via a driveway at the northern property line. The driveway and adjacent parking is located within one half of the future right-of-way (ROW) (45 feet) known as Vine Street in the RBAP. The building was constructed in 1998.

Phase IV Office Building and Parking Structure

The proposed Phase IV Project includes construction of a 810,000 square-foot office building on the southern portion of the project site, fronting Richards Boulevard. The western portion of this building will be 12 stories tall; the eastern portion will be five stories tall. Outdoor terraces are planned for the five-story portion of the building. One of two access points to the site is provided via a driveway to the north of the Phase IV building site, between Phase IV and Phase II. A portion of the driveway and adjacent landscaped open space area will be located within the future 60-foot ROW known as New Street in the RBAP. Access to the public lobby of the building will be from the south side, near the corner of 7th Street and Richards Boulevard, or from a pedestrian walkway on the north side of the building. A large outdoor plaza is planned for the north side of the building; although, a portion of the plaza will be eliminated when a roadway is constructed along the north portion of the Phase IV site.

Approximately 2,430 employees will be housed in the Phase IV building.

The Phase IV building is planned to be designed as a "Life-Safety" building that meets or exceeds Uniform Building Standards. It is anticipated that building plans will include a smoke detection system, a fire alarm and communication system, a smoke-control system,

standby power, light and emergency systems, and a helistop, which would be used only in emergencies. Because of its proximity to Richards Boulevard traffic, the Phase IV building will be designed and constructed with noise attenuation features to reduce interior noise levels to 45 Ldn or lower.

In order to construct Phase IV, the existing warehouse will be demolished and the railspur along Richards Boulevard will be removed.

Parking Structure

To provide parking for Continental Plaza, a six-story parking structure will be built to the east of the existing DHS buildings and north of the Phase IV site. The structure will contain approximately 1,238 spaces. There will be approximately 207 surface spaces remaining in the existing lot, for a total of approximately 1,445 spaces. An additional 95 surface parking spaces will be provided along the driveway access in the location of or in proximity to the Irrevocable Offers of Dedication (IODs). These spaces will be eliminated when the street is constructed (north of Phase IV).

During Phase IV development, the northwest corner of the Phase I building will be expanded to incorporate a day care center, which will consist of an approximately 4,300-square-foot indoor facility and a 7,300-square-foot outdoor play area. State standards for day care require a minimum of 35 square feet of indoor area and 75 square feet of outdoor area per student. Based on these ratios, the square footage of the outdoor play area will allow adequate space to accommodate 97 children (the indoor space will accommodate 123 children).

Off-Site Improvements

The RSP/RBAP EIR and SEIR identified a number of roadway and intersection improvements to reduce the effects of increased traffic in the Planning Area. A traffic study was prepared by DKS Associates to determine whether any modifications to the approved mitigations will be necessary to offset the location and density of the Proposed Project. While the study found that no road widenings beyond those identified for the RSP/RBAP will be required, the Proposed Project will necessitate some reconfiguration of intersections. Three local improvements were identified:

- Installing a signal at Richards Boulevard and Fifth Street (which has been approved and funded through the Richards Boulevard Assessment District),
- Altering the lane geometry at Richards Boulevard and North Seventh Street, with a single westbound left-turn lane, double eastbound left-turn lanes, right turns from the southbound North Seventh Street approach, and left turns allowed from both northbound approach lanes (a slightly different mitigation measure was approved as part of the RSP/RBAP SEIR; as under the RSP/RBAP, Richards Boulevard will be widened to six lanes), and

- Altering the lane geometry proposed at Richards Boulevard and I-5 with three eastbound through lanes, a single eastbound turn lane, a double westbound left-turn lane and a single westbound through lane (a slightly different mitigation measure was approved as part of the RSP/RBAP SEIR; the number of lanes will be increased to seven on Richards Boulevard, per the RSP/RBAP).

Consistent with the RSP/RBAP Mitigation Monitoring Plan, the project applicant will provide its "fair-share funding" toward these three improvements, and the other improvements adopted in conjunction with the RSP and RBAP.

The Proposed Project contains PUD Guidelines, which are intended to supplement existing City ordinances. The Guidelines will take precedence when more restrictive than City ordinances, or when inconsistencies arise between the provisions of the Guidelines and the provisions of such ordinances.

The PUD Guidelines will allow for the following uses:

- Overall building square footage (net of structured parking) in the Continental Plaza PUD not to exceed 1,097,350 square feet.
- A minimum of 14,320 square feet of food service and ground floor retail provided on-site as part of the Phase IV development.
- Childcare uses within the Continental Plaza PUD as a part of the Phase IV development when ancillary to the office use.
- Parking at a minimum ratio of one space per 1,000 gross square feet of development (net of structured parking) and at a maximum ratio of one space per 600 gross square feet of development provided on-site, in conjunction with a Transportation Management Plan.

In addition, the PUD Guidelines contain standards that address office intensity, building height, setbacks, parking, open space, site design, architectural treatment and materials, energy conservation, temporary structures enclosures, on-site drainage, walkways, courtyards, hazardous materials, landscaping, exterior lighting and sign criteria. For the most part the provisions of the Guidelines are identical to those found in the Zoning Ordinance for the Richards Area.

Proposed Changes to the Approved Project

Project Elements

The previously approved project included 870,000 square feet of new office space, so it is consistent with previous environmental analyses conducted for Phase 1 of the Richards Boulevard Area Plan (RBAP). It should be noted that this is the maximum amount assumed for the first phase of development under the RSP/RBAP SEIR, so any additional office development proposed prior to the extension of 7th Street and completion of related

infrastructure will require supplemental environmental review to determine the extent to which the RSP/RBAP EIR and SEIR were adequate to address potential impacts.

The Proposed Project includes the following elements: the Continental Plaza PUD within the Richards Boulevard SPD on approximately 4.75 acres in the Office Planned Unit Development Special Planning District (OB-PUD-SPD) zone; PUD Guideline Amendments to delete the sunset clause of the PUD on 4.75 acres in the OB-PUD-SPD zone; Special Permit to construct a 810,000 square foot office building in the Continental Plaza PUD; Special Permit for off-site parking for the proposed 810,000 square foot office building; and Special Permit to operate a 4,300 square foot child care facility within the existing 159,316 square foot Phase I office building in the Heavy Industrial (M-2-SPD) zone.

Removal of the sunset clause of the PUD includes deletion of the following text from the second paragraph under Section II, Force and Effect, of the Continental Plaza PUD:

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

Transportation Mitigation Measure Monitoring Revisions

The Proposed Project includes the revision of the Monitoring Program for Mitigation Measure 4-1 (a) and (b), adopted as part of the Mitigation Monitoring Plan and approved with the extension of the Continental Plaza Phase IV Special Permits on February 22, 2000 (see Table 1). Mitigation Measure 4-1 (a) and (b) involves the widening of the Richards Boulevard/I-5 undercrossing from five to seven lanes. Mitigation Measure 4-1(a) references the AI-5 Northbound Ramps@ portion of the undercrossing; Mitigation Measure 4-1(b) references the AI-5 Southbound Ramps@ portion of the undercrossing. The Mitigation Measure will be unchanged; however, the revised project proposes to revise the monitoring program for Mitigation Measure 4-1 as follows:

Monitoring Program: Prior to building permit issuance for Continental Plaza Phase IV, pay the Transportation Impact Fee of the Railyards/Richards Boulevard Area Infrastructure Financing Plan as adopted by the City Council on March 10, 1998 by Ordinance No. 98-011. The Transportation Impact Fee has been calculated based on the costs of constructing the Railyards/Richards Boulevard Area Stage One Infrastructure and Facilities, including the widening of the Richards/I-5 undercrossing from five to seven lanes. The Transportation Impact Fee shall be paid based on the fee in effect at the time payment is made.

Mitigation Monitoring Plan

Introduction

The California Environmental Quality Act (CEQA) requires review of any plan or project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the

environmental review process. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of measures adopted from the Addendum to the Continental Plaza Phase III and Phase IV Environmental Impact Report.

Mitigation Measures

The mitigation measures are taken from the Continental Plaza Phase III and IV EIR, as amended by the Addendum to the EIR, and are assigned the same number they had in the previous EIR. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

The components of each monitoring form are addressed briefly, below.

Mitigation Measure: All mitigation measures that were identified in this SEIR, as well as in the previous MMP for the Continental Plaza Phase III and IV Draft EIR are presented, and numbered accordingly.

Monitoring Program: For every mitigation measure, one or more action is described. These are the center of the MMP, as they delineate the means by which EIR measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

Timing: Each action must take place prior to or during some part of approval, project design or construction. Generally, the action must occur in conjunction with one of the following milestones:

Special Permit: A permit for a project within the Planning Area.

Demolition Permit: A permit to demolish the existing warehouse on the site.

Grading Permit: A permit to allow clearance and grading of the site.

Building Permit: Permit that allows construction-related activities.

Occupancy Permit: Permit to occupy a structure.

In addition, some actions must occur during construction, at the time a threshold is exceeded (as warranted), or on an ongoing basis.

Parties Responsible for Implementing Measure: This item identifies the entity that will undertake the required action. Generally, the City is responsible for regulatory changes, setting standards, and establishing funding mechanisms. The City is also the implementing party for public infrastructure projects, such as road and sewer construction. The developer is responsible for actions intended to mitigate design- and construction-related impacts. In some cases, an agency such as the California Department of Transportation is identified as one of the implementing parties because its actions are key to implementation of the

mitigation measure.

Entity Responsible for Ensuring Compliance: The City of Sacramento is responsible for ensuring that most mitigation measures are successfully implemented. Within the City, a number of departments and divisions will have responsibility for monitoring some aspect of the overall project. At this time, only the Planning and Public Works Departments have been identified. Occasionally, monitoring parties outside the City are identified. These parties are referred to as "Responsible Agencies" by CEQA.

Verification of Compliance: This section provides confirmation that a measure has been implemented, with space for the signature, title, and department of the individual who is verifying compliance. A space is also provided for notes.

Where more than one action is required in the monitoring program, each item is numbered, and the timing and responsible parties are numbered accordingly.

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
4.1 TRANSPORTATION AND CIRCULATION (previously 4.8 TRANSPORTATION)					
Richards Boulevard/Southbound I-5 Ramp	<p>4-1(a) The significant impacts at these adjacent intersections shall be mitigated by the developer by widening Richards Boulevard through the interchange area. Currently, Richards Boulevard is five lanes wide under I-5. Discussions with City staff have indicated that widening to seven lanes under I-5 appears feasible. The seven lanes would consist of three eastbound through lanes, a single eastbound left turn lane, a double westbound left turn lane, and a single westbound through lane. Additionally, the ramp from I-5 southbound to Richards Boulevard shall be restriped to allow left turns from both intersection approach lanes, and the ramp from I-5 northbound to Richards Boulevard shall be widened to permit an exclusive double right turn lane. This intersection geometry is illustrated in Figure A-12 of the DSEIR Technical Appendix.</p> <p>Some roadway widening immediately east and west of the interchange along Richards Boulevard would also be required. With this improvement, the Richards Boulevard and I-5 Southbound Ramps intersection level of service would improve to "C" during the p.m. peak hour with an average vehicle delay of 23.9 seconds. The Richards Boulevard and I-5 Northbound Ramps intersection level of service would improve to "B" during the p.m. peak hour with an average vehicle delay of 14.4 seconds.</p>	<p>Prior to building permit issuance for Continental Plaza Phase IV, pay the Transportation Impact Fee of the Railyards/Richards Boulevard Area Infrastructure Financing Plan as adopted by the City Council on March 10, 1998 by Ordinance No. 98-011. The Transportation Impact Fee has been calculated based on the costs of constructing the Railyards/Richards Boulevard Area Stage One Infrastructure and Facilities, including the widening of the Richards/I-5 undercrossing from five to seven lanes. The Transportation Impact Fee shall be paid based on the fee in effect at the time payment is made.</p>	Developer, City	Building Permit	Department of Public Works, PB, Development Services and Building Division

PB = Planning and Building Department
DTSC = State Department of Toxic Substances Control
SPTCo = Southern Pacific Transportation Company

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OPAs = Owner Participation Agreements
RWQCB = Regional Water Quality Control Board

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

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Richards Boulevard/North 7th Street	4-1(c) The significant impact to this intersection shall be mitigated by the developer by modifying the northbound and southbound approaches to the intersection. The southbound North 7th Street approach shall be widened to include a double right turn lane and one through and left turn lane, while the northbound North 7th Street approach shall be restriped to allow left turns from both intersection approach lanes. This intersection geometry is illustrated in Figure A-12 of the DSEIR Technical Appendix. With this mitigation measure, the level of service during the a.m. peak hour would improve to "C", with an average vehicle delay of 16.8 seconds. During the p.m. peak hour, the level of service would improve to "C", with an average vehicle delay of 21.8 seconds.	Pay development impact fees according to the provisions of the Railyards Area, Richards Boulevard Area, and the Downtown Benefit District Area. If adequate fees are not available through the financing plan, the applicant shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4-1(c), consistent with the provisions of the financing plan. If fees generated by the fee program are insufficient to pay for the required improvement(s), the applicant shall pay the additional amount required to implement the improvement and be entitled to reimbursement from fees generated by subsequent development. Applicant and City shall enter into a reimbursement agreement to such effect.	City, Developer	Building Permit	Department of Public Works, PB, Development Services and Building Division
4.3 URBAN DESIGN AND VISUAL QUALITY					
4.3-4 Implementation of most of the Alternatives could affect the amount of glare generated within the Planning Area.	4.3-4(b) Include the following design standards and guidelines in the final approved version of the RBAP: <ul style="list-style-type: none"> The configuration of exterior light fixtures shall emphasize close spacing and lower intensity light that is directed downward, in order to minimize glare on adjacent residential areas and other sensitive receptors. Highly reflective mirrored glass walls shall be avoided as a primary building material for facades. 	Include design standards listed in Mitigation Measure 4.3-4(b) in the RBAP. Design buildings in compliance with design standards set forth in the RBAP.	City Developer	RBAP Special Permit	Planning Department Planning Department
4.6 CULTURAL RESOURCES					
4.6-1 Potentially significant buried cultural resources may be located in the Planning Area, which could be damaged or destroyed by development or redevelopment activities involving any of the	4.6-1(d) The project construction team shall become familiar with the indicators of historic and prehistoric archaeological sites. In the event that subsurface archaeological or historical remains are discovered	Prepare information packet for distribution to construction teams working in archaeologically sensitive areas, and provide packet to construction team.	City and Contractor	Grading Permits	PB, Development Services and Building Division

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Alternatives.	during development or construction of specific projects, work in the area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.	In the event that subsurface archaeological or historical artifacts are discovered on a project site, stop all work in the vicinity of the find, and consult with a qualified archaeologist and a representative of the Native American Heritage Commission.	Developer	During grading and construction	PB, Development Services and Building Division
4.9 AIR QUALITY					
4.9-1 For year 2000, traffic generated by the Alternatives would contribute to continued carbon monoxide problems in downtown Sacramento.	4.9-1(a) Implement Phase Two of the Circulation Element of the draft Facility Element.	Establish funding mechanism and fee structure for roadway improvements. Construct Phase Two improvements of the Circulation Element of the Facilities Element as a condition of Phase 2 development.	City, SHRA, Developer City	In accordance with RSP In accordance with linkage requirements in RSP	Planning Department Public Works
	4.9-1(b) The Planning Area shall be developed under a stringent vehicle-trip reduction requirement applicable to all proposed land uses. The availability of transit, proximity to downtown Sacramento, potential for mixed land uses and other aspects of the sites provide a high potential for non-auto travel modes.	Incorporate vehicle reduction program into Transportation Management Plans.	Developer	Building Permit	PB, Public Works Department
4.9-4 The traffic generated by the Alternatives would increase regional emissions and cause a deterioration in regional air quality.	4.9-4(b) All development within the Planning Area shall be required to participate in a Transportation Management Association, whose purpose would be the reduction in vehicle trips.	Document participation in Transportation Management Association.	Developer	Building Permit	PB, Public Works Department
	4.9-4(c) All employment-generating uses shall be required to develop a Commute Management Plan, adopting programs using parking management/fees, transit incentives and amenities, alternative work schedules, telecommuting or other strategies to reduce employee commuting. The transportation performance standards of the California Clean Air Act would be adopted as minimum targets for trip reduction.	Incorporated the Commute Management Plan items in Mitigation Measure 4.9-4(c) into the Transportation Management Plan.	Developer	Building Permit	PB, Public Works Department
	4.9-4(d) All development proposals within the Planning Area	Develop standards for amenities that reduce vehicle trips and include in RSP,	City	RSP, RBAP	Public Works, Planning Department

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	shall be required to use land use mix and densities, provision of transit/bicycle/pedestrian amenities and provision of on-site amenities (day care, restaurants) to reduce the need for vehicle trips.	RBAP and Facility Element. Document compliance with standards.	Developer	Special Permits	Public Works, Planning Department
	4.9-4(e) To the extent feasible, all development proposals within the Planning Area shall be required to include measures that facilitate alternative powered vehicles, including, but not limited to, electric vehicle recharge stations in new parking facilities.	Establish requirements for provisions of alternative powered vehicles. Provide amenities to encourage alternative powered vehicles.	City, SHRA Developer	Special Permit Special Permit	Public Works, Planning Department Public Works, Planning Department
4.9-5 Construction activities, such as clearing, excavation and grading operations, construction vehicle traffic on unpaved ground and wind blowing over exposed earth, would generate dust and particulate matter.	4.9-5 To ensure that construction mitigation is used, final approval shall not be given to any development within the Planning Area until the developer submits a construction dust mitigation plan satisfactory to the City. This plan should specify the methods of control that will be used to control dust and particulate matter, demonstrate the availability of needed equipment and personnel, and identify a responsible individual who, if needed, can authorize the implementation of additional measures.	Submit dust mitigation plan, per Mitigation Measure 4.9-5.	Developer	Grading Permit	PB
	The construction dust mitigation plan shall, at a minimum, include the following: <ul style="list-style-type: none"> Suspend earthmoving or other dust-producing activities during periods of high winds when dust control measures are unable to prevent visible dust plumes of a significant size. Provide equipment and staffing for watering of all exposed or disturbed soil surfaces at least twice daily, including weekends and holidays. An appropriate dust palliative or suppressant, added to water before application, should be used. Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind. Sweep the active construction area and adjacent streets of all mud and debris on a 				

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>regular basis, since this material can be pulverized and later re-suspended by vehicle traffic.</p> <ul style="list-style-type: none"> Limit the speed of all construction vehicles to 15 miles per hour while on-site. All materials transported by truck will be covered or wetted down. All inactive portions of the site will be watered with an appropriate dust suppressant, covered or seeded. Trucks shall maintain freeboard (i.e., the distance between the top of the load and the top of the truck bed sides). 				
	<ul style="list-style-type: none"> Truck wheel washers shall be installed before the roadway entrance at construction sites. Tarps shall be used on trucks carrying dirt. Dust hoods shall be used on drilling and blasting equipment. 				
4.9-6 Air quality would decrease as a result of construction-related activities.	<p>4.9-6 To the extent feasible, the following measures are required during construction:</p> <ul style="list-style-type: none"> Use low emission fuels for pile drivers, such as methanol or low-sulfur fuels. Use construction equipment that has catalytic converters (for gasoline powered equipment). Prevent trucks from idling for more than two minutes. Discontinue operations during second stage smog alerts. 	Submit and comply with construction-related air quality mitigation plan, per Mitigation Measure 4.9-6, to the satisfaction of the City.	Developer	Grading and Building Permit	PB
4.10 NOISE					
4.10-5	4.10-5(a)	Comply with the time restrictions in the	Contractor	Grading and	PB

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Development of any of the Alternatives would cause temporary increases in construction noise levels in and around the Planning Area over the entire period of construction.	The contractor shall limit outdoor construction activity from 7:00 a.m. to 6:00 p.m. on Monday through Saturday and from 9:00 a.m. to 6:00 p.m. on Sunday, unless the City grants a special permit, in order to minimize disruption to residences adjacent to and near the project. 4.10-5(b) The contractor shall use mufflers, enclosure panels, or other noise suppression attachments on all equipment as appropriate and turn off equipment when not in use.	City Code. Include statement identifying noise suppression attachments used on construction-related equipment, consistent with the City Code.	Contractor	Building Permit Grading and Building Permit	PB
4.11 GEOLOGY, SOILS AND SEISMICITY					
4.11-1 Development of the Planning Area would be subject to potentially damaging seismically induced groundshaking.	4.11-1 New structures, the restoration of existing structures, and the development of project infrastructure shall be designed and built in conformance with the Uniform Building Code (with California amendments) standards for Seismic Zone 3.	Demonstrate that all construction plans are in compliance with UBC.	Contractor	Grading or Building Permit	PB

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ADDENDUM TO THE CONTINENTAL PLAZA PHASE III AND PHASE IV EIR MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
4.11-2 Development of the Planning Area could be exposed to seismically induced hazards such as liquefaction, settlement and the lateral spreading of underlying materials.	4.11-2(a) Prior to construction, site-specific geotechnical evaluations shall be performed by an appropriately licensed professional engineer qualified to assess seismic conditions including probability associated with liquefaction, settlement, and lateral spreading using a maximum probable and credible earthquake. The evaluation shall identify specific geotechnical recommendations for development foundation design to mitigate for seismically induced hazards, as well as recommendations for adequate building design including excavation and fill requirements for any identified soil constraints. The evaluation for project sites adjoining the levee will also include an analysis of levee stability under static and seismic conditions in coordination with the US Army Corps of Engineers for project sites adjoining the levee.	Submit geotechnical study per Mitigation Measure 4.11-2(a).	Developer	Grading or Building Permit	PB
		Demonstrate compliance with geotechnical study, per Mitigation Measure 4.11-2(a).	Developer	Construction	PB
4.11-2 Development of the Planning Area could be exposed to seismically induced hazards such as liquefaction, settlement and the lateral spreading of underlying materials.	4.11-2(b) Design of foundations and drainage facilities shall conform with Title 24 of the California Code of Regulations, the Uniform Building Code and recommendations contained in the site-specific geotechnical evaluations prepared by an appropriately licensed and qualified Engineer/Geologist as specified in Mitigation Measure 4.11-2(a). [see page 9]	Demonstrate compliance with CCR Title 24, UBC and geotechnical recommendations.	Developer	Building Permit	PB
4.11-5 Development of the Planning Area could occur in areas where groundwater could be encountered during the construction phase of the project.	4.11-5(a) If below-grade construction is proposed, site-specific geotechnical investigation will be undertaken prior to the start of excavation to determine the depth to the groundwater for the affected site, and the need for subsurface drainage and the potential for caving of excavation walls. This investigation and subsequent analysis shall be made by an appropriately licensed and qualified engineer or geologist.	Prepare geotechnical study per Mitigation Measure 4.11-5(a).	Developer	Grading or Building Permit	PB
		Demonstrate compliance with geotechnical recommendations, per Mitigation Measure 4.11-5(a), and City's Groundwater Discharge Policy.	Developer	Construction	PB
	4.11-5(b) If dewatering of a construction site is required, subdrains, reinforced concrete retaining walls and/or waterproofing methods shall be used as necessary to eliminate the effects of subsurface groundwater conditions. The subdrain plan shall form part of the	Submit dewatering plans to be undertaken per Mitigation Measure 4.11-5(b).	Developer	Grading or Building Permit	PB, Utilities Department
		Demonstrate compliance with dewatering provisions.	Developer	Grading or Building Permit	PB, Utilities Department

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ADDENDUM TO THE CONTINENTAL PLAZA PHASE III AND PHASE IV EIR MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	final plans for the project, and would be prepared with the recommendations of an appropriately licensed and qualified engineer or geologist.				
	4.11-5(c) Dewatering shall comply with applicable requirements established by the Central Valley Regional Water Quality Control Board and any applicable local permit requirements, and shall be coordinated with the City's Flood Control and Sewers Division.	Demonstrate compliance with applicable requirements regarding dewatering from the CVRWQCB and City's Groundwater Discharge Policy.	Developer	Construction	PB, Utilities Department
	4.11-5(d) Moisture barriers around foundations shall be used where applicable to prevent moisture changes from adversely affecting soils beneath a structure.	Demonstrate compliance with building code provisions regarding moisture barriers.	Developer	Building Permit	PB, Utilities Department
	4.11-5(e) Where required due to high groundwater, excavations shall be shored as required by the Office of Safety and Health Administration (OSHA) to preclude slope failures during the construction period. Shoring shall use standard stabilizing methods, such as tiebacks, as necessary to retain excavation areas.	Demonstrate compliance with OSHA requirements regarding excavations.	Developer	Grading or Building Permit	PB
4.11-7 On a regional basis, cumulative development in Downtown Sacramento, including the Planning Area, would increase the number of people working and living within structures who would be exposed to hazards associated with seismic activity.	4.11-7 The City of Sacramento shall continue to require development to comply with General Plan Goals and Policies for Seismic Safety, including Policies 1 through 3, or the equivalent.	Comply with goals and policies regarding seismic safety in the zoning ordinance.	Developer	Special Permit	Planning Department
4.12 HYDROLOGY AND WATER QUALITY					
4.12-2 Implementation of any of the Alternatives would allow additional development in the FEMA A99 zone, exposing future inhabitants to risks associated with inundation of a 100-year flood.	4.12-2(a) Development in the Planning Area shall comply with City ordinances and zoning codes regulating residential and non-residential development in the A99[AR] zone (City of Sacramento Ordinance 90-005) 100-year flood plain.	Demonstrate compliance with construction requirements for the AR zone and compliance with City regulations.	Developer	Building Permit	PB
	4.12-2(b) If project development is not completed prior to removal of A99 [AR] designation and 100-year	Demonstrate compliance with construction requirements for the AR zone and compliance with City	Developer	Buildings Permit	PB

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	protection has not been achieved, development of the proposed Planning Area shall comply with all applicable FEMA regulations.	regulations.			
4.12-3 Increased siltation and sedimentation could result from erosion and storm water runoff during construction in the Planning Area.	<p>4.12-3 A comprehensive erosion control plan shall be prepared by a registered civil engineer or a registered professional hydrologist prior to submittal of the final map to protect water resources from impacts due to siltation and sedimentation generated by project construction in the Planning Area. The plan shall be prepared in coordination with the Central Valley Regional Water Quality Control Board, and the City of Sacramento to assure compliance with applicable NPDES permit requirements for construction activities. The plan shall include a combination of the following Best Management Practices (BMPs), or equally effective measures or any other measures required by local codes and ordinances:</p> <p>(a) If feasible, project construction periods should be limited to the dry months of the year (May through October).</p> <p>(b) If project construction does occur during the rainy season (November through April), sediment traps, barriers, covers or other methods shall be used to reduce erosion.</p> <p>(c) Slopes, both cut and fill, shall not be steeper than those recommended by the detailed geotechnical report for the Planning Area (see Mitigation Measure 4.11-1(a)).</p> <p>(d) Sediment basins, sediment traps, or similar sediment control Best Management Practices (BMP's) shall be installed before extensive ground alteration operations begin.</p>	Prepare and submit a Erosion Control and Sediment plan in accordance with Mitigation Measure 4.12-3 and the City's Technical Procedures Manual for Grading and Erosion and Sediment Control.	Developer	Building Permit	Utilities Department

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ADDENDUM TO THE CONTINENTAL PLAZA PHASE III AND PHASE IV EIR MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	(e) Temporary mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities.				
	(f) Excavated materials shall not be deposited or stored where the material could be washed away by storm water runoff.				
4.12-4 Implementation of any of the Alternatives would increase peak rates of runoff and alter the character of storm water runoff, thereby affecting the quality of receiving waters.	4.12-4(a) Prior to development of any part of the Planning Area, a comprehensive runoff control plan shall be prepared by a registered civil engineer or registered professional hydrologist to protect water resources from impacts due to urban and landscape runoff generated by the project. This mitigation measure would be required for all Alternatives. The plan shall be prepared in coordination with the Central Valley Regional Water Quality Control Board, and the City of Sacramento to assure compliance with applicable NPDES permit requirements for new developments. The plan shall include a combination of the following Best Management Practice (BMP's), or equally effective measures:	Prepare site-specific runoff control plan. This plan shall be prepared in accordance with the Technical Procedures Manual for Grading and Erosion and Sediment Control and the City/County Drainage Manual Volume 5, Manual of standards for Design of New Development On-Site Stormwater Quality Control Measures. Note that "oil and grease separators" are not listed in this document due to their questionable effectiveness and dependence on proper maintenance. They are not the City's preferred method.	Developer	Grading Permit	Utilities Department
	(i) Oil and grease separators shall be used to control roadway and parking lot contaminants.	Demonstrate compliance with runoff control measures.	Developer	Construction	Utilities Department
	(ii) Streets and parking lots shall be cleaned and swept on a regular basis.				
	(iii) Peak flow reduction and infiltration practices, such as grass swales, infiltration trenches and grass filter strips, and detention and retention basins, shall be incorporated.				
	(iv) Landscape areas including borders and medians shall use low water-using plants				

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>wherever feasible.</p> <p>(vi) Plants of similar water use shall be grouped to reduce overirrigation of low-water-using plants.</p> <p>(vii) Mulch shall be used in all non-lawn landscaped areas to a minimum depth of two (2) inches. Mulch applied on top of the soil will improve the water-holding capacity and reduce runoff.</p> <p>(viii) Existing trees and shrubs shall be preserved and protected where feasible, because established plants are often adapted to low-water-using conditions.</p> <p>(ix) Efficient irrigation systems shall be installed to minimize runoff and evaporation and maximize the water that will reach the plant roots such as drip irrigation, soil moisture sensors, and automatic irrigation systems.</p> <p>(x) Seasonal, climatical, and dosage fertilizer application restrictions shall be followed, as recommended by manufacturer.</p> <p>(xi) Slow release fertilizers shall be used.</p> <p>(xii) Where feasible, landscape areas shall be limited to 4:1 slopes to reduce runoff, unless such slopes form landscape berms which are required to mitigate aesthetic and noise impacts.</p>				
	(xiii) The use of plastic or other impervious materials to control weed growth in landscaped areas shall not be permitted.				
	4.12-4(b) Comply with joint City and County storm water NPDES permit requirements for the City's municipal storm water conveyance system.	Demonstrate compliance with NPDES permit requirements.	Developer	Grading Permit	Utilities Department

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
4.13. HAZARDOUS MATERIALS					
4.13-1 Construction in the Planning Area could expose construction workers to contaminated soil.	4.13-1(a) The entire Railyards Area, and each site within the Richards Area where hazardous materials contamination that requires remediation is identified, shall be cleaned up at the time of development or redevelopment, to levels, at a minimum, determined by DTSC (and other involved agencies as appropriate) to be adequately protective of construction workers.	Include provisions in RSP, RBAP, the SPTCo/City development agreement, the City/DTSC MOU and MOU implementing documents, and OPAs between Richards Boulevard property owners and SHRA requiring remediation of hazardous materials contamination prior to site development.	City, SHRA, SPTCo	RSP, RBAP, DTSC, City MOU and agreements for Railyards and Richards development	Planning Department
		Document that adequate levels of remediation have been completed.	Developer	Final Map, Special Permit	Planning Department
4.13-2 Groundwater drawn to the surface from construction dewatering could result in increased short-term exposures to hazardous materials.	4.13-2(b) The City shall require that extracted groundwater in the Planning Area be tested for the presence of hazardous materials, and that appropriate handling and disposal techniques be required accordingly.	If dewatering is to occur, determine whether dewatering activities will result in extraction of contaminated groundwater.	Developer	Grading Permit	Utilities Department, PB, Planning Services
		If contaminated groundwater is extracted, handle in a manner that protects construction workers and others from harmful exposure, as required by the City in cooperation with the DTSC, CVRWQCB, and SMAQMD.	Contractor	Construction	Utilities Department, PB, Planning Services
4.13-3 Disposal of groundwater extracted during construction dewatering activities may result in off-site contamination.	4.13-3(b) The City shall require extracted groundwater that is to be discharged to the sanitary sewer be authorized by the City to be in compliance with its obligations to meet standards established by the CVRWQCB in order to reduce the risk of leakage of unacceptable levels of contaminants along the sewer lines, and to assure that the regional treatment plant can meet standards established under its NPDES permit, prior to discharge.	Obtain required disposal permits from the regional sanitation district.	Developer	Building Permit	Utilities Department, PB, Development Services and Building Division
		Comply with DTSC dewatering requirements and the City's Groundwater Discharge Policy.	Developer	Construction	Utilities Department, PB, Development Services and Building Division
	4.13-3(c) If the City or regional treatment plant determines that groundwater extracted during dewatering activities does not meet applicable standards for discharge into the city sewer system, contractors	Comply with City, DTSC and County dewatering requirements.	Developer and Contractor	During construction	Utilities Department, PB

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	shall implement groundwater treatment systems, that treat groundwater to standards established by the CVRWQCB, City, and regional treatment plant.				
4.13-4 Dewatering for construction activities could interfere with groundwater remediation by moving plumes or lengthening the time required for remediation.	4.13-4(b) In the Richards Area, prior to obtaining a grading or building permit that requires dewatering, the contractor shall coordinate with the City and the CVRWQCB to ensure that dewatering does not interfere with any adjacent or on-site groundwater remediation. 4.13-4(c) All dewatering in the Planning Area shall be coordinated with any on-site or adjacent groundwater remediation activities in accordance with measures agreed upon by DTSC, the City, the RWQCB, and the Southern Pacific Transportation Company or other developers, if appropriate. In the absence of such agreement, DTSC shall require contractors to obtain approval of dewatering activities prior to initiation of construction.	Submit evidence that dewatering will not interfere with groundwater remediation. Coordinate dewatering activities with appropriate agencies per Mitigation Measure 4.13-4(c).	Developer Developer	Grading Permit Grading Permit	PB, Development Services and Building Division, Toxics Coordinator and Building Division PB, Development Services and Building Division, Toxics Coordinator
4.13-5 Construction in the Planning Area would require the demolition and/or renovation of existing structures, possibly containing asbestos material, thereby exposing construction workers to associated hazards. Asbestos materials may also be present in the soils of the Planning Area.	4.13-5(b) If asbestos fibers are suspected or identified in soils or existing building materials, then additional sampling shall be performed prior to any construction activities to identify asbestos-containing materials that may be contained in building materials or obscured behind walls, above ceilings, and beneath floors.	Provide written confirmation from Air Quality Management District and the Developer that test for asbestos has been conducted if demolition is required, or if asbestos fiber in soil are possible due to prior site uses.	Developer	Demolition Permit	PB, SMAQMD, Development Services and Building Division, Toxics Coordinator, Sacramento County Department of Environmental Health
	4.13-5(c) Demolition activities affecting asbestos-containing material shall be performed by a licensed asbestos abatement contractor with properly trained personnel in accordance with all applicable federal, state and local regulations.	Submit evidence that asbestos abatement contractor is licensed to perform such work.	Developer	Demolition Permit	PB, Development Services and Building Division, Toxics Coordinator
4.13-9 Implementation of any of the Alternatives could result in exposure of inhabitants and users to contaminated soil and/or groundwater.	4.13-9(b) Prior to issuance of building permits in areas of known groundwater contamination, the City shall assess the need for building features designed to protect against the risk of exposure to soil vapors in enclosed underground spaces. Such features could include vapor barriers and adequate ventilation.	Design or construct new buildings to protect against risk of exposure to soil vapors.	Developer	Building Permit	PB, Development Services, Building Division, Toxics Coordinator

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**ADDENDUM TO THE CONTINENTAL PLAZA PHASE III AND PHASE IV EIR
MITIGATION MONITORING PLAN**

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>4.13-9(f) For the Richards Area, the City shall link development approvals to specific remediation steps for each of the Alternatives as follows:</p> <p>(2) For all commercial and industrial sites for which modification is proposed that require a discretionary land use entitlement from the City that will result in the disturbance of more than 50 cubic yards of soil and that are located within 2,000 feet of an existing or approved residence, school, daycare center, or other similar sensitive use, the City shall require, prior to the issuance of any building permit, that a Phase I site investigation be conducted. Should the Phase I analysis indicate the potential for contamination, a Phase II site investigation and cleanup of any discovered contamination shall be required.</p>	Develop a program for proposed sites within 2,000 feet of a sensitive use that will disturb soil, require Phase I, and if warranted, Phase II assessments, and appropriate cleanup.	City	Within 1 year following approval of RBAP	Planning Department
	<p>(4) For all sites where contamination is found, the City shall require completed soil remediation and/or site closure approved by the applicable local, state or federal regulatory agency prior to the issuance of grading, demolition, building, or occupancy permits, unless preliminary construction work, such as excavation for building foundations, will occur as part of the remediation process. In some cases, permits may be issued while groundwater remediation or soil vapor extraction is ongoing, if a site specific health risk assessment demonstrates that there will be no significant risk to construction workers, site users, or occupants. In lieu of completed remediation and/or site closure, the permit applicant may submit a statement from the appropriate regulatory agency or from a registered engineer or geologist certifying that no remediation would be required under applicable laws.</p>	Remediate contaminated sites, per Mitigation Measure 4.13-9(f)(4)	Developer	Grading, Demolition or Building Permits	Planning Department

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	4.13-9(h) For sites in the Richards Area where soil or groundwater remediation is required, property owners shall be required to demonstrate that remediation methods comply with all applicable Sacramento Metropolitan Air Quality Management District requirements.	Comply with all SMAQMD permits and restrictions.	Property Owners, SMAQMD	Construction	Planning Department
	4.13-13(b) The City shall not approve any project or development permit without first reviewing available data to determine if the proposed project or use would create an unreasonable risk to adjoining properties. If sufficient data does not exist to make such a determination, further studies (such as air toxics evaluations) shall be performed to evaluate the risk and develop appropriate mitigation measures.	Review new projects for potential to create unreasonable risk to adjoining properties.	City	Special Permit	Planning Department
	4.13-13(c) The City shall require businesses in the Richards Area that use solvents and/or other toxic or hazardous materials to present Hazardous Substance Management Plans for the review and approval of the Hazardous Materials Division of Sacramento County's Environmental Management Department, prior to final building inspection. The plans shall demonstrate that adequate safety precautions have been taken for the storage and handling of hazardous materials and/or wastes, including: <ul style="list-style-type: none"> Proper on-site management; Proper transportation; Properly designed and outfitted disposal facilities; Source reduction and recovery; Measures to prevent hazardous wastes from entering sanitary sewers; Programs to reduce spills of hazardous substances during transport. 	Comply with Countywide Hazardous Substances Management Plan, per Mitigation Measure 4.13-13(c).	Businesses	Ongoing	County

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	4.13-13(d) The City shall require that all buildings or structures containing hazardous materials in the Richards Area be labeled at all doorways with easy-to-read signs that provide emergency response teams with information on the hazardous content of the building or structure, and proper containment procedures. Labeling should be based on existing systems (such as the national Fire Protection Association 704 System) and approved by the City Fire Department.	Label buildings or structures containing hazardous materials in accordance with Fire Department requirements.	Businesses	Ongoing	Planning Department
	4.13-13(e) Outdoor storage of materials in the Richards Area shall be minimized. Materials which emit odors, fumes, or otherwise cause a nuisance or hazard to neighboring properties shall not be stored outdoors. Any outdoor storage shall be done in compliance with all applicable federal, state, and local regulations.	Demonstrate that hazardous materials are stored in compliance with federal, State and local regulations.	Businesses	Ongoing	Planning Department
4.15. WATER SUPPLY					
4.15-2 Implementation of any of the Alternatives would require new or upgraded water distribution systems to serve new and redeveloped areas.	4.15-2 New local water distribution system piping will be installed concurrent with construction of the roadways that are proposed to serve the Planning Area. New water mains are considered to be a developer responsibility and will be installed at the developer's cost at the time the roadways are constructed. Proposed water mains will be sized and located to meet domestic and fire flow requirements. Water main size and location shall be verified at both the preliminary design and final design stage of project development.	Design the water distribution system to meet the specifications of the Utilities Department.	Developer	Grading or Building Permit	Utilities Department

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
4.18. SOLID WASTE					
4.18-1 Implementation of any of the Alternatives would result in additional solid waste in excess of 500 tons annually and could shorten the useful life of the Sacramento County Landfill by as much as one or two years over the life of the landfill.	4.18-1(a) The City of Sacramento shall require all new development within the Planning Area to participate fully in a comprehensive solid waste management program designed so that, on average, at least 50 percent of the solid waste generated within the area is diverted from landfilling to either recycling, re-use, or other disposal means such as cogeneration. All recycling and source reduction programs shall comply fully with the City of Sacramento Recycling and Solid Waste Reduction Ordinance.	Comply with Zoning Ordinance solid waste management requirements.	Developer	Building Permit	PB
4.19. POLICE SERVICES					
4.19-1 Development under any of the Alternatives would result in the need for additional police protection services and the addition of sworn officers, equipment, and support personnel.	4.19-1(a) Development within the Planning Area shall ensure that adequate police protection services are available at the time of development. All necessary sworn and non-sworn staff shall be made available to the Planning Area in accordance with Police Department Standards.	Provide for police services in the Planning Area.	City	Special Permit	Planning Department
	4.19-1(b) Development within the Planning Area shall be coordinated on a project-specific basis with the Sacramento City Police Department Community Resources Division at the design phase of project approval.	Request Police Dept. review of all Special Permit Applications.	City	Special Permit	Planning Department

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ADDENDUM TO THE CONTINENTAL PLAZA PHASE III AND PHASE IV EIR
MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
4.21 SCHOOLS AND CHILDCARE AND 4.3 PUBLIC FACILITIES: SCHOOL SITING CRITERIA					
4.21-6 Implementation of the Alternatives would increase the number of children requiring day care (both infant/toddler/pre-school age and school age) facilities.	4.21-6 New development within the Planning Area shall demonstrate that adequate provision for facility space for child care services is included in the application for use permit approval. The City of Sacramento shall not approve the occupancy of any office or commercial use that is unable to demonstrate the availability of child care services. In the absence of the immediate availability of child care services, approval may be granted to projects that submit a plan of action that would ensure the provision of child care services within a reasonable period and that is approved by the City. Recognizing that the market for child care services requires an established customer base to justify location of new facilities, the City of Sacramento shall actively encourage and support the expansion of child care services by licensed care providers within the Planning Area.	Provide evidence that child care facility space is adequate.	Developer	Special Permit	Planning Department

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Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.1 TRANSPORTATION AND CIRCULATION

Mitigation Measure 4.1-1(a)

Mitigation Measure:

The significant impacts at these adjacent intersections shall be mitigated by the developer by widening Richards Boulevard through the interchange area. Currently, Richards Boulevard is five lanes under I-5. Discussions with City staff have indicated that widening to seven lanes under I-5 appears feasible. The seven lanes would consist of three eastbound through lanes, a single eastbound left turn lane, and a single westbound through lane. Additionally, the ramp from I-5 southbound to Richards Boulevard shall be restriped to allow left turns from both intersection approach lanes, and the ramp from I-5 northbound to Richards Boulevard shall be widened to permit an exclusive double right turn lanes. This intersection geometry is illustrated in Figure A-12 of the DSEIR Technical Appendix.

Some roadway widening immediately east and west of the interchange along Richards Boulevard would also be required. With this improvement, the Richards Boulevard and I-5 Southbound Ramps intersection level of service would improve to "C" during the p.m. peak hour with an average vehicle delay of 23.9 seconds. The Richards Boulevard and I-5 Northbound Ramps intersection level of service would improve to "B" during the p.m. peak hour with an average vehicle delay of 14.4 seconds.

Monitoring Program:

Prior to building permit issuance for Continental Plaza Phase IV, pay the Transportation Impact Fee of the Railyards/Richards Boulevard Area Infrastructure Financing Plan as adopted by the City Council on March 10, 1998 by Ordinance No. 98-011. The Transportation Impact Fee has been calculated based on the costs of constructing the Railyards/Richards Boulevard Area Stage One Infrastructure and Facilities, including the widening of the Richards/I-5 undercrossing from five to seven lanes. The Transportation Impact Fee shall be paid based on the fee in effect at the time payment is made.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer, City

Entities Responsible for Ensuring Compliance:

City of Sacramento, Neighborhoods, Planning and Development Services Department (NPDS),
Development Services and Building Division
City of Sacramento, Public Works Department, Development Division

Verification of Compliance:

The required monitoring of Mitigation Measure 4-1(a) has been performed and the measure was found to be successfully implemented:

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Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.1 TRANSPORTATION AND CIRCULATION

Mitigation Measure 4.1-1(b)

Mitigation Measure:

The significant impacts at these adjacent intersections shall be mitigated by the developer by widening Richards Boulevard through the interchange area. Currently, Richards Boulevard is five lanes under I-5. Discussions with City staff have indicated that widening to seven lanes under I-5 appears feasible. The seven lanes would consist of three eastbound through lanes, a single eastbound left turn lane, and a single westbound through lane. Additionally, the ramp from I-5 southbound to Richards Boulevard shall be restriped to allow left turns from both intersection approach lanes, and the ramp from I-5 northbound to Richards Boulevard shall be widened to permit an exclusive double right turn lanes. This intersection geometry is illustrated in Figure A-12 of the DSEIR Technical Appendix.

Some roadway widening immediately east and west of the interchange along Richards Boulevard would also be required. With this improvement, the Richards Boulevard and I-5 Southbound Ramps intersection level of service would improve to "C" during the p.m. peak hour with an average vehicle delay of 23.9 seconds. The Richards Boulevard and I-5 Northbound Ramps intersection level of service would improve to "B" during the p.m. peak hour with an average vehicle delay of 14.4 seconds.

Monitoring Program:

Prior to building permit issuance for Continental Plaza Phase IV, pay the Transportation Impact Fee of the Railyards/Richards Boulevard Area Infrastructure Financing Plan as adopted by the City Council on March 10, 1998 by Ordinance No. 98-011. The Transportation Impact Fee has been calculated based on the costs of constructing the Railyards/Richards Boulevard Area Stage One Infrastructure and Facilities, including the widening of the Richards/I-5 undercrossing from five to seven lanes. The Transportation Impact Fee shall be paid based on the fee in effect at the time payment is made.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer, City

Entities Responsible for Ensuring Compliance:

City of Sacramento, Neighborhoods, Planning and Development Services Department (NPDS),
Development Services and Building Division
City of Sacramento, Public Works Department, Development Division

Verification of Compliance:

The required monitoring of Mitigation Measure 4-1(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

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Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.1 TRANSPORTATION AND CIRCULATION

Mitigation Measure 4.1-1(c)

Mitigation Measure:

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer, City

Entities Responsible for Ensuring Compliance:

City of Sacramento, Neighborhoods, Planning and Development Services Department (NPDS),
Development Services and Building Division

City of Sacramento, Public Works Department, Development Division

Verification of Compliance:

The required monitoring of Mitigation Measure 4-1(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.3 URBAN DESIGN AND VISUAL QUALITY

Mitigation Measure 4.3-4(b)

Mitigation Measure:

Include the following design standards and guidelines in the final approved version of the RBAP:

- The configuration of exterior light fixtures shall emphasize close spacing and lower intensity light that is directed downward, in order to minimize glare on adjacent residential areas and other sensitive receptors.
- Highly reflective mirrored glass walls shall be avoided as a primary building material for facades.

Monitoring Program:

Include design standards listed in Mitigation Measure 4.3-4(b) in the RBAP.

Design buildings in compliance with design standards set forth in the RBAP.

Timing:

RBAP, Special Permit

Parties Responsible for Implementing Measure:

City and Developer

Entities Responsible for Ensuring Compliance:

Planning Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.3-4(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.6 CULTURAL RESOURCES

Mitigation Measure 4.6-1(d)

Mitigation Measure:

The project construction team shall become familiar with the indicators of historic and prehistoric archaeological sites. In the event that subsurface archaeological or historical remains are discovered during development or construction of specific projects, work in the area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.

Monitoring Program:

1. Prepare information packet for distribution to construction teams working in archaeologically sensitive areas and provide packet to construction team.
2. In the event that subsurface archaeological or historical artifacts are discovered on a project site, stop all work in the vicinity of the find, and consult with a qualified archaeologist and a representative of the Native American Heritage Commission.

Timing:

1. Grading Permits
2. During grading and construction

Parties Responsible for Implementing Measure:

1. City and Contractor
2. Developer

Entities Responsible for Ensuring Compliance:

1. Neighborhoods, Planning and Development Services Department (NPDS), Development Services and Building Division
2. NPDS, Development Services and Building Division

Verification of Compliance:

The required monitoring of Mitigation Measure 4.6-1(d) has been performed and the measure was found to be successfully implemented:

Notes: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.9 AIR QUALITY

Mitigation Measure 4.9-1(a)

Mitigation Measure:

Implement Phase Two of the Circulation Element of the draft Facility Element.

Monitoring Program:

Establish funding mechanism and fee structure for roadway improvements.

Construct Phase Two improvements of the Circulation Element of the Facilities Element as a condition of Phase 2 development.

Timing:

RBAP, Special Permit

Parties Responsible for Implementing Measure:

City and Developer

Entities Responsible for Ensuring Compliance:

Planning Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.3-4(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.9 AIR QUALITY

Mitigation Measure 4.9-1(b)

Mitigation Measure:

The Planning Area shall be developed under a stringent vehicle-trip reduction requirement applicable to all proposed land uses. The availability of transit, proximity to downtown Sacramento, potential for mixed land uses and other aspects of the sites provide a high potential for non-auto travel modes.

Monitoring Program:

Incorporate vehicle reduction program into Transportation Management Plans.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Public Works Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.9-1(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.9 AIR QUALITY

Mitigation Measure 4.9-4(b)

Mitigation Measure:

All development within the Planning Area shall be required to participate in a Transportation Management Association, whose purpose would be the reduction in vehicle trips.

Monitoring Program:

Document participation in Transportation Management Association.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Public Works Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.9-4(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.9 AIR QUALITY

Mitigation Measure 4.9-4(c)

Mitigation Measure:

All employment-generating uses shall be required to develop a Commute Management Plan, adopting programs using parking management/fees, transit incentives and amenities, alternative work schedules, telecommuting or other strategies to reduce employee commuting. The transportation performance standards of the California Clean Air Act would be adopted as minimum targets for trip reduction.

Monitoring Program:

Incorporated the Commute Management Plan items in Mitigation Measure 4.9-4(c) into the Transportation Management Plan.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Public Works Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.9-4(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.9 AIR QUALITY

Mitigation Measure 4.9-4(d)

Mitigation Measure:

All development proposals within the Planning Area shall be required to use land use mix and densities, provision of transit/bicycle/pedestrian amenities and provision of on-site amenities (day care, restaurants) to reduce the need for vehicle trips.

Monitoring Program:

Develop standards for amenities that reduce vehicle trips and include in RSP, RBAP and Facility and Element.

Document compliance with standards.

Timing:

RSP, RBAP and Special Permits.

Parties Responsible for Implementing Measure:

City and Developer.

Entities Responsible for Ensuring Compliance:

Public Works and Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.9-4(d) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.9 AIR QUALITY

Mitigation Measure 4.9-4(e)

Mitigation Measure:

To the extent feasible, all development proposals within the Planning Area shall be required to include measures that facilitate alternative powered vehicles, including, but not limited to, electric vehicle recharge stations in new parking facilities.

Monitoring Program:

Establish requirements for provisions of alternative powered vehicles.

Provide amenities to encourage alternative powered vehicles.

Timing:

Special Permit.

Parties Responsible for Implementing Measure:

City, SHRA and Developer.

Entities Responsible for Ensuring Compliance:

Public Works and Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.9-4(e) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.9 AIR QUALITY

Mitigation Measure 4.9-5

Mitigation Measure:

To ensure that construction mitigation is used, final approval shall not be given to any development within the Planning Area until the developer submits a construction dust mitigation plan satisfactory to the City. This plan should specify the methods of control that will be used to control dust and particulate matter, demonstrate the availability of needed equipment and personnel, and identify a responsible individual who, if needed, can authorize the implementation of additional measures.

The construction dust mitigation plan shall, at a minimum, include the following:

- Suspend earthmoving or other dust-producing activities during periods of high winds when dust control measures are unable to prevent visible dust plumes of a significant size.
- Provide equipment and staffing for watering of all exposed or disturbed soil surfaces at least twice daily, including weekends and holidays. An appropriate dust palliative or suppressant, added to water before application, should be used.
- Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Sweep the active construction area and adjacent streets of all mud and debris on a regular basis, since this material can be pulverized and later re-suspended by vehicle traffic.
- Limit the speed of all construction vehicles to 15 miles per hour while on-site.
- All materials transported by truck will be covered or wetted down.
- All inactive portions of the site will be watered with an appropriate dust suppressant, covered or seeded.
- Trucks shall maintain freeboard (i.e., the distance between the top of the load and the top of the truck bed sides).
- Truck wheel washers shall be installed before the roadway entrance at construction sites.
- Tarps shall be used on trucks carrying dirt.
- Dust hoods shall be used on drilling and blasting equipment.

Monitoring Program:

Submit dust mitigation plan, per Mitigation Measure 4.9-5.

Timing:

Grading Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.9-5 has been performed and the measure was found to be successfully implemented:

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Mitigation Monitoring Plan

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Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.9 AIR QUALITY

Mitigation Measure 4.9-6

Mitigation Measure:

To the extent feasible, the following measures are required during construction:

- Use low emission fuels for pile drivers, such as methanol or low-sulfur fuels.
- Use construction equipment that has catalytic converters (for gasoline powered equipment).
- Prevent trucks from idling for more than two minutes.
- Discontinue operations during second stage smog alerts.

Monitoring Program:

Submit and comply with construction-related air quality mitigation plan, per Mitigation Measure 4.9-6, to the satisfaction of the City.

Timing:

Grading and Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.9-6 has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.10 NOISE

Mitigation Measure 4.10-5(a)

Mitigation Measure:

The contractor shall limit outdoor construction activity from 7:00 a.m. to 6:00 p.m. on Monday through Saturday and from 9:00 a.m. to 6:00 p.m. on Sunday, unless the City grants a special permit, in order to minimize disruption to residences adjacent to and near the project.

Monitoring Program:

Comply with the time restrictions in the City Code.

Timing:

Grading and Building Permit

Parties Responsible for Implementing Measure

Contractor

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.10-5(a) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.10 NOISE

Mitigation Measure 4.10-5(b)

Mitigation Measure:

The contractor shall use mufflers, enclosure panels, or other noise suppression attachments on all equipment as appropriate and turn off equipment when not in use.

Monitoring Program:

Include statement identifying noise suppression attachments used on construction-related equipment, consistent with the City Code.

Timing:

Grading and Building Permit

Parties Responsible for Implementing Measure

Contractor

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.10-5(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.11 GEOLOGY, SOILS AND SEISMICITY

Mitigation Measure 4.11-1

Mitigation Measure:

New structures, the restoration of existing structures, and the development of project infrastructure shall be designed and built in conformance with the Uniform Building Code (with California amendments) standards for Seismic Zone 3.

Monitoring Program:

Demonstrate that all construction plans are in compliance with UBC.

Timing:

Grading or Building Permit

Parties Responsible for Implementing Measure

Contractor

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-1 has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.11 GEOLOGY, SOILS AND SEISMICITY

Mitigation Measure 4.11-2(a)

Mitigation Measure:

Prior to construction, site-specific geotechnical evaluations shall be performed by an appropriately licensed professional engineer qualified to assess seismic conditions including probability associated with liquefaction, settlement, and lateral spreading using a maximum probable and credible earthquake. The evaluation shall identify specific geotechnical recommendations for development foundation design to mitigate for seismically induced hazards, as well as recommendations for adequate building design including excavation and fill requirements for any identified soil constraints. The evaluation for project sites adjoining the levee will also include an analysis of levee stability under static and seismic conditions in coordination with the US Army Corps of Engineers for project sites adjoining the levee.

Monitoring Program:

1. Submit geotechnical study per Mitigation Measure 4.11-2(a).
2. Demonstrate compliance with geotechnical study, per Mitigation Measure 4.11-2(a).

Timing:

1. Grading or Building Permit
2. Construction

Parties Responsible for Implementing Measure

1. Developer
2. Developer

Entities Responsible for Ensuring Compliance:

1. Neighborhoods, Planning and Development Services Department (NPDS)
2. NPDS

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-2(a) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.11 GEOLOGY, SOILS AND SEISMICITY

Mitigation Measure 4.11-2(b)

Mitigation Measure:

Design of foundations and drainage facilities shall conform with Title 24 of the California Code of Regulations, the Uniform Building Code and recommendations contained in the site-specific geotechnical evaluations prepared by an appropriately licensed and qualified Engineer/Geologist as specified in Mitigation Measure 4.11-2(a).

Monitoring Program:

Demonstrate compliance with CCR Title 24, UBC and geotechnical recommendations. See page 26 for a discussion of Mitigation Measure 4.11-2(a).

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-2(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.11 GEOLOGY, SOILS AND SEISMICITY

Mitigation Measure 4.11-5(a)

Mitigation Measure:

If below-grade construction is proposed, site-specific geotechnical investigation will be undertaken prior to the start of excavation to determine the depth to the groundwater for the affected site, and the need for subsurface drainage and the potential for caving of excavation walls. This investigation and subsequent analysis shall be made by an appropriately licensed and qualified engineer or geologist.

Monitoring Program:

1. Prepare geotechnical study per Mitigation Measure 4.11-5(a).
2. Demonstrate compliance with geotechnical recommendations, per Mitigation Measure 4.11-5(a), and City's Groundwater Discharge Policy.

Timing:

1. Grading or Building Permit
2. Construction

Parties Responsible for Implementing Measure

1. Developer
2. Developer

Entities Responsible for Ensuring Compliance:

1. Neighborhoods, Planning and Development Services Department (NPDS)
2. NPDS

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-5(a) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.11 GEOLOGY, SOILS AND SEISMICITY

Mitigation Measure 4.11-5(b)

Mitigation Measure:

If dewatering of a construction site is required, subdrains, reinforced concrete retaining walls and/or waterproofing methods shall be used as necessary to eliminate the effects of subsurface groundwater conditions. The subdrain plan shall form part of the final plans for the project, and would be prepared with the recommendations of an appropriately licensed and qualified engineer or geologist.

Monitoring Program:

1. Submit dewatering plans to be undertaken per Mitigation Measure 4.11-5(b).
2. Demonstrate compliance with dewatering provisions.

Timing:

1. Grading or Building Permit
2. Grading or Building Permit

Parties Responsible for Implementing Measure

1. Developer
2. Developer

Entities Responsible for Ensuring Compliance:

1. Neighborhoods, Planning and Development Services Department (NPDS), Utilities Department
2. NPDS, Utilities Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-5(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.11 GEOLOGY, SOILS AND SEISMICITY

Mitigation Measure 4.11-5(c)

Mitigation Measure:

Dewatering shall comply with applicable requirements established by the Central Valley Regional Water Quality Control Board and any applicable local permit requirements, and shall be coordinated with the City's Flood Control and Sewers Division.

Monitoring Program:

Demonstrate compliance with applicable requirements regarding dewatering from the CVRWQCB and City's Groundwater Discharge Policy.

Timing:

Construction

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Utilities Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-5(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.11 GEOLOGY, SOILS AND SEISMICITY

Mitigation Measure 4.11-5(d)

Mitigation Measure:

Moisture barriers around foundations shall be used where applicable to prevent moisture changes from adversely affecting soils beneath a structure.

Monitoring Program:

Demonstrate compliance with building code provisions regarding moisture barriers.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Utilities
Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-5(d) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.11 GEOLOGY, SOILS AND SEISMICITY

Mitigation Measure 4.11-5(e)

Mitigation Measure:

Where required due to high groundwater, excavations shall be shored as required by the Office of Safety and Health Administration (OSHA) to preclude slope failures during the construction period. Shoring shall use standard stabilizing methods, such as tiebacks, as necessary to retain excavation areas.

Monitoring Program:

Demonstrate compliance with OSHA requirements regarding excavations.

Timing:

Grading or Building Permit

Parties Responsible for Implementing Measure:

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-5(e) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.11 GEOLOGY, SOILS AND SEISMICITY

Mitigation Measure 4.11-7

Mitigation Measure:

The City of Sacramento shall continue to require development to comply with General Plan Goals and Policies for Seismic Safety, including Policies 1 through 3, or the equivalent.

Monitoring Program:

Comply with goals and policies regarding seismic safety in the zoning ordinance.

Timing:

Special Permit

Parties Responsible for Implementing Measure:

City and Developer.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-7 has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.12 HYDROLOGY AND WATER QUALITY

Mitigation Measure 4.12-2(a)

Mitigation Measure:

Development in the Planning Area shall comply with City ordinances and zoning codes regulating residential and non-residential development in the AR zone (City of Sacramento Ordinance 90-005) 100-year flood plain.

Monitoring Program:

Demonstrate compliance with construction requirements for the AR zone and compliance with City regulations.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.12-2(a) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.12 HYDROLOGY AND WATER QUALITY

Mitigation Measure 4.12-2(b)

Mitigation Measure:

If project development is not completed prior to removal of AR designation and 100-year protection has not been achieved, development of the proposed Planning Area shall comply with all applicable FEMA regulations.

Monitoring Program:

Demonstrate compliance with construction requirements for the AR zone and compliance with City regulations.

Timing:

Buildings Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.12-2(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.12 HYDROLOGY AND WATER QUALITY

Mitigation Measure 4.12-3

Mitigation Measure:

A comprehensive erosion control plan shall be prepared by a registered civil engineer or a registered professional hydrologist prior to submittal of the final map to protect water resources from impacts due to siltation and sedimentation generated by project construction in the Planning Area. The plan shall be prepared in coordination with the Central Valley Regional Water Quality Control Board, and the City of Sacramento to assure compliance with applicable NPDES permit requirements for construction activities. The plan shall include a combination of the following Best Management Practices (BMPs), or equally effective measures or any other measures required by local codes and ordinances:

- (a) If feasible, project construction periods should be limited to the dry months of the year (May through October).
- (b) If project construction does occur during the rainy season (November through April), sediment traps, barriers, covers or other methods shall be used to reduce erosion.
- (c) Slopes, both cut and fill, shall not be steeper than those recommended by the detailed geotechnical report for the Planning Area (see Mitigation Measure 4.11-1(a)).
- (d) Sediment basins, sediment traps, or similar sediment control Best Management Practices (BMP's) shall be installed before extensive ground alteration operations begin.
- (e) Temporary mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities.
- (f) Excavated materials shall not be deposited or stored where the material could be washed away by storm water runoff.

Monitoring Program:

Prepare and submit an Erosion Control and Sediment plan in accordance with Mitigation Measure 4.12-3 and the City's Technical Procedures Manual for Grading and Erosion and Sediment Control.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Utilities Department

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

Verification of Compliance:

The required monitoring of Mitigation Measure 4.12-3 has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.12 HYDROLOGY AND WATER QUALITY

Mitigation Measure 4.12-4(a)

Mitigation Measure:

Prior to development of any part of the Planning Area, a comprehensive runoff control plan shall be prepared by a registered civil engineer or registered professional hydrologist to protect water resources from impacts due to urban and landscape runoff generated by the project. This mitigation measure would be required for all Alternatives. The plan shall be prepared in coordination with the Central Valley Regional Water Quality Control Board, and the City of Sacramento to assure compliance with applicable NPDES permit requirements for new developments. The plan shall include a combination of the following Best Management Practice (BMP's), or equally effective measures:

- (i) Oil and grease separators shall be used to control roadway and parking lot contaminants.
- (ii) Streets and parking lots shall be cleaned and swept on a regular basis.
- (iii) Peak flow reduction and infiltration practices, such as grass swales, infiltration trenches and grass filter strips, and detention and retention basins, shall be incorporated.
- (iv) Landscape areas including borders and medians shall use low water-using plants wherever feasible.
- (vi) Plants of similar water use shall be grouped to reduce overirrigation of low-water-using plants.
- (vii) Mulch shall be used in all non-lawn landscaped areas to a minimum depth of two (2) inches. Mulch applied on top of the soil will improve the water-holding capacity and reduce runoff.
- (viii) Existing trees and shrubs shall be preserved and protected where feasible, because established plants are often adapted to low-water-using conditions.
- (ix) Efficient irrigation systems shall be installed to minimize runoff and evaporation and maximize the water that will reach the plant roots such as drip irrigation, soil moisture sensors, and automatic irrigation systems.
- (x) Seasonal, climatical, and dosage fertilizer application restrictions shall be followed, as recommended by manufacturer.
- (xi) Slow release fertilizers shall be used.
- (xii) Where feasible, landscape areas shall be limited to 4:1 slopes to reduce runoff, unless such slopes form landscape berms which are required to mitigate aesthetic and noise impacts.
- (xiii) The use of plastic or other impervious materials to control weed growth in landscaped

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

areas shall not be permitted.

Monitoring Program:

1. Prepare site-specific runoff control plan. This plan shall be prepared in accordance with the Technical Procedures Manual for Grading and Erosion and Sediment Control and the City/County Drainage Manual Volume 5, Manual of standards for Design of New Development On-Site Stormwater Quality Control Measures. Note that "oil and grease separators" are not listed in this document due to their questionable effectiveness and dependence on proper maintenance. They are not the City's preferred method.
2. Demonstrate compliance with runoff control measures.

Timing:

1. Grading Permit
2. Construction

Parties Responsible for Implementing Measure

1. Developer
2. Developer

Entities Responsible for Ensuring Compliance:

1. Utilities Department
2. Utilities Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.12-4(a) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
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4.12 HYDROLOGY AND WATER QUALITY

Mitigation Measure 4.12-4(b)

Mitigation Measure:

Comply with joint City and County storm water NPDES permit requirements for the City's municipal storm water conveyance system.

Monitoring Program:

Demonstrate compliance with NPDES permit requirements.

Timing:

Grading Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Utilities Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.12-4(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
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4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-1(a)

Mitigation Measure:

Monitoring Program:

The entire Railyards Area and each site within the Richards Area where hazardous materials contamination that requires remediation is identified, shall be cleaned up at the time of development or redevelopment, to levels, at a minimum determined by DTSC (and other involved agencies as appropriate) to be adequately protective of construction workers.

Timing:

RSP, RBAP, DTSC, City MOU and agreements for Railyards and Richards development.

Parties Responsible for Implementing Measure:

City, SHRA, SPTCo.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-1(a) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-2(b)

Mitigation Measure:

The City shall require that extracted groundwater in the Planning Area be tested for the presence of hazardous materials, and that appropriate handling and disposal techniques be required accordingly.

Monitoring Program:

1. If dewatering is to occur, determine whether dewatering activities will result in extraction of contaminated groundwater.
2. If contaminated groundwater is extracted, handle in a manner that protects construction workers and others from harmful exposure, as required by the City in cooperation with the DTSC, CVRWQCB, and SMAQMD.

Timing:

1. Grading Permit
2. Construction

Parties Responsible for Implementing Measure

1. Developer
2. Contractor

Entities Responsible for Ensuring Compliance:

1. Utilities Department, Neighborhoods, Planning and Development Services Department (NPDS), Planning Services
2. Utilities Department, NPDS, Planning Services

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-2(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-3(b)

Mitigation Measure:

The City shall require extracted groundwater that is to be discharged to the sanitary sewer be authorized by the City to be in compliance with its obligations to meet standards established by the CVRWQCB in order to reduce the risk of leakage of unacceptable levels of contaminants along the sewer lines, and to assure that the regional treatment plant can meet standards established under its NPDES permit, prior to discharge.

Monitoring Program:

1. Obtain required disposal permits from the regional sanitation district.
2. Comply with DTSC dewatering requirements and the City's Groundwater Discharge Policy.

Timing:

1. Building Permit
2. Construction

Parties Responsible for Implementing Measure

1. Developer
2. Developer

Entities Responsible for Ensuring Compliance:

1. Utilities Department, Neighborhoods, Planning and Development Services Department (NPDS), Development Services and Building Division
2. Utilities Department, NPDS, Development Services and Building Division

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-3(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-3(c)

Mitigation Measure:

If the City or regional treatment plant determines that groundwater extracted during dewatering activities does not meet applicable standards for discharge into the city sewer system, contractors shall implement groundwater treatment systems that treat groundwater to standards established by the CVRWQCB, City, and regional treatment plant.

Monitoring Program:

Comply with City, DTSC and County dewatering requirements.

Timing:

During construction

Parties Responsible for Implementing Measure

Developer and Contractor

Entities Responsible for Ensuring Compliance:

Utilities Department, Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-3(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-4(b)

Mitigation Measure:

In the Richards Area, prior to obtaining a grading or building permit that requires dewatering, the contractor shall coordinate with the City and the CVRWQCB to ensure that dewatering does not interfere with any adjacent or on-site groundwater remediation.

Monitoring Program:

Submit evidence that dewatering will not interfere with groundwater remediation.

Timing:

Grading Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Development Services and Building Division, Toxics Coordinator and Building Division

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-4(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-4(c)

Mitigation Measure:

All dewatering in the Planning Area shall be coordinated with any on-site or adjacent groundwater remediation activities in accordance with measures agreed upon by DTSC, the City, the RWQCB, and the Southern Pacific Transportation Company or other developers, if appropriate. In the absence of such agreement, DTSC shall require contractors to obtain approval of dewatering activities prior to initiation of construction.

Monitoring Program:

Coordinate dewatering activities with appropriate agencies per Mitigation Measure 4.13-4(c).

Timing:

Grading Permit

Parties Responsible for Implementing Measure

Developer/Contractor

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Development Services and Building Division, Toxics Coordinator

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-4(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-5(b)

Mitigation Measure:

If asbestos fibers are suspected or identified in soils or existing building materials, then additional sampling shall be performed prior to any construction activities to identify asbestos-containing materials that may be contained in building materials or obscured behind walls, above ceilings, and beneath floors.

Monitoring Program:

Provide written confirmation from Air Quality Management District and the developer that test for asbestos has been conducted if demolition is required, or if asbestos fiber in soil are possible due to prior site uses.

Timing:

Demolition Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Sacramento Metropolitan AQMD, Neighborhoods, Planning and Development Services Department (NPDS), Development Services and Building Division, Toxics Coordinator, Sacramento County Department of Environmental Health

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-5(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-5(c)

Mitigation Measure:

Demolition activities affecting asbestos-containing material shall be performed by a licensed asbestos abatement contractor with properly trained personnel in accordance with all applicable federal, state and local regulations.

Monitoring Program:

Submit evidence that asbestos abatement contractor is licensed to perform such work.

Timing:

Demolition Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Development Services and Building Division, Toxics Coordinator

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-5(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-8(b)

Mitigation Measure:

All contractors in the Richards Area shall coordinate with the City, DTSC, and other involved agencies, as appropriate, to assure that accessible portions of the Richards Area containing hazardous materials contamination shall be covered, encapsulated, or otherwise rendered inaccessible to prevent unacceptable human exposure to hazardous materials.

Monitoring Program:

If contaminants are present on the project site or adjacent properties, provide written confirmation from DTSC and/or County Health to ensure that areas in proximity to a contaminated site are inaccessible.

Timing:

Grading Permit

Parties Responsible for Implementing Measure

Contractor

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Development Services, Building Division, and Toxics Coordinator

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-8(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-8(c)

Mitigation Measure:

Active remediation sites in the Richards Area shall employ measures to protect the surrounding population and environment. Such measures could include, as appropriate, buffer zones, fencing, posting, site security, dust control, and perimeter air monitoring.

Monitoring Program:

Work with DTSC and/or County Health to identify measures deemed necessary to protect affected populations against exposure.

Timing:

Grading Permit

Parties Responsible for Implementing Measure

Property Owner

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Development Services, Building Division, and Toxics Coordinator

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-8(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-9(b)

Mitigation Measure:

Prior to issuance of building permits in areas of known groundwater contamination, the City shall assess the need for building features designed to protect against the risk of exposure to soil vapors in enclosed underground spaces. Such features could include vapor barriers and adequate ventilation.

Monitoring Program:

Design or construct new buildings to protect against risk of exposure to soil vapors.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Development Services, Building Division, and Toxics Coordinator

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-9(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-9(f)(2)

Mitigation Measure:

Monitoring Program:

For the Richards Area, the City shall link development approvals to specific remediation steps for each of the Alternatives as follows:

For all commercial and industrial sites for which modification is proposed that requires a discretionary land use entitlement from the City that will result in the disturbance of more than 50 cubic yards of soil and that are located within 2,000 feet of an existing or approved residence, school, daycare center, or other similar sensitive use, the City shall require, prior to the issuance of any building permit, that a Phase I site investigation be conducted. Should the Phase I analysis indicate the potential for contamination, a Phase II site investigation and cleanup or any discovered contamination shall be required.

Timing:

Within 1 year following approval of RBAP.

Parties Responsible for Implementing Measure:

City.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-9(f)(2) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-9(f)(4)

Mitigation Measure:

Monitoring Program:

For the Richards Area, the City shall link development approvals to specific remediation steps for each of the Alternatives as follows:

- (4) For all sites where contamination is found, the City shall require completed soil remediation and/or site closure approved by the applicable local, state or federal regulatory agency prior to the issuance of grading, demolition, building, or occupancy permits, unless preliminary construction work, such as excavation for building foundations, will occur as part of the remediation process. In some cases, permits may be issued while groundwater remediation or soil vapor extraction is ongoing, if a site specific health risk assessment demonstrates that there will be significant risk to construction workers, site users, or occupants. In lieu of completed remediation and/or site closure, the permit application may submit a statement from the appropriate regulatory agency or from a registered engineer or geologist certifying that no remediation would be required under applicable laws.

Timing:

Grading, demolition, or Building Permits.

Parties Responsible for Implementing Measure:

Developer.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-9(f)(4) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-9(h)

Mitigation Measure:

Monitoring Program:

For sites in the Richards Area where soil or groundwater remediation is required to demonstrate that remediation methods comply with all applicable Sacramento Metropolitan Air Quality Management District requirements.

Timing:

Construction.

Parties Responsible for Implementing Measure:

Property Owners, SMAQMD.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-9(h) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-13(b)

Mitigation Measure:

Monitoring Program:

The City shall not approve any project or development permit without first reviewing available data to determine if the proposed project or use would create an unreasonable risk to adjoining properties. If sufficient data does not exist to make such a determination, further studies (such as air toxics evaluations) shall be performed to evaluate the risk and develop appropriate mitigation measures.

Timing:

Special Permit.

Parties Responsible for Implementing Measure:

City.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-13(b) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.13 HAZARDOUS MATERIALS

Mitigation Measure 4.13-13(c)

Mitigation Measure:

The City shall require businesses in the Richards Area that use solvents and/or other toxic or hazardous materials to present Hazardous Substance Management Plans for the review and approval of the Hazardous Materials Division of Sacramento County's Environmental Management Department, prior to final building inspection. The plans shall demonstrate that adequate safety precautions have been taken for the storage and handling of hazardous materials and/or wastes, including:

- Proper on-site management;
- Proper transportation;
- Proper designed and outfitted disposal facilities;
- Source reduction and recovery;
- Measures to prevent hazardous wastes from entering sanitary sewers;
- Programs to reduce spills of hazardous substances during transport.

Monitoring Program:

Comply with Countywide Hazardous Substances Management Plan, per Mitigation Measure 4.13-13(c).

Timing:

On-going.

Parties Responsible for Implementing Measure:

Businesses.

Entities Responsible for Ensuring Compliance:

County.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-13(c) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.15 WATER SUPPLY

Mitigation Measure 4.15-2

Mitigation Measure:

New local water distribution system piping will be installed concurrent with construction of the roadways that are proposed to serve the Planning Area. New water mains are considered to be a developer responsibility and will be installed at the developer's cost at the time the roadways are constructed.

Proposed water mains will be sized and located to meet domestic and fire flow requirements. Water main size and location shall be verified at both the preliminary design and final design stage of project development.

Monitoring Program:

Design the water distribution system to meet the specifications of the Utilities Department.

Timing:

Grading or Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Utilities Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.15-2 has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.17 STORM WATER AND DRAINAGE

Mitigation Measure 4.17-1(c)

Mitigation Measure:

Separate combined sewers in Railyards Area and Eastern Richards Area, or construct a substitute facility adequate to prevent outflows in the combined system.

Monitoring Program:

Prepare a program to separate the combined system or a substitute facility to prevent outflows in the combined system and/or pay fair share costs of the system or construct a substitute facility.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Utilities Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.17-1(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.18 SOLID WASTE

Mitigation Measure 4.18-1(a)

Mitigation Measure:

The City of Sacramento shall require all new development within the Planning Area to participate fully in a comprehensive solid waste management program designed so that, on average, at least 50 percent of the solid waste generated within the area is diverted from landfilling to either recycling, re-use, or other disposal means such as cogeneration. All recycling and source reduction programs shall comply fully with the City of Sacramento Recycling and Solid Waste Reduction Ordinance.

Monitoring Program:

Comply with Zoning Ordinance solid waste management requirements.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.18-1(a) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.19 POLICE SERVICES

Mitigation Measure 4.19-1(a)

Mitigation Measure:

Development within the Planning Area shall ensure that adequate police protection services are available at the time of development. All necessary sworn and non-sworn staff shall be made available to the Planning Area in accordance with Police Department Standards.

Monitoring Program:

Provide for police services in the Planning Area.

Timing:

Special Permit.

Parties Responsible for Implementing Measure:

City.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.19-1(a) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.19 POLICE SERVICES

Mitigation Measure 4.19-1(b)

Mitigation Measure:

Development within the Planning Area shall be coordinated on a project-specific basis with the Sacramento City Police Department Community Resources Division at the design phase of project approval.

Monitoring Program:

Request Police Dept. review of all Special Permit Applications.

Timing:

Special Permit.

Parties Responsible for Implementing Measure:

City.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.19-1(b) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.21 SCHOOLS AND CHILD CARE

Mitigation Measure 4.21-6

Mitigation Measure:

New development within the Planning Area shall demonstrate that adequate provision for facility space for child care services is included in the application for use permit approval. The City of Sacramento shall not approve the occupancy of any office or commercial use that is unable to demonstrate the availability of child care services. In the absence of the immediate availability of child care services, approval may be granted to projects that submit a plan of action that would ensure the provision of child care services within a reasonable period and that it is approved by the City. Recognizing that the market for child care services requires an established customer base to justify location of new facilities, the City of Sacramento shall actively encourage and support the expansion of child care services by licensed care providers within the Planning Area.

Monitoring Program:

Provide evidence that child care facility space is adequate.

Timing:

Special Permit.

Parties Responsible for Implementing Measure:

Developer.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.21-6 has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Subject: Continental Plaza PUD (P07-015)

July 12, 2007

Exhibit B

ORDINANCE NO. 2007-

Adopted by the Sacramento City Council

AN ORDINANCE RELATING TO THE APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SACRAMENTO AND GROVE INVESTMENT COMPANY, A CALIFORNIA GENERAL PARTNERSHIP AND CONTINENTAL PLAZA PHASE IV, LLC, A CALIFORNIA LIMITED LIABILITY CORPORATION FOR PROPERTY LOCATED AT 424, 601 AND 611 NORTH 7TH STREET (APN'S: 001-0020-017, 018, 049, 050 & 051), SACRAMENTO, CA.

BE IS ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. This Ordinance incorporates, and by this reference makes part hereof, that certain Development Agreement, by and between the City of Sacramento and Grove Investment Company, a California General Partnership and Continental Plaza Phase IV, LLC, a California Limited Liability Corporation, a copy of which is attached.

SECTION 2. The City Councils enacts this ordinance against the following background:

- A. The agreement is consistent with the City's General Plan, Central City Community Plan and the Richards Boulevard Area Plan goals, policies, standards and objectives in that the Continental Plaza PUD supports and promotes the Central City's role as the regions office and employment center; reuses and revitalizes an existing developed area and encourages the intensification of uses around light rail stations.
- B. The Development Agreement should be encouraged since the first three phases of the Continental Plaza PUD contributed to the widening and street improvements of Richards Boulevard from 7th to 16th Street; the construction of the 7th Street extension through the UP Railyards connecting Richards Boulevard to the Central Business District; and, the preliminary work for the reconfiguration of the intersection at Richards Boulevard and North 16th Street.
- C. The project would be unlikely to proceed in the manner proposed in the absence of a development agreement since the property owner may not be able to secure a State office use without having a fully entitled project.
- D. The landowner will incur substantial costs in order to provide public improvements, facilities or services from which the general public will benefit;

Subject: Continental Plaza PUD (P07-015)

July 12, 2007

- E. The landowner will participate in all programs established and/or required under the general plan or any applicable specific or community plan and all of its approving resolutions (including any mitigation monitoring plan), and has agreed to financial participation required under any applicable financing plan and its implementation measures, all of which will accrue to the benefit of the public;
- F. The landowner has made commitments to a high standard of quality and has agreed to all applicable land use and development regulations.

SECTION 3. The attached Development Agreement is hereby approved, and the Mayor is authorized to execute the Development Agreement on behalf of the City of Sacramento after the effective date of this Ordinance. This approval and authorization is based upon the Addendum to the Environmental Impact Report and Mitigation Monitoring Plan which is the subject of a separate resolution adopted by the City Council prior to or concurrent with the adoption of this Ordinance.

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Exhibit A: Development Agreement

Subject: Continental Plaza PUD (P07-015)

July 12, 2007

Exhibit A

No Fee Required: Recording benefits the
City of Sacramento, a government entity.

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City Clerk
City of Sacramento
915 I Street (Historic City Hall)
Sacramento, CA 95814

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

DEVELOPMENT AGREEMENT

CONTINENTAL PLAZA

[Project P07-015]

**Grove Investment Company, a California general partnership
and Continental Plaza Phase IV, LLC,
a California limited liability corporation**

**CONTINENTAL PLAZA
DEVELOPMENT AGREEMENT**

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**DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF SACRAMENTO
AND
GROVE INVESTMENTS AND CONTINENTAL PLAZA PHASE IV, LLC.**

This Development Agreement (hereinafter "Agreement") is made and entered into this ____ day of _____, 2007, by and between the CITY OF SACRAMENTO, a municipal corporation (hereinafter the "CITY"), and GROVE INVESTMENT COMPANY, a California general partnership and CONTINENTAL PLAZA PHASE IV, LLC, a California limited liability corporation (hereinafter the "LANDOWNERS").

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risks of development, the Legislature of the State of California adopted section 65864 et seq. of the Government Code which authorizes any city, county, or city and county to enter into a development agreement with an applicant for a development project, in order to establish certain rights and obligations of the parties relative to the Property.

B. CITY and LANDOWNERS desire to enter into a development agreement to provide for the orderly development of the Property, in accordance with the goals set forth in Government Code section 65865, the General Plan and the Richards Boulevard Area Plan ("RBAP").

C. Development of the Property, in accordance with the conditions of this Development Agreement, will provide orderly growth and development of the Property in accordance with the requirements, policies, goals, standards, and objectives of the General Plan and the RBAP.

D. This Agreement concerns that certain real property commonly known as the Continental Plaza Project Site, consisting of four parcels and approximately 18.25± acres of land (the "Property"), as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

E. The Continental Plaza Project Site is located at the northeast corner of the Richards Boulevard and North 7th Street intersection. The Property is also located within the Richards Boulevard Area Plan and the Richards Boulevard Redevelopment District.

F. The Parties to this Agreement are Grove Investment Company, a California general partnership, as owner in fee of a 13.5+/- acre portion of the Property, which consists of Phases I, II and III of the Continental Plaza Project, and Continental Plaza Phase IV, LLC,

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a California limited liability corporation, as owner in fee of a 4.75+/- acre portion of the Property, which consists of Phase IV of the Continental Plaza Project; and the City of Sacramento, a California municipal corporation.

G. The Continental Plaza Project is a Planned Unit Development ("PUD") consisting of an approximately 1,100,000 square foot office campus designed to be developed in four phases, three of which (totaling approximately 287,500 square feet of building floor area) have already been completed.

(1) Phase I of the Continental Plaza Office Campus consists of a 1989 renovation for office use of the single story, 160,000+ square foot Continental Can Manufacturing facility originally constructed in 1946.

(2) Phase II of the Continental Plaza Office Campus consists of a two story, 67,500+ square foot office building constructed in 1990.

(3) Phase III of the Continental Plaza Office Campus consists of a two story, 60,000+ square foot office building constructed in 1998.

(4) Phase IV of the Continental Plaza Office Campus consists of a twelve story, 810,000+ square foot office building to be constructed on a portion of the Continental Plaza Project Site zoned OB-PUD-SPD, an "off-site" parking structure to be constructed on a portion of the Continental Plaza Project Site zoned M-2-PUD-SPD, and a 4,300 square foot child care center to be operated within the existing Phase I office building in the M-2-PUD-SPD zone.

H. Land Use Entitlements Governing Development of the Continental Plaza Project. The Continental Plaza Project currently has the following existing land use entitlements (the "Continental Plaza Development Entitlements" or the "Entitlements"):

(1) a Planned Unit Development ("PUD") zoning district designation;

(2) PUD Guidelines that provide for the development of a 1,097,500+ square foot office campus within the PUD zoning district;

(3) OB-PUD-SPD zoning (applicable to a 4.75 acre portion of the Continental Plaza Project Site) and M-2-PUD-SPD zoning (applicable to the remaining 13.5+ acre portion of the Continental Plaza Project Site), both of which allow office development as a permitted use;

(4) a Special Permit to construct an 810,000 square foot office building in the OB-PUD-SPD portion of the Continental Plaza PUD;

(5) a Special Permit to construct a parking garage to serve the Continental Plaza Project in the M-2-PUD-SPD portion of the Continental Plaza PUD;

(6) a Special Permit to operate a 4,300 square foot child care facility in the Phase I office building; and

(7) Design Review approval of a twelve story, 810,000 square foot office building and a parking garage to be constructed in the Continental Plaza PUD. Pursuant to the provisions of the Zoning Code, the design review approval has expired and the Landowners will have to process a new application for design review.

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I. The initial Entitlement Application for Continental Plaza Phases III and IV was filed with the City in 1993. This initial application resulted in the following series of land use approvals, all by an unanimous vote of the respective City approval bodies:

(1) In 1996, the City Planning Commission and City Council held public hearings on various land use entitlements requested by Landowner for the Property. At the conclusion of these hearings, the City Council on October 29, 1996 certified an Environmental Impact Report (Initial Study and Notification of the Use of the Railyards Specific Plan/Richards Boulevard Area Plan EIR and SEIR for the Continental Plaza Phase III and Phase IV) (the "Continental Plaza EIR") and approved a Mitigation Monitoring Program ("MMP") for the Continental Plaza Project. After making specific findings and adopting a Statement of Overriding Considerations under the California Environmental Quality Act ("CEQA"), the City Council took the following actions:

(a) Certified the 1996 Continental Plaza EIR, adopted Findings of Fact, a Statement of Overriding Considerations, and the Mitigation Monitoring Plan relating to the Continental Plaza Project;

(b) Rezoned approximately 4.75 acres of the Property for office development with a base zoning district designation of Office Building ("OB") and a Planned Unit Development ("PUD") and Richards Boulevard Special Planning District ("SPD") overlays;

(c) Imposed a Planned Unit Development ("PUD") designation on the Property and found the PUD consistent with Government Code Section 65402;

(d) Approved a Schematic Plan and Development Guidelines for the PUD;

(e) Approved a Special Permit for a 60,000 square foot office building ("Continental Plaza Phase III") in the M-2 (PUD/SPD) zone;

(f) Approved a Special Permit for an 810,000 square foot office building ("Continental Plaza Phase IV") on a 4.75 acre portion of the Property in the OB-PUD-SPD zone;

(g) Approved a Special Permit to locate 1,136 parking spaces off-site for an 810,000 square foot office building; and

(h) Approved a Special Permit for the development of a child care facility in the M-2 (PUD/SPD) zone.

The Special Permits for the 810,000 square foot office building, the off-site structured parking and the child care center collectively constitute the "Continental Plaza Phase IV Special Permits."

(2) On July 7, 1998, the City Design Review/Preservation Board held a public hearing on and approved Landowner's request for design review of the two story, 60,000 square foot Continental Plaza Phase III office building and the twelve story, 810,000 square foot Continental Plaza Phase IV office building.

(3) On February 24, 2000 the City Planning Commission held a public hearing on Landowner's request for an extension of time within which to exercise the Continental Plaza Phase IV Special Permits. At the conclusion of this hearing, the Planning Commission took the following actions:

(a) Certified the 2000 Continental Plaza Phase IV Supplemental Environmental Impact Report;

(b) Approved the Continental Plaza Phase IV Mitigation Monitoring Plan;

(c) Approved the Special Permit Time Extension for an 810,000 square foot office building in the OB-PUD-SPD zone;

(d) Approved the Special Permit Time Extension for off-site parking for an 810,000 square foot office building; and

(e) Approved the Special Permit Time Extension for the development of a child care facility in the M-2 (PUD/SPD) zone.

(4) On September 18, 2002, the City Design Review/Preservation Board held a public hearing on and approved Landowner's request for a three year time extension on the previously approved design review of the twelve story, 810,000 square foot Continental Plaza Phase IV office building.

(5) On October 24, 2002, the City Planning Commission held a public hearing on Landowner's request that the Continental Plaza Phase IV Special Permits be readopted and that the PUD Guidelines be amended. At the conclusion of this hearing, the Planning Commission took the following actions:

(a) Approved an Addendum to the 2000 Continental Plaza Supplemental Environmental Impact Report;

(b) Approved a Mitigation Monitoring Plan;

(c) Approved Amendments to the Continental Plaza PUD Guidelines to modify text regarding timing and development on a total of 18.25+ gross acres in the OB-PUD-SPD and M-2-PUD-SPD zones;

(d) Approved a Special Permit to construct an 810,000 square foot office building in the Continental Plaza PUD;

(e) Approved a Special Permit for off-site parking for the proposed 810,000 square foot office building; and

(f) Approved a Special Permit to operate a 4,300 square foot child care facility within the existing 159,316 square foot Phase I office building in the M-2-PUD-SPD zone.

(6) On November 17, 2004, the City Zoning Administrator held a public hearing on Landowner's request for a time extension of the Continental Plaza Phase IV Special Permits. At the conclusion of this hearing, the Zoning Administrator took the following actions:

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

(b) Approved a Zoning Administrator Special Permit Three Year Time Extension for off-site parking; and

(c) Approved a Zoning Administrator Special Permit Three Year Time Extension to operate a 4,300 square foot child care center within the existing 159,316 square foot Phase I building in the M-2-PUD-SPD zone.

The Special Permit Three Year Time Extensions approved by the Zoning Administrator and listed above will expire on October 24, 2007.

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(7) On _____, 2007, the City Planning Commission held a public hearing on LANDOWNERS' request to amend the Continental Plaza PUD Guidelines. At the conclusion of this hearing, the Planning Commission took the following actions:

(a) Approved an Addendum to the Continental Plaza Supplemental Environmental Impact Report; and

(b) Approved Amendments to the Continental Plaza PUD Guidelines to accommodate an expanded parking structure and an increase in the maximum parking allowed on the Continental Plaza site.

(8) On _____, 2007, the City Council held a public hearing on and approved LANDOWNERS' request to amend the Schematic Plan for the Continental Plaza PUD to accommodate an expanded parking structure consistent with the amendments to the Continental Plaza PUD Guidelines approved by the Planning Commission on _____, 2007.

J. The City acknowledges that completion of the Continental Plaza Project will play a critical role in the success of the redevelopment of the Richards Boulevard Plan Area. In forming the Continental Plaza PUD, the City Council approved PUD Guidelines, the express purpose of which is to promote certain redevelopment-related objectives including:

(1) To accommodate the State's plans for consolidation of State-occupied office space at a location that has been targeted by the City for such use;

(2) To house office users seeking the efficiency, flexibility and cost-effectiveness of large floor plate designs in an attractive back-office setting;

(3) To provide a signature building to anchor the 7th Street corridor to the north and establish a design standard for the "lower cost, support office space" targeted by the Richards Boulevard Area Plan (RBAP) for this location.

(4) To contribute to financing of the critical first phase of infrastructure for the Railyards Specific Plan (RSP) and Richards Boulevard Area Plan (including the widening of the I-5/Richards Boulevard undercrossing, the 7th Street extension and the transportation facilities);

(5) To provide a logical extension of downtown employment activity, commerce and trade;

(6) To reinforce the use of major transit improvements planned for the area (including the intermodal transportation facilities to be located in the Railyards Specific Plan area and the LRT Station to be located west of the Continental Plaza site on Richards Boulevard); and

(7) To provide the catalyst for the redevelopment of the Richards Boulevard area (now known as the Capitol Station District).

K. City has made a substantial investment in infrastructure designed to serve and promote redevelopment of the Richards Boulevard Plan Area, including:

(1) The widening of Richards Boulevard from 7th Street to 16th Street at an approximate cost of \$ 3.6 million; and

(2) The construction of the 7th Street Extension through the UP Railyards connecting Richards Boulevard directly to the Sacramento's downtown Central Business District, at an approximate cost in excess of \$25,000,000.

(3) The preliminary work, including feasibility analysis, design and environmental review pursuant to CEQA, required to significantly reconfigure the intersection of Richards Boulevard and 16th Street, a project that is scheduled to be completed in June 2007 at an approximate cost of \$5.1 million.

L. Success of Richards Boulevard Redevelopment Effort Dependent on Competitiveness in Regional Market for State Office Space.

(1) The success of the Richards Boulevard redevelopment program and the City's investment in infrastructure to promote redevelopment of the Richards Boulevard Plan Area depends, to a large extent, on the ability of landowners in the Richards Boulevard Redevelopment District to compete effectively in the regional back-office real estate market, in general, and in the procurement process for State office requirements, in particular.

(2) To compete effectively for State office requirements, Richards Boulevard landowners must have property:

(a) that not only is fully entitled and ready to develop but also has development entitlements that will remain in place long enough for the State to make effective use of them; and

(b) that is not constrained by parking limitations.

(3) The Continental Plaza Phase IV Special Permits will expire before the State can make effective use of them given the State's lengthy and uncertain procurement process unless they are vested for a longer term through a project development agreement.

(4) The Richards Boulevard Plan Area was originally designed to include:

(a) an Intermodal Transportation Facility to be located at the intersection of North 7th Street and North B Street; and

(b) a light rail station on the planned Natomas/Airport line near the northwest corner of North 7th Street and Richards Boulevard.

M. In recognition of the expectation that the Continental Plaza Project would be served by the Intermodal Transportation Facility at North 7th Street and North B Street and the light rail station on Richards Boulevard near the North 7th Street intersection, the parking ratios for which provision is made in the Continental Plaza PUD Guidelines were reduced from the more typical City standard of one space for every 250 to 275 square feet of office building floor area to one space for every 600 square feet. The Intermodal Transportation Facility has been relocated to the site of the existing historic SP Depot, where a new Intermodal Transportation Facility will be constructed approximately 400 feet to the north of the existing Depot. The Richards Boulevard light rail station and the light rail line to connect it with the future Intermodal Transportation Facility at the old SP Depot site have not yet been funded or designed and will not be constructed and ready for occupancy for many years. To compete effectively in the regional back-office market and to be successful in the regional competition for State office requirements, in particular, the Continental Plaza Project must be

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able to offer more typical parking ratios in the absence of proximate access to light rail or intermodal transportation alternatives.

N. To promote the redevelopment of the Richards Boulevard Plan Area, to protect City's investment in backbone infrastructure to facilitate such redevelopment, and to protect Landowners' investment in the existing Continental Plaza Development Entitlements, City and Landowners desire to enter into this Development Agreement for the principal purpose of removing the land use constraints referenced above that otherwise negatively effect the ability of the Continental Plaza Project to compete effectively in the regional market for back-office uses, including in particular State office requirements.

O. This Agreement is voluntarily entered into by LANDOWNERS to assure the implementation of the General Plan, the RBAP and the development entitlements referenced hereinabove, and is made in consideration of the rights conferred and the procedures specified herein for the development of the Property. This Agreement is voluntarily entered into by CITY in the exercise of its legislative discretion in order to assure the implementation of the General Plan and the RBAP.

P. The authority for this Agreement is contained in the City Charter of CITY, the General Plan, Chapter 18.16 of the City Code, other applicable CITY ordinances, resolutions and procedures and Government Code section 65864, et seq.

Q. CITY and LANDOWNER have taken all actions mandated by and have fulfilled all requirements set forth in Chapter 18.16 for the adoption of this Agreement by the City Council.

R. The City Council has reviewed and approved this Agreement. It finds that this Agreement is consistent with the General Plan, the RBAP, the CITY Code and all other applicable CITY ordinances, rules and regulations; the implementation of this Agreement is in the best interest of CITY and the health, safety and welfare of its residents; the environmental impacts of the development contemplated herein were adequately considered in the environmental documentation prepared by CITY; and adoption of the ordinance and approval of this Agreement complies in all respects with the California Environmental Quality Act.

AGREEMENT

I

DEFINITIONS

The terms set forth below, unless the context otherwise requires, shall have the meanings prescribed, for purposes of this Agreement.

! Adopting Ordinance: the ordinance pursuant to which the City Council approves this Agreement.

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! **Annual Review:** the process, and procedures therefor, whereby CITY reviews, pursuant to Government Code section 65865.1, the nature and extent of compliance by LANDOWNER with all of the terms and conditions of this Agreement, which process and procedures are as specified in the Procedural Ordinance, and in section 17 of this Agreement.

! **Assignee:** a third Person executing an Assumption Agreement prepared in accordance with the format prescribed in Exhibit B.

! **Assignment:** the sale or other transfer by LANDOWNERS of all or part of its right, title and interest in the Property and in this Agreement to another Person, in accordance with the terms and conditions of this Agreement.

! **Assumption Agreement:** the agreement prescribed in Exhibit B, whereby an Assignee undertakes to perform all obligations, and other terms and conditions of this Agreement, as a condition of release of the Assignee's predecessor in interest from the responsibility for performance of such obligations and other terms and conditions, with respect to the portion of the Property assigned to the Assignee.

! **CEQA:** the California Environmental Quality Act, set forth at California Public Resources Code section 21000 et seq., as amended from time to time.

! **CITY:** the City of Sacramento.

! **City Agency:** the Redevelopment Agency of the City of Sacramento, and the Housing Agency of the City of Sacramento.

! **City Council:** the Council of the City of Sacramento.

! **Continental Plaza Development Entitlements ("Entitlements"):** The development entitlements and approvals set forth in Recitals H and I.

! **Deed of Trust:** a real property security device whereby the debtor (trustor) conveys title to real property to a trustee as security for a debt owed to the creditor (beneficiary).

! **Default:** a failure of performance, or unreasonable delay in performance, by either party to this Agreement, of any of its terms, conditions, obligations or covenants.

! **Development:** the use(s) to which the Property will be put, the buildings and improvements to be constructed on it, and the construction activities incident thereto, together with the process of obtaining all required land use entitlements.

! **Development Agreement:** this Agreement.

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! **Effective Date:** the date on which the ordinance approving this Agreement becomes effective.

! **General Plan:** the General Plan of the City of Sacramento, as adopted by the City Council on January 19, 1988, as said plan may be amended from time to time.

! **Land Use and Development Regulations:** the General Plan, the Richards Boulevard Area Plan, the CITY's Subdivision Map Act Ordinance (Title 16 of the Sacramento City Code), the Zoning Code (Title 17 of the Sacramento City Code) together with any other CITY ordinance, or resolutions, rules, regulations and official policies as they exist on the Effective Date, which govern or regulate land use and/or development in the RBAP.

! **Lender:** a Person (or a successor in interest to such person) who has advanced funds to, or who is otherwise owed money by a debtor, where the obligation is embodied in a promissory note or other evidence of indebtedness, and where such note or other evidence of indebtedness is secured by a Mortgage or Deed of Trust.

! **Mortgage:** a contract by which the mortgagor (debtor) as owner hypothecates or pledges real property, or otherwise grants a security interest therein to a Lender (mortgagee), to secure performance under a promissory note or other evidence of indebtedness, and where the holder of the mortgage is granted a power of sale.

! **Parties:** the City of Sacramento and LANDOWNERS.

! **Person:** any person, firm, association, organization, partnership, business trust, corporation or company.

! **Project:** part or all of the elements set forth in LANDOWNERS= Development Plan.

! **Project Review:** CITY's actions in reviewing any project proposed by LANDOWNER with respect to the Property, including but not limited to review of all required land use entitlement applications.

! **Property:** the real property owned by LANDOWNERS, as set forth in Exhibit A.

+ **Purchaser:** an assignee.

! **Term:** the length of this Agreement in terms of time, as specified in section 3, or as that time may be extended pursuant to any applicable provision of this Agreement.

! **Transfer:** an assignment.

! **Transferee:** an assignee.

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! Zoning: the division of the City of Sacramento into districts, and the application of zoning regulations thereto, which include (without limitation) regulation of the height or bulk of buildings (structural and architectural design) and the use to which the land and buildings within prescribed districts may be put, all as specified in the Zoning Code (Title 17 of the Sacramento City Code).

! Zoning Code: the Zoning Code of the City of Sacramento (Title 17 of the Sacramento City Code), as that code exists on the Effective Date.

II

TERMS AND CONDITIONS OF AGREEMENT

1. Property Description and Binding Covenants. The Property is that certain real property owned by LANDOWNERS and described in Exhibit "A." The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to the benefit of, the parties and, subject to section 4 below, to their successors-in-interest.

2. Interests of Landowner. LANDOWNERS represents that LANDOWNERS own the Property in fee title and that all other Persons holding legal or equitable interests in the Property, including [Name] (the Lender), have executed and are bound by this Agreement.

3. Term. The term of this Agreement shall commence on the Effective Date and shall extend for a period of ten (10) years thereafter, unless it is sooner terminated or modified by the mutual consent of the parties.

4. Assignment. LANDOWNERS shall have the right to sell, assign, or transfer their interests under this Agreement as part of a contemporaneous and related sale, assignment or transfer of its interests in the Property, or any portion thereof, without the consent of CITY; provided, however, that LANDOWNERS shall notify CITY of such sale, assignment or transfer by providing written notice thereof to CITY in the manner provided in this Agreement. LANDOWNERS shall remain obligated to perform all terms and conditions of this Agreement, unless such purchaser, assignee or transferee, to the satisfaction of and in a form acceptable to the City Attorney, executes and delivers to CITY an express agreement to assume all of the obligations and other terms and conditions of this Agreement with respect to the Property or such portion thereof sold, assigned or transferred. The execution of such an assumption agreement shall relieve LANDOWNERS of the obligations expressly assumed only if (a) LANDOWNERS are not in default under this Agreement at the time of the assignment or transfer; and (b) LANDOWNERS have provided CITY with notice of said assignment or transfer in the manner provided hereunder. Any such assumption agreement with respect to LANDOWNERS' obligations under this Agreement shall be deemed to be to the satisfaction of the City Attorney if executed in the form of the Assignment and Assumption Agreement attached hereto as Exhibit "B" and incorporated herein by this reference, or such other form as shall be proposed by LANDOWNERS and approved by the City Attorney prior to the effective date of the assignment.

Any purchaser, assignee, or transferee shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, only with respect to the Property, or such portion thereof, sold, assigned, or transferred to it. Any such purchaser, assignee, or transferee shall observe and fully perform all of the duties and obligations of LANDOWNERS under this Agreement, as such duties and obligations pertain to the portion of the Property sold, assigned, or transferred.

5. Development of the Property.

A. Permitted Development: Landowners shall have the right to develop the Property in accordance with the Continental Plaza Development Entitlements, the terms and conditions of this Agreement and the Land Use and Development Regulations.

B. Discretionary Approvals.

Project Review. Development of the Property is subject to all required discretionary approvals. In reviewing and approving applications for special permits and other discretionary approvals, CITY may exercise Project Review and may attach such conditions and requirements as are consistent with the policies, goals, standards and objectives of the General Plan, the RBAP and the Zoning Code, and as may be necessary to comply with all applicable legal requirements and policies of CITY pertaining to such reserved discretionary approvals.

C. Development Timing. This Agreement contains no requirement that LANDOWNERS must initiate or complete development of any phase of the development of the Property or any portion thereof within any period of time set by CITY. It is the intention of this provision that LANDOWNERS be able to develop the Property in accordance with LANDOWNERS' own schedule; provided, however, that to the extent that phasing is required by the Continental Plaza Development Entitlements, this Agreement or the Land Use and Development Regulations such provisions shall govern. No future modification of the Sacramento City Code or any ordinance or regulation which limits the rate of development over time shall be applicable to the Property. However, nothing herein shall be construed to relieve LANDOWNERS from any time conditions in any permit or subdivision map approval or to excuse the timely completion of any act which is required to be completed within a time period set by any applicable code or permit provisions.

D. Land Uses and Development Regulations.

(1) Except as otherwise provided in this Agreement, development of the Property shall be subject to the Land Use and Development Regulations applicable to such development on the Effective Date.

(2) Except as otherwise provided in this Agreement, to the extent any future changes in Land Use and Development Regulations adopted by CITY purport to be applicable to the Property but are inconsistent with the terms and conditions of this Agreement, including the section 5, the terms and conditions

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of this Agreement shall prevail, unless the parties or their successors in interest mutually agree to amend or modify this Agreement in accordance with the provisions for modification hereinafter set forth.

(3) To the extent that any future changes in the Land Use and Development Regulations adopted by CITY are applicable to the Property and are not inconsistent with the terms and conditions of this Agreement or are otherwise made applicable by other provisions of this Agreement, such future changes shall be applicable to the Property.

(4) Nothing in this Agreement shall preclude the application to development of the Property of changes in the Land Use and Development Regulations, the terms of which are specifically mandated by changes in state or federal laws or regulations. In the event state or federal laws or regulations enacted after the Effective Date of this Agreement or action by any governmental jurisdiction other than CITY prevent or preclude compliance with one or more provisions of this Agreement or require changes in permits, maps or plans approved hereunder by CITY, this Agreement shall be modified, extended or suspended as may be necessary to comply with such state or federal laws or regulations or the regulations of such other governmental jurisdiction.

(5) To the extent that any actions of federal or state agencies (or actions of regional and local agencies, including CITY, required by federal or state agencies or actions of CITY taken in good faith in order to prevent adverse impacts upon CITY by state or federal actions) have the effect of preventing, delaying or modifying development of the RBAP area or any area therein, CITY shall not in any manner be liable for such prevention, delay or modification of said development. Such actions may include, but are not limited to, flood plain or wetlands designations and actions of CITY or regional agencies as a result thereof and the imposition of air quality measures or sanctions and actions of CITY or regional and local agencies as a result thereof. In such a situation, CITY's actions shall not be arbitrary or capricious, and the parties shall meet and endeavor to achieve solutions which preserve the integrity of the RBAP, while to the extent feasible allow development of the Property in the manner contemplated by this Agreement.

(6) Nothing herein shall be construed to limit the authority of CITY to enact amendments to the Land Use and Development Regulations, or enact other ordinances or resolutions, which have the legal effect of protecting persons or property from conditions which create a health, safety or physical risk.

(7) Building codes, ordinances and regulations relating to construction standards or permits shall apply as of the time of grant of each applicable construction permit.

(8) No modification of CITY's ordinances, resolutions, policies, rules or regulations adopted after the Effective Date, which purport to limit the rate of development over time or to govern the sequence of development of land within the RBAP area, shall apply to the Property. The provisions of this subsection apply to modifications adopted or imposed by the City Council, or through the initiative or referendum process; provided, however, nothing in this subsection shall limit the ability of CITY to act in accordance with the provisions of subsections 5E(4), 5E(5) and 5E(6) of this Agreement.

6. CITY Review of Applications. Consistent with the standards set forth in section 15 of this Agreement, nothing contained in this Agreement shall preclude CITY from its right and responsibility to review applications for entitlements submitted by LANDOWNERS in accordance with its normal and usual procedures and practices, as they may exist at the time the application is accepted as complete, or is otherwise deemed complete by operation of law.

7. Extension of Entitlements. Pursuant to Government Code section 66452.6 all vesting tentative subdivision maps, master parcel tentative maps, parcel maps, subdivision tentative maps, planned unit development permits, special permits, or any other maps, rezonings or land use entitlements of potentially limited duration previously, contemporaneously or subsequently approved for the Property subject to this Development Agreement, shall be valid for a minimum term equal to the full term of this Agreement. The provisions of section 25 of this Agreement relating to estoppel certificates shall apply to any request made by LANDOWNERS to CITY with respect to the life of any entitlement covered by this subsection. Nothing in this section shall be construed to, or operate to extend the term of this Agreement.

8. Fees, Charges, Assessments and Taxes.

A. City Fees. All applications for CITY approvals, permits and entitlements shall be subject to the application fees, processing fees, mitigation fees and other development fees within the control of the CITY that are in force and effect as of the date that the application or other request for approval is filed.

B. Levies Imposed by Other Jurisdictions. LANDOWNER shall be responsible for:

(1) all fees, charges, assessments, special taxes or levies of any sort imposed by any other state or local agency, including but not limited to the Sacramento Area Flood Control Agency, in the future as a charge for mitigation measures imposed for the purpose of mitigation of environmental impacts associated with the provision of flood control improvements and measures.

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(2) all fees, charges, assessments, special taxes or levies of any sort associated with the financing of the construction and implementation of said flood control improvements and measures;

(3) all special benefit assessments, special taxes or levies of any sort associated with construction of or maintenance of public improvements, where the Property is located within a district formed for that purpose by any agency other than CITY;

(4) any fees or other charges required by RD-1000 to be paid to it in implementation of the RD-1000 Agreement; and

(5) ad valorem real estate taxes, and utility fees.

In the event that any of the fees, charges, assessments, special taxes or levies covered by this subsection B are imposed by or with the assistance of CITY, LANDOWNERS shall nevertheless be responsible therefor. Nothing in this Agreement shall be construed to limit LANDOWNERS's right to protest, in accordance with applicable provisions of law: the formation of any district included within the provisions of this subsection or to protest the amount of any assessment levied by or on behalf of such district on the Property or any portion thereof; or to protest the nature and amount of any tax, fee, assessment or charge imposed pursuant to this subsection.

9. Litigation/Indemnification.

A. Challenge to Agreement or Entitlements.

(1) In the event of any action instituted by a third party challenging the validity of any portion of this Agreement, including but not limited to, the proceedings taken for its approval (including the requirements of the California Environmental Quality Act ("CEQA") or any other act undertaken by the parties hereto in furtherance of this Agreement or its terms, or any action instituted by a third party challenging the validity of any of the entitlements specified herein (including CEQA challenges), the parties agree to cooperate in the defense of the action. In all such litigation brought to contest the validity of this Agreement or such entitlements, the following shall apply:

(a) City may, in its sole discretion, either defend such litigation or tender its defense to LANDOWNER.

(b) In the event that CITY determines to defend the action itself, LANDOWNERS shall be entitled, subject to court approval, to join in or intervene in the action on its own behalf, or to advocate in favor of validity of this Agreement or any challenged entitlement. In such a case, each party shall bear its own attorney fees and costs.

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(c) In the event that CITY determines to tender the defense of the action to LANDOWNERS, LANDOWNERS shall defend the action on its behalf and on behalf of CITY, and shall bear all attorney fees and costs associated with such defense from and after the date of the tender. Provided, however, that CITY may at any time after the tender elect to assume representation of itself; in that event, from and after the date CITY gives notice of its election to do so, CITY shall be responsible for its own attorney fees and costs incurred thereafter.

(2) If, in such litigation, a final judgment or other final order is issued by the court which has the effect of invalidating or rendering ineffective, in whole or in part, any provision of this Agreement or the Agreement itself, or any entitlement issued during the term of this Agreement and pursuant to its terms, the following shall apply:

(a) If the judgment or order includes a provision for attorney fees and/or costs of the successful party or parties, LANDOWNERS shall pay the entire cost thereof, without right of offset, contribution or indemnity from CITY, irrespective of anything to the contrary in the judgment or order. Provided, however, that if the litigation relates entirely, solely and exclusively to a challenge to the RBAP, separate and apart from this Agreement or any entitlement relating to the Property, and if LANDOWNERS are named or become parties in such litigation, LANDOWNERS and CITY shall bear the cost of the successful party's attorney fees and/or costs in the manner specified in the court's judgment.

(b) CITY and LANDOWNERS shall meet and endeavor, in good faith, to attempt to reach agreement on any amendments needed to allow development of the Property to proceed in a reasonable manner, taking into account the terms and conditions of the court's judgment or order. If agreement is reached, the procedures for amending this Agreement as specified herein, and in Chapter 18.16 of the City Code, shall apply. If agreement is not reached, either party shall have the right to terminate this Agreement by giving the other party sixty days' notice of termination.

(c) In the event that amendment is not required, and the court's judgment or order requires CITY to engage in other or further proceedings, CITY agrees to comply with the terms of the judgment or order expeditiously.

B. Indemnification. LANDOWNER agrees to defend and indemnify CITY, its elective and appointive boards, commissions, officers, agents and employees against any liability for damage or claims for damage for personal injury, including death, or property damage, arising out of or relating in any way to actions or activities

to develop the Property, undertaken by LANDOWNERS or LANDOWNERS= contractors, subcontractors, agents or employees.

10. Effect of Subsequent Laws.

A. Laws of Other Agencies.

(1) If any public agency, other than CITY, adopts any new law, regulation, ordinance or imposes any new condition (herein referred to collectively as "the New Law") after the date of this Agreement, which prevents or precludes either the CITY or LANDOWNERS, or both, from complying with one or more provisions of this Agreement, then immediately following the enactment of the New Law the parties shall meet and confer in good faith to determine whether the New Law applies to the Property, and whether suitable amendments to this Agreement can be made, in order to maintain LANDOWNERS' right to develop the Property in a reasonable manner pursuant to the Continental Plaza Development Entitlements, this Agreement and the Land Use and Development Regulations.

(2) In the event that the parties, after having engaged in good faith negotiations, are unable to agree on such amendments, the parties shall consider whether suspension of the term of this Agreement is appropriate, and if so, what the terms and conditions of any such suspension should be. In the event that the parties, after having engaged in good faith negotiations are unable to agree on the suspension issues, either party shall have the right to terminate this Agreement by giving the other party sixty (60) days' written notice of termination.

(3) LANDOWNERS or CITY shall have the right to institute litigation relating to the New Law, and raise any issues relating to its validity. If such litigation is filed, this Agreement shall remain in full force and effect until final judgment is issued. Provided, however, that if any action that CITY would take in furtherance of this Agreement would be rendered invalid, facially or otherwise, by the New Law, CITY shall not be required to undertake such action until the litigation is resolved, or the New Law is otherwise determined invalid, inapplicable, or is repealed. In the event that such judgment invalidates the New Law, or determines that it does not affect the validity of this Agreement, this Agreement shall remain in full force and effect, and its term shall be extended by the amount of time between the effective date of the New Law, and the effective date of the judgment. In the event that such judgment determines that the validity of this Agreement is, directly or indirectly affected by the New Law, the provisions of subsections 10A(1) and 10A(2) above shall apply.

B. Laws Passed by CITY. Subject to this Agreement, neither the CITY nor any CITY Agency shall enact any initiative, ordinance, policy, resolution, general plan amendment or other measure that relates to the density or intensity of development on

the Property, or the rate, timing or sequencing of the development or the construction on the Property or any part thereof, or that is otherwise in conflict, either directly or indirectly, with this Agreement.

11. Enforced Delay; Extension of Times of Performance. In addition to other specific provisions of this Agreement, performance by either party hereunder shall not be deemed in default where delay or inability to perform is due to war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, enactment of conflicting state or federal laws or regulations, new or supplementary environmental laws or regulations, litigation instituted by third parties challenging the validity of this Agreement or any of the vested entitlements described in section 5 of this Agreement. Upon request of either party to the other, a written extension of time for such cause shall be granted for the period of the enforced delay, or longer as may be mutually agreed upon.

12. Legal Actions; Applicable Law; Attorney's Fees.

A. Legal Actions. In addition to any other rights or remedies, either party may institute legal action to cure, correct, or remedy any default by any other party to this Agreement, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation hereunder. Notwithstanding any other provision of law, or of this Agreement, in no event shall LANDOWNERS or CITY, its officers, agents or employees be liable in damages for any breach, default or violation of this Agreement, it being specifically understood and agreed that the parties' sole legal remedy for a breach, default or violation of this Agreement shall be a legal action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Agreement.

B. Applicable Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California. LANDOWNERS agree and acknowledge that CITY has approved and entered into this Agreement in the sole exercise of its legislative discretion and that the standard of review of the validity and meaning of this Agreement shall be that accorded legislative acts of CITY.

C. Attorney Fees. In any arbitration, quasi-judicial, administrative or judicial proceeding (including appeals), brought by either party hereto to enforce or interpret any covenant or any of such party's rights or remedies under this Agreement, including any action for declaratory or equitable relief, the prevailing party shall be entitled to reasonable attorneys' fees and all costs, expenses and disbursements in connection with such action, including the costs of reasonable investigation, preparation and professional or expert consultation, which sums may be included in any judgment or decree entered in such action in favor of the prevailing party. For purposes of this section, and any other portion of this Agreement relating to attorney fees, reasonable attorneys fees of the City Attorney's Office shall be based on comparable fees of private attorneys practicing in Sacramento County.

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13. Amendment of Agreement. This Agreement may be amended from time to time only by the mutual written consent of the parties, in accordance with the provisions of Government Code sections 65867 and 65868. In addition, all of the provisions of the Procedural Ordinance relating to the need for amendment, and the manner thereof, shall apply. Upon request of a party, this Agreement shall be amended to include the terms and conditions of any discretionary entitlement granted with respect to the Property after the Effective Date.

14. CITY's Good Faith in Processing. Subject to the provisions of section 5B hereof, and LANDOWNER's compliance with each and every term and condition of this Agreement and all of its exhibits, CITY agrees that it will accept in good faith for processing, review, and action, all complete applications for master parcel maps, zoning, planned unit development designation, planned unit development guidelines, schematic plans, special permits, building permits, parcel maps, subdivision maps, or other entitlements for use of the Property in accordance with the Continental Plaza Development Entitlements, the Land Use and Development Regulations and this Agreement.

15. Submission Requirements for Subsequent Applications. Upon request, of the necessary submission requirements for each application for a permit or other entitlement for use in advance, and shall review said application and shall schedule the application for expeditious review by the appropriate authority.

16. Default, Remedies, Termination..

A. General Provisions. Subject to any extensions of time by mutual consent of the parties, and subject to the cure provisions set forth herein, any failure or unreasonable delay by either party to perform any material term or provision of this Agreement shall constitute a default.

B. LANDOWNERS' Default. In addition to any other remedy specified herein, in the event that notice of default has been given in accordance with this section, wherein a default by LANDOWNERS is alleged, CITY shall not be obligated to issue any building permit, or grant any entitlement as to which an application has been filed.

C. CITY Default. In addition to any other remedy specified herein, in the event that notice of default has been given in accordance with this section, wherein a default by CITY is alleged, any resulting delays in LANDOWNERS' performance caused by CITY's default shall not constitute a LANDOWNERS default, or be grounds for termination or cancellation of this Agreement.

D. Successors in Interest. Where the Property, following the Effective Date, has been lawfully conveyed in whole or in part to one or more successors in interest, in such a manner as to invoke the provisions of section 4 of this Agreement, and one or more of such successors in interest is in default with respect to the portion of the Property owned by it, neither LANDOWNERS nor any other non-defaulting

successor in interest shall be liable for the default, if the provisions of section 4 have been complied with, and in accordance with the terms and conditions of that section.

E. Cure of Default. In the event of an alleged default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party notice in writing specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured and a reasonable period of time in which to cure, that shall in no event be less than thirty (30) days. During any such period, the party charged shall not be considered in default for purposes of termination or institution of legal proceedings.

F. Remedies After Expiration of Cure Period. After notice and expiration of the thirty (30) day period, if the alleged default has not been cured in the manner set forth in the notice, the other party may at its option:

(1) institute legal proceedings to obtain appropriate judicial relief, including but not limited to mandamus, specific performance, injunctive relief, declaratory relief, or termination of this Agreement; or

(2) give the other party notice of intent to terminate this Agreement pursuant to Government Code section 65868 and the Procedural Ordinance. In the event that such notice is given, CITY shall schedule the matter for public hearing before the City Council to review the matter and make specific written findings regarding the alleged default. Where LANDOWNERS are the party alleged to be in default, LANDOWNERS shall be afforded a reasonable opportunity to respond to all allegations of default at such public hearing. CITY shall provide LANDOWNERS at least thirty (30) days prior written notice of such public hearing, as well as provide LANDOWNERS copies of all CITY staff reports prepared in connection therewith at least five (5) days prior to the hearing.

17. Annual Review.

A. General Provisions. In accordance with Government Code section 65865.1, and Chapter 18.16 of the City Code, CITY shall, at least every twelve (12) months during the Term of this Agreement, review the extent of good faith compliance by LANDOWNERS with the terms of this Agreement. Failure of CITY to conduct an annual review shall not constitute a waiver by CITY or LANDOWNERS of the right to conduct future annual review or to otherwise enforce the provisions of this Agreement, nor shall a party have or assert any defense to such enforcement by reason of any such failure. The failure of CITY to undertake such review, shall not, in itself, invalidate the terms of this Agreement or excuse any party hereto from performing its obligations under this Agreement.

B. Scope of Review. The annual review shall be limited in scope to compliance with the terms and conditions of this Agreement.

C. Proceedings. The procedures specified in the Chapter 18.16 of the City Code for conduct of the annual review by the City Manager, and by the City Council, shall apply to each annual review of this Agreement. At least ten (10) days prior to the commencement of any annual review, CITY shall deliver to LANDOWNERS a copy of any public staff reports and other documents to be used or relied upon in conducting the review. LANDOWNERS shall be permitted an opportunity to respond to CITY's evaluation of LANDOWNERS' performance by written and oral testimony at the public hearing to be held before the City Council, if LANDOWNERS so elect.

At the conclusion of the annual review, CITY shall make written findings and determinations on the basis of substantial evidence, as to whether or not LANDOWNERS or their successors have complied in good faith with the terms and conditions of this Agreement.

D. Failure of Compliance. Any determination of failure of compliance shall be subject to the notice requirements and cure periods set forth in section 16 of this Agreement. If termination is proposed, it shall apply solely with respect to that portion of the Property (if less than all) affected by the failure to show good faith compliance. If modification of the Development Agreement is proposed, the modification shall pertain solely to the provisions hereof as applicable to that portion of the Property (if less than all) affected by the condition that has prompted the proposed modification.

18. Termination Upon Completion of Development.

A. General Provisions. This Agreement shall terminate as to each parcel of property contained within the Property when that parcel of property has been fully developed and all of LANDOWNERS' obligations in connection therewith are satisfied, as reasonably determined by CITY. CITY shall, upon written request made by LANDOWNERS to CITY's Department of Planning and Development, determine if the Agreement has terminated, with respect to any parcel, and shall not unreasonably withhold termination as to that parcel if LANDOWNERS' obligations therewith are satisfied. CITY shall be entitled to receive payment of a fee commensurate with the cost of processing the request and making such a determination, including but not limited to CITY's administrative and legal expenses. Upon termination of this Agreement, CITY shall upon LANDOWNERS' request record a notice of such termination in a form satisfactory to the City Attorney that the Agreement has been terminated.

B. Effect Of Termination On Landowners' Obligations. Termination of this Agreement as to the Property or any portion thereof shall not affect any of the LANDOWNER's obligations to comply with CITY's General Plan, the RBAP, and all entitlements issued for the Property, nor shall it affect any other covenants of this Agreement specified in this Agreement to continue after the termination of this Agreement, including but not limited to those specified in sections 6 and 10 and subsection 13C.

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19. No Joint Venture, Partnership, or Other Relationship. Nothing contained in this Agreement or in any other document executed in connection with this Agreement shall be construed as creating a joint venture or partnership between CITY and LANDOWNERS. No relationship exists as between LANDOWNERS and CITY other than that of a governmental entity regulating the development of private property, and the owners of such private property.

20. Notices. All notices required or provided for under this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the principal offices of the CITY and LANDOWNERS or LANDOWNERS= assigns and successors, and to Lender, if applicable. Notice shall be effective on the date delivered in person, or the date when received if such notice was mailed to the address of the other party as indicated below:

Notice to the CITY: City of Sacramento
915 I Street
Sacramento, California, 95814
ATTN: City Manager

Notice to the LANDOWNERS: Continental Plaza Phase IV, LLC
3184 J Airway Avenue
Costa Mesa, CA 92626-4619
ATTN: Bruce Nott

with a copy to: Continental Plaza Phase IV, LLC
190 Newport Center Drive, Suite 220
Newport Beach, CA 92660
ATTN: Ernie Gallardo

Grove Investment Company
3184 J Airway Avenue
Costa Mesa, CA 92626-4619
ATTN: Bruce Nott

with a copy to: Grove Investment Company
190 Newport Center Drive, Suite 220
Newport Beach, CA 92660
ATTN: Ernie Gallardo

Notice to LENDER:

ATTN: _____

Any party may change the address to which notices are to be mailed by giving written notice of such changed address to each other party in the manner provided herein.

21. Severability. If any provision of this Agreement is held invalid, void or unenforceable but the remainder of the Agreement can be enforced without failure of material consideration to any party, then this Agreement shall not be affected and it shall remain in full force and effect, unless amended or modified by mutual consent of the parties, utilizing the procedures specified herein and the Procedural Ordinance. Provided, however, that if such holding affects a material provision of this Agreement, LANDOWNERS shall have the right in their sole discretion to terminate this Agreement upon providing written notice of such termination to CITY; provided further, however, that in the event LANDOWNERS so elect to terminate, such election shall not affect in any manner the terms and conditions of any entitlement theretofore granted by CITY with respect to the Property, or any portion thereof.

22. Recording. The City Clerk shall cause a copy of this Agreement to be recorded with the Sacramento County Recorder no later than ten (10) days following execution of this Agreement by CITY, which execution will take place no sooner than the effective date of the ordinance approving this Agreement.

23. Reimbursement to CITY. LANDOWNERS agree to reimburse the CITY for reasonable and actual expenses incurred by CITY that relate directly to CITY'S review, consideration and execution of this Agreement. Such expenses include but are not limited to recording fees, publishing fees and any special meeting costs, staff time (including review by the City Attorney), and notice costs. Such expenses shall be paid by LANDOWNERS within thirty (30) days of receipt of a detailed written statement of such expenses.

24. Lender Rights and Obligations.

A. Prior to Lender Possession. No Lender shall have any obligation or duty under this Agreement to construct or complete the construction of improvements, or to guarantee such construction or completion, and shall not be obligated to pay any fees or charges which are liabilities of LANDOWNERS or LANDOWNERS' successors in interest, but shall otherwise be bound by all of the terms and conditions of this Agreement, which pertain to the Property or such portion thereof in which it holds an interest. Nothing in this section shall be construed to grant to a Lender rights beyond those of LANDOWNERS hereunder, or to limit any remedy CITY has hereunder in the event of default by LANDOWNERS, including but not limited to termination and/or refusal to grant entitlements with respect to the Property.

B. Lender in Possession. A Lender who comes into possession of the Property, or any portion thereof, pursuant to foreclosure of a mortgage or deed of trust, or a deed in lieu of foreclosure, shall not be obligated to pay any fees or charges which are obligations of LANDOWNERS, and which remain unpaid as of the date such Lender takes possession of the Property or portion thereof. Provided, however, that a Lender shall not be eligible to apply for or receive entitlements with respect to the Property, or otherwise be entitled to develop the Property or devote the Property to any uses or to construct any improvements thereon other than the development contemplated or authorized by this Agreement and subject to all of the terms and conditions hereof, including payment of all fees (delinquent, current and accruing in

the future) and charges, and assumption of all obligations of LANDOWNERS hereunder; provided, further, that no Lender, or successor thereof, shall be entitled to the rights and benefits of the LANDOWNERS hereunder or entitled to enforce the provisions of this Agreement against CITY unless and until such Lender or successor thereof qualifies as a recognized assignee under the provisions of section 4 of this Agreement.

C. Notice of LANDOWNERS= Default Hereunder. If CITY receives notice from a Lender requesting a copy of any notice of default given LANDOWNERS hereunder and specifying the address for service thereof, then CITY shall deliver to such Lender, concurrently with service thereon to LANDOWNERS, any notice given to LANDOWNERS with respect to any claim by CITY that LANDOWNERS has committed a default, and if CITY makes a determination of non-compliance, CITY shall likewise serve notice of such non-compliance on such Lender concurrently with service thereof on LANDOWNERS.

D. Lender's Right to Cure. Each Lender shall have the right (but not the obligation) during the same period of time available to LANDOWNERS to cure or remedy, on behalf of LANDOWNERS, the default claimed or the areas of non-compliance set forth in CITY's notice. Such action shall not entitle a Lender to develop the property or otherwise partake of any benefits of this Agreement unless such Lender shall assume and perform all obligations of LANDOWNERS hereunder.

E. Other Notices Given By City. A copy of all notices given by CITY pursuant to the terms of this Agreement shall be sent to Lender at the address provided in section 20 hereof.

25. Estoppel Certificate. Either party may, at any time, and from time to time, deliver written notice to the other party requesting such other party to certify in writing that, to the knowledge of the certifying party, (i) this Development Agreement is in full force and effect and a binding obligation of the parties, (ii) this Development Agreement has not been amended or modified either orally or in writing, or if so amended, identifying the amendments, and (iii) the requesting party is not in default in the performance of its obligations under this Development Agreement, or if in default, describing therein the nature and amount of any such defaults. A party receiving a request hereunder shall execute and return such estoppel certificate, or give a written detailed response explaining why it will not do so, within thirty (30) days following the receipt of each such request. Each party acknowledges that such an estoppel certificate may be relied upon by third parties acting in good faith. A certificate provided by CITY establishing the status of this Agreement with respect to the Property or any portion thereof shall be in recordable form and may be recorded at the expense of the recording party.

26. Construction. All parties have had the opportunity to be represented by legal counsel of their own choice in the preparation of this Development Agreement and no presumption or rule that "an ambiguity shall be construed against a drafting party" shall apply to the interpretation or enforcement of any provision hereof. Captions on sections and

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subsections are provided for convenience only and shall not be deemed to limit, amend or affect the meaning of the provision to which they pertain.

27. Counterparts. This Agreement may be executed in any number of counterparts and shall be deemed duly executed when each of the parties has executed such a counterpart.

28. Time. Time is of the essence of each and every provision hereof.

29. Limitation of Actions. No court action shall be filed by a party to this Agreement on the ground of default or breach of its terms unless such action is filed within one hundred eighty (180) days from the date of discovery by the aggrieved party of the facts underlying the claim of breach or default.

30. No Third Parties Benefitted. No Person who is not a qualified successor or assign of a party hereto pursuant to section 4 of this Agreement, or who has not become a party by duly adopted amendment hereof may claim the benefit of any provision of this Agreement.

31. Effect of Agreement Upon Title to Property. In accordance with the provisions of Government Code section 65868.5, from and after the time of recordation of this Agreement, the Agreement shall impart such notice thereof to all persons as is afforded by the recording laws of the State of California. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement.

32. Covenant of Good Faith. CITY and LANDOWNERS agree that each of them shall at all times act in good faith in order to carry out the terms of this Agreement.

33. Exhibits.: The following are the exhibits to this Agreement:

A. Legal Description of the Property.

B. Assignment and Assumption Agreement.

34. Entire Agreement. This Agreement, together with its Exhibits A and B, inclusive, constitutes the entire agreement between the parties with respect to the subject matter of this

Agreement. This Agreement is specifically intended by the parties hereto to supersede all prior development agreements, if any, for the Property which may exist between CITY and LANDOWNERS. The provisions of subsection 10B of this Agreement, relating to indemnification and defense of CITY, its officers, employees and agents, shall be

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applicable to any claim whatsoever against CITY, its officers, employees and agents, arising out of or in any way relating to any prior development agreement relating to the Property.

35. City Attorney Costs. Landowner shall pay to the City of Sacramento the sum of \$1,500.00 as and for reimbursement of the costs of the City Attorney in preparation and processing of this Agreement.

IN WITNESS WHEREOF, the CITY and LANDOWNER have executed this Development Agreement as of the date first set forth above.

CITY:

CITY OF SACRAMENTO,
a municipal corporation

By: _____
Heather Fargo, Mayor

ATTES:

City Clerk

APPROVED FOR LEGAL FORM:

Senior Deputy City Attorney

LANDOWNERS:

CONTINENTAL PLAZA PHASE IV, LLC,
a California limited liability corporation

By: _____
Bruce E. Nott, Manager

By: _____
Barrett C. Fait, Manager

By: _____
James Lee, Manager

GROVE INVESTMENT COMPANY,
a California general partnership, a general partner

By: _____
Bruce E. Nott, Trustee of the Nott Family
Trust u/d/t dated May 12, 1999, a general partner

By: MEADOWS MOBILE HOMES,
a California general partnership, a general partner

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By: _____
James Lee, Trustee of the Lee Family
Trust u/d/t dated January 30, 1989, a
general partner

By: _____
Barrett C. Fait, a general partner

(ATTACH APPROPRIATE ACKNOWLEDGMENT)

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EXECUTION PAGE FOR LENDER

[Name + nature of entity] (herein "LENDER") owns an equitable interest in the Property described in Exhibit "A" of this Agreement as the beneficiary of that certain deed of trust and assignment of rents dated [date] and recorded on [date], as Instrument [#], in Book [#], Page [#], Official Records, Sacramento County, California.

LENDER hereby executes this Agreement and agrees to be bound by the terms and condition hereof, subject to the limitations set forth in section 24 hereof.

LENDER requests that it be provided with copies of all notices mailed to LANDOWNER pursuant to the terms of this Agreement and that said copies be addressed as follows:

Attn: _____

Dated: _____

LENDER: _____

By: _____

Its: _____

(ATTACH APPROPRIATE ACKNOWLEDGMENT)

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EXHIBIT A

**DESCRIPTION OF LANDOWNER'S
PROPERTY**

SEE ATTACHED

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EXHIBIT B

ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (herein "this Agreement") is entered into this ____ day of _____, 200__, by and between _____ (herein "LANDOWNERS") and _____ (herein "ASSIGNEE").

RECITALS

A. LANDOWNER has entered into a Development Agreement (herein "the Development Agreement") dated _____, with the City of Sacramento, pursuant to which LANDOWNER agreed to develop certain property more particularly described in the Development Agreement (herein "the Property") in the Richards Boulevard Plan Area subject to certain conditions and obligations set forth in the Development Agreement.

B. LANDOWNER has assigned its interests under the Development Agreement to ASSIGNEE under a written agreement dated _____, as to that portion of the Property identified and incorporated herein by this reference (herein the "Assigned Parcel(s)").

C. ASSIGNEE desires to assume all of LANDOWNER's rights and obligations and other terms and conditions under the Development Agreement with respect to the Assigned Parcel(s).

AGREEMENTS

NOW, THEREFORE, LANDOWNER AND ASSIGNEE HEREBY AGREE AS FOLLOWS:

1. ASSIGNEE hereby assumes all of the burdens and obligations of LANDOWNER under the Development Agreement, and agrees to observe and fully perform all of the duties and obligations of LANDOWNERS under the Development Agreement, and to be subject to all of the terms and conditions thereof, with respect to the Assigned Parcel(s), it being the express intention of both LANDOWNERS and ASSIGNEE that, upon the execution of this Agreement, ASSIGNEE shall become substituted for LANDOWNERS as the "LANDOWNER" under the Development Agreement with respect to the Assigned Parcel(s).

2. ASSIGNEE understands and agrees that this Agreement is subject to section 4 of the Development Agreement. Section 4 reads as follows:

Assignment. LANDOWNERS shall have the right to sell, assign, or transfer their interests under this Agreement as part of a contemporaneous and related sale, assignment or transfer of its interests in the Property, or any portion thereof, without the consent of CITY; provided, however, that LANDOWNERS shall notify CITY of such sale, assignment or transfer by providing written notice thereof to CITY in the manner provided in this Agreement. LANDOWNERS shall remain obligated to perform all terms and conditions of this Agreement, unless such purchaser, assignee or transferee, to the satisfaction of and in a form acceptable to the City Attorney, executes and delivers to CITY an express agreement to assume all of the obligations and other terms and conditions of this Agreement with respect to the Property or such portion thereof sold, assigned or transferred. The execution of such an assumption agreement shall relieve LANDOWNERS of the obligations expressly assumed only if (a) LANDOWNERS are not in default under this Agreement at the time of the assignment or transfer; and (b) LANDOWNERS have provided CITY with notice of said assignment or transfer in the manner provided hereunder. Any such assumption agreement with respect to LANDOWNERS' obligations under this Agreement shall be deemed to be to the satisfaction of the City Attorney if executed in the form of the Assignment and Assumption Agreement attached hereto as Exhibit "D" and incorporated herein by this reference, or such other form as shall be proposed by LANDOWNER and approved by the City Attorney prior to the effective date of the assignment.

Any purchaser, assignee, or transferee shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, only with respect to the Property, or such portion thereof, sold, assigned, or transferred to it. Any such purchaser, assignee, or transferee shall observe and fully perform all of the duties and obligations of LANDOWNER under this Agreement, as such duties and obligations pertain to the portion of the Property sold, assigned, or transferred.

3. At the request of the City, ASSIGNEE agrees to enter into a separate development agreement with respect to the Assigned Parcel(s).

3. All of the covenants, terms and conditions set forth herein shall be binding upon and shall inure to the benefit of the parties hereto and to their respective heirs, successors and assigns.

4. ASSIGNEE agrees that it has read, and has sought and received all required legal and other expert consultation with regard to the Development Agreement, and fully understands all of its terms and conditions. ASSIGNEE further agrees that: (i) LANDOWNERS have furnished ASSIGNEE with a copy of Richards Boulevard Area Plan (RBAP)(ii) ASSIGNEE has read and understands all of the terms and conditions of said documents and materials; and (iii) with such knowledge and understanding, which includes the nature and extent of the fees, taxes, assessments and other financial mechanisms and obligations

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inherent in such documents and materials, nevertheless has voluntarily, freely and knowingly assumed and agreed to perform all of obligations and requirements, and be bound by all of the provisions of such documents and materials.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

By: _____
"ASSIGNEE"

ORDINANCE NO. 2007-

Adopted by the Sacramento City Council

AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE, TITLE 17 OF THE CITY CODE, BY REMOVING ONE ACRE FROM HEAVY INDUSTRIAL NORTH SPECIAL PLANNING DISTRICT (M-2(N)(SPD) TO HEAVY INDUSTRIAL NORTH PLANNED UNIT DEVELOPMENT SPECIAL PLANNING DISTRICT AND 0.19 ACRES FROM HEAVY INDUSTRIAL CENTRAL SPECIAL PLANNING DISTRICT (M-2 (C)(SPD)) TO OFFICE BUILDING PLANNED UNIT DEVELOPMENT SPECIAL PLANNING DISTRICT (OB PUD/SPD). (P07-015) (APN: 001-0020-051)

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

SECTION 1.

The property generally described, known and referred to as portion of APN: 001-0020-051 which is shown on attached Exhibit A, consists of 1.00± acres and is currently in the Heavy Industrial (North) Special Planning District (M-2 N SPD) established by the Comprehensive Zoning Ordinance (Title 17 of the City Code). Said 1.00 ± acres is hereby removed from the Heavy Industrial (North) Special Planning District (M-2 N SPD) and placed in the Heavy Industrial (North) Planned Unit Development Special Planning District (M-2(N) PUD/SPD).

SECTION 2. The property generally described, known and referred to as portion of APN: 001-0020-051 which is shown on attached Exhibit A, consists of 0.19± acres and is currently in the Heavy Industrial (Central) Special Planning District (M-2 C SPD) established by the Comprehensive Zoning Ordinance (Title 17 of the City Code). Said 0.19± acres is hereby removed from the Heavy Industrial (Central) Special Planning District (M-2 N SPD) and placed in the Office Building Planned Unit Development Special Planning District (OB PUD/SPD).

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

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

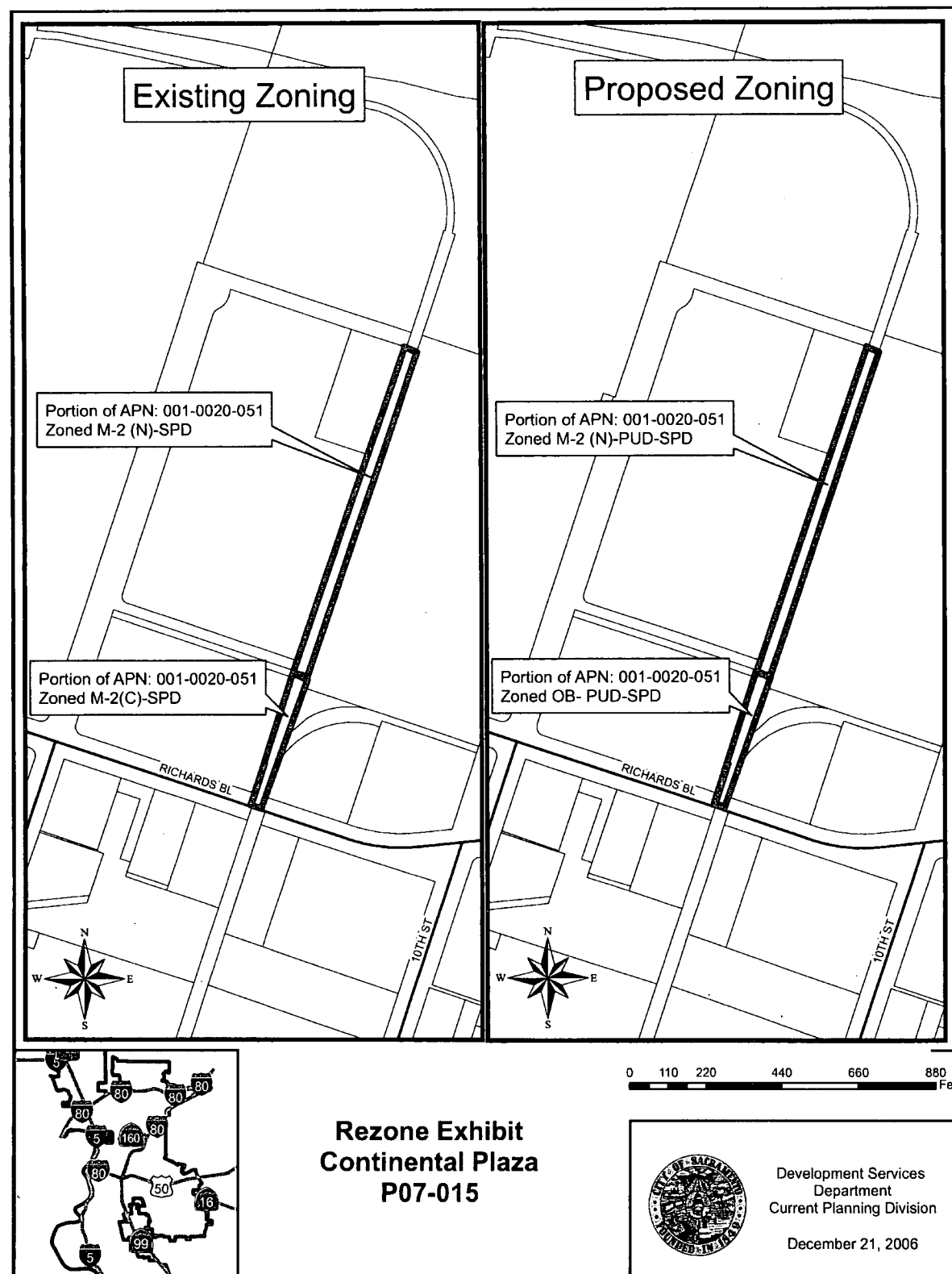
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Exhibit A Continental Plaza Rezone Map

Exhibit A
Rezone Exhibit



RESOLUTION NO.

Adopted by the Sacramento City Council

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

BACKGROUND

A. The City Council conducted a public hearing on (Date) , to consider the amendments to the Continental Plaza PUD Guidelines and Schematic Plan. Based on documentary and oral evidence submitted at said public hearing, the City Council hereby finds:

1. The Amendments to the PUD conform to the General Plan, the Central City Community Plan, the Richards Boulevard Area Plan and the Sacramento Blueprint; and
2. The PUD meets the purposes and criteria stated in the City Code (Title 17) in that the PUD facilitates the design of a well-planned facility that will provide a long lasting benefit to the community and the City.

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

Section 1. The City Council of the City of Sacramento, in accordance with the City Code, Title 17, approved the amendments to the Continental Plaza PUD Guidelines and Schematic Plan (as shown on the attached Exhibits A and B).

Table of Contents:

Exhibit A	Continental Plaza PUD Guidelines, as amended
Exhibit B	Schematic Plan, as amended

Subject: Continental Plaza PUD (P07-015)

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Exhibit A

DEVELOPMENT
GUIDELINES

CONTINENTAL PLAZA PUD

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

I. PURPOSE AND INTENT

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

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

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

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

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

Continental Plaza with the Central Business District and Capitol Area);

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

II. FORCE AND EFFECT

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

III. SCHEMATIC DEVELOPMENT PLAN

These development guidelines incorporate the Schematic Plan of the Continental Plaza PUD originally approved by the Sacramento City Council by Resolution No. 96-594 and amended by Resolution No. 07-_____. This Schematic Plan, showing building locations, parking layout and site circulation, is attached as Exhibit A. Amendments to the Schematic Plan are subject to review and approval as set forth in Section 17.180 of the Sacramento City Code.

PROCEDURES FOR APPROVAL

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

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

Since Continental Plaza Project is a PUD, development is not subject to City design review under Chapter 17.132 of the Zoning Code that otherwise is required for all development in the Richards Boulevard SPD. Section 17.120.XXX exempts properties within a planned unit development from design review because the PUD project approval process incorporates design review. The Planning Directors Plan Review process will insure that projects within the Continental Plaza PUD comply with these Guidelines. Appeal of a Planning Directors decision regarding Plan Review for a project is set out in Chapter 17.220.

The following information shall be submitted with all applications:

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

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

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

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

IV. LAND USE SUMMARY

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

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

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

TABLE 1
Land Use Summary

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

V. BUILDING STANDARDS

A. Allowable Development:

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

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

B. Permitted Uses:

1. M-2 zone

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

2. OB zone

- a. Office
- b. Multiple Family Residential
- c. Child Care Facilities
- d. Ground floor commercial, retail or service uses as follows:

- i. art gallery
- ii. bank, savings and loan
- iii. barber, beauty shop
- iv. book, stationery store
- v. cleaners, laundry agency
- vi. clothing store
- vii. florist
- viii. food store, bakery, delicatessen
- ix. restaurant, cafe,
- x. retail
- xi. photography studio
- xii. video rental stores

C. Height:

The following is the maximum height

- 1. M-2 zone (Parcels A and B)
 - a. Office/Residential buildings - 75 feet (measured from top of plate line)
 - b. Parking Garage -- 95 feet (measured from top parking deck; last elevator stop and elevator equipment shall be permitted up to an additional 15 feet)
- 2. OB zone (Parcel C) - 180 feet (measured from top of plate line)
 - a. Penthouse for mechanical equipment, if provided, shall be permitted up to an additional 15 feet.

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

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

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

2. OB zone (Parcel B-C)

- a. 7th Street (west) - 45 feet
 - i. *This 45 foot setback shall be reduced ultimately to 23 feet once 7th Street taper is constructed.*
- b. Proposed new street (north) - 10 feet
- c. Existing interior property line (east) - 10 feet
- d. Richards Boulevard (south) - 35 feet from existing property line
 - i. *This 35 feet setback includes the future 30 foot wide right-of-way for the extension of the LRT line to the Dos Rio station. Upon dedication of the LRT ROW the setback shall be reduced to 5 feet. The development of the 30 foot LRT ROW provides a 24 foot track area and 6 foot sidewalk (north of the tracks. To provide the best configuration for the light rail line, it is recommended that the City and Regional Transit relocate the 9 foot sidewalk to the north side of the tracks and utilize the remaining six feet for landscaping in conjunction with the 5 feet provided by the building, thus providing 11' of landscaping between the sidewalk and the building.*

E. Vehicle Parking:

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

Office

- a. The maximum amount of off-street vehicle parking permitted for office use shall be one space per 325 gross square feet of floor area. The minimum amount of off-street vehicle parking permitted for office use shall be one space per 600 gross square feet of floor area, unless additional TSM measures are implemented in accordance with Section VI.E.1.b below.
 - b. Office parking may be reduced to above the 1:600 ratio up to a minimum amount of off-street vehicle parking of one space for every 1,000 gross square feet of floor area, provided that additional TSM measures, beyond those mandated by the Developer TSM Ordinance (35%), shall be implemented in order to support the reduction in parking. A developer Transportation Management Plan (TMP) shall be submitted concurrently with the application for development to justify the requested parking reduction.
1. Restaurant - Vehicle parking shall not be required for a restaurant use that is a component of an office or residential project provided that the cafeteria use does not exceed 6,000 square feet per building.

Exception - vehicle parking shall not be required for a cafeteria, not exceeding 14,500 net square feet, that serves the office building and operates during the hours the office building is open.
 - a. The minimum off-street vehicle parking spaces for a restaurant use, exceeding 6,000 gross square feet, provided such use is a component of a residential or office project is one space per 450 gross square feet of floor area.

2. Commercial/retail or service uses:

- a. Vehicle parking shall not be required for a commercial or retail use provided that such use is a component of a residential or office project and provided that such use does not exceed 5,000 square feet of building occupancy per tenant.
- b. One vehicle parking space per 450 gross square feet shall be required for a commercial or retail use provided such use is a component of a residential or office project and provided that such use does not exceed 9,600 gross square feet of building occupancy per tenant.
- c. One vehicle parking space per 400 gross square feet shall be required for a commercial or retail use provided such use is a component of a residential or office project and provided that such use exceeds 9,600 gross square feet of building occupancy per tenant. The maximum amount of off-street vehicle parking permitted shall be one space per 300 gross square feet of floor area for commercial or retail use.

3. Residential

- a. 1.5 parking spaces per unit
 - b. 1,guess space per 15 parking spaces
4. All other uses shall comply with parking standards provided by the Zoning Ordinance.
5. Two percent (2%) of all structured vehicle parking spaces shall be equipped with electrical outlets for electric vehicles. This will include adequate power supply (120/240v. 40 amp) service to each parking stall.
7. The Continental Plaza parking structure shall be operated and managed so as to provide opportunities for use of the facility by residents of and visitors to the Richards Boulevard Plan Area during those hours of the day when the structure is not in use to serve the parking requirements of the Continental Plaza Project.

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

F. Bicycle Parking:

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

G. Open Space:

1. Office Use:

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

towards the open space requirements. The landscape setback along Richards Boulevard shall be integrated into the open space design and shall be counted in the open space requirements. The interim landscape/plaza improvements in the 60 foot "new street" right-of-way shall also be counted as complying with the on-site open space requirements.

- d. To the extent consistent with considerations of security, the open space area shall be oriented towards pedestrian linkages or located adjacent to people-oriented uses (such as retail or restaurants).
- e. The open space area, shall incorporate, but not be limited to, one or more of the following features:
 - i. *Landscaping (i.e. turf, trees, flower gardens, etc.)*
 - ii. *Decorative paving (i.e. tile, cobblestone, colored concrete, etc.)*
 - iii. *Public art pieces*
 - iv. *Water features (i.e. ponds, reflecting pools, etc.)*
 - v. *Seating areas*
 - vi. *Canopies*
 - vii. *Lighting*
- f. Open space features shall be complimentary to the building architecture. Design elements, material, colors and lighting should be contextual with the proposed building or existing adjacent buildings.

2. Residential

- a. On-site open space
 - i. *A minimum of 80 square feet of common usable open space per unit is required. Such areas may include courtyards, gardens, recreational and similar areas.*

- ii. *A minimum of 50 square feet of private usable open space per unit is required. this area is for the exclusive use of the unit. Such areas may include decks, balconies and patios. Private usable open space shall be directly accessible for the associated unit.*

b. Park Land Dedication

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

H. Wall/Fencing Requirements:

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

I. Temporary Structures:

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

VI. ARCHITECTURAL TREATMENT AND MATERIALS

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

1. Building Facades. The design of building facades should be clearly organized to distinguish between the building base (up to 40 feet), the upper level streetwall facades (up to 85 feet) and a tower element that is above 85 feet in height.
2. Building Bases. The building base should be open in nature and designed in a way that creates visual interest and variety along the street frontage of Richards Boulevard, North 7th Street and the proposed new street, both from the perspective of the pedestrian and the passing motorist. Architectural features such as setbacks, colonnades, arcades, changes in materials and changes in wall planes are encouraged to provide visual relief and clearly articulate the building base from the upper level portions of the building. Because of the proximity of the building base to pedestrian level activity, special attention should be given to architectural detail including placement of joint lines, use of premium cladding at the pedestrian level and location of ventilation louvers for mechanical equipment away from points of pedestrian activity. Although the building base should employ transparent design features such as colonnades, areas of solidity should also be incorporated as the base elevation is articulated.
3. Building Entries. The building entry design should reflect a principal building orientation towards or adjacent to the corner of 7th Street and Richards Boulevard. Entries should be clearly defined with integrated canopies for weather protection and with adequate and distinctive lighting for safety and effect. Services entries should be located away from the major pedestrian activity points.
4. Fenestration. The fenestration above the building base, up to 85 feet in height, is intended to articulate the different masses of the building by use of curtain walls, ribbon windows, punched openings and sun protection devices such as overhangs, trellises, and canopies to provide an extra level of texture for different window types. Window openings should provide for a hierarchy of horizontal and

vertical expression and should be recessed to offer shade and complexity to the building elevation. Patterns should reflect changes in building form, stepbacks and proportions, and should avoid relentless grids and repetitive patterns. The solid portion of the walls should incorporate reveals, moldings, and changes in plane that reinforce the compositional design of the facade and offer shadow, detail and variety. This fenestration should contrast in appearance from the fenestration of the tower element.

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

include precast concrete, glass-fiber reinforced concrete (GFRC), metal panels or other equivalent high quality materials. Highly reflective mirrored glass should be avoided as a primary building material for the facade.

VII. ENVIRONMENTAL STANDARDS

A. Purpose and Intent

The purpose and intent of this section is 1) to encourage the creative and innovative use of materials and methods of construction, and 2) to prevent indiscriminate and insensitive use of materials and design. All buildings, structures, paved areas and building materials, color schemes, and landscape elements shall be designed and constructed so as to create a desirable environment for the intended use and relate harmoniously to the surrounding community.

B. Landscaping

1. Landscape Plans. Detailed landscaped and irrigation plans shall be approved by the Planning and Development Department prior to issuance of a building permit. The detailed landscape and irrigation plans shall include a tree shading diagram for any on-site surface parking.
2. General Landscaping. Groundcovers interspersed with tree plantings will be employed to enhance the aesthetics of the Continental Plaza development. All landscaping referred to in this section shall be maintained in a healthy, neat and orderly fashion.
3. Planting types. A plant list for the Continental Plaza PUD shall be approved by the Planning and Development Department prior to the issuance of a building permit for the project. All trees, shrubs, and groundcover planting types shall conform to the Continental Plaza approved plant list unless and alternate type is approved by the Planning and Development Department.
4. Irrigation. All landscaped areas shall be irrigated with timed permanent automatic systems.
5. Setback Areas. Landscaping in these areas shall consist of an effective combination of trees, laws, groundcover and shrubbery. Backflow preventers located in the setback areas shall be attractively screened.

6. Unpaved Areas. All unpaved areas not utilized for parking and storage shall be landscaped utilizing groundcover and/or shrubbery and tree material.
7. Pedestrian-Oriented Amenities. The inclusion of pedestrian-oriented amenities such as benches in the landscaped areas is encouraged.
8. Installation of Landscaping. Prior to the issuance of any temporary or final occupancy permits, the project landscaping, including permanent automatic irrigation systems, shall either be installed or a security, in the form satisfactory to the City, shall be posted to insure installation as soon as climatically possible after occupancy.

C. Walkways and Courtyards

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

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

D. Treatment of Parking Areas

1. Landscaping. All landscaping shall be installed and maintained with the objective of maximizing the growth potential of the plant material. Parking areas should be planted with trees which moderate the effects of the climate. Trees shall be planted and maintained throughout the parking lot area so as to ensure that, within 15 years after construction, at least 50% of the parking area will be shaded at noon on August 21st.
2. Lighting. Lighting shall be designed to contribute to the public safety and conform as well to a sense of pedestrian scale, where appropriate. Light standards shall be no higher than 20 feet. The configuration of light fixtures should be designed to minimize glare on adjacent streets and properties. Light fixtures should be off set from trees so as not to be obscured by overhanging limbs.

3. Curbs, walls, decorative fences with effective landscaping or similar screening devices shall be located along the perimeter of parking lots and enclosed storage areas except at entrances and exits indicated on approved plans. Such barriers shall be designated and located to prevent parked vehicles from extending beyond property lines of parking lots or into landscaped spaces where parking is prohibited and to protect public right-of-way and adjoining properties from damaging effects of surface drainage from parking lots. Minimum stall dimensions shall correspond to standards provided in the City Zoning Ordinance except that the front two feet of all stalls (the area into which the vehicle bumper overhangs) may be incorporated into the adjacent landscape or walkway improvements, provided that the adjacent landscape or walkway improvements are a minimum of six (6) feet in depth, resulting in a net decrease of two (2) feet of the required surface depth of the parking stall. A continuous six (6) inch raised concrete curb shall be provided along all landscaped areas and walkways abutting parking or drives.. Curbs and drives shall be constructed in accordance with the latest requirements of the City of Sacramento.

E. Exterior Lighting

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

F. Loading and Service Areas

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

G. Energy Conservation

1. The Continental Plaza buildings shall be designed to meet current state and federal energy requirements at the time of construction.
2. Developers, builders and architects shall work with relevant utilities during the initial stages of project development to maximize energy efficiency and reduce infrastructure needs and developer cost. The purpose of this coordination is to ensure that energy efficiency and load management measures are considered to the maximum extent feasible for all developments in order to substantially reduce overall energy use in the community.
3. Site Design. Building should be oriented to provide appropriate solar access/exposure and shading for improved efficiency. Natural ventilation and day lighting should also be considered to reduce cooling and heating loads and to provide alternatives to more energy-intensive mechanical/electrical systems.
4. Building Design. Construction should maximize energy efficiency potential through the utilization of: exterior building materials that are well insulated and shaded where appropriate; window shading strategies/devices and effective shading coefficients; the use of light colored paints and building materials for interior and exterior surfaces; and the use of efficient lighting systems and day lighting louvers and controls/sensors to reduce dependence on artificial lighting and to reduce cooling loads. In addition, water consumption features as well as efficient heating, ventilating and air conditioning systems, pumps, motors and energy management systems should be employed where economically feasible. Opportunities for passive and active solar design (photovoltaics, solar domestic hot water) and the inclusion of alternative and renewable energy systems should be explored.
5. Landscaping shall be designed to shade walks, streets, drives and parking areas so as to minimize surface heat gain and shall, at a minimum, comply with the Water Conservation Landscape Requirements and all other current City of Sacramento standards.
6. Outdoor lighting should be designed to provide the minimum level of site lighting commensurate with site security.

H. Garbage Services/Trash Enclosures

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

I. Utility Connections, Mechanical Equipment and Communications Equipment

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

J. On-Site Drainage

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

K. Hazardous Materials

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

VIII. SIGN CRITERIA

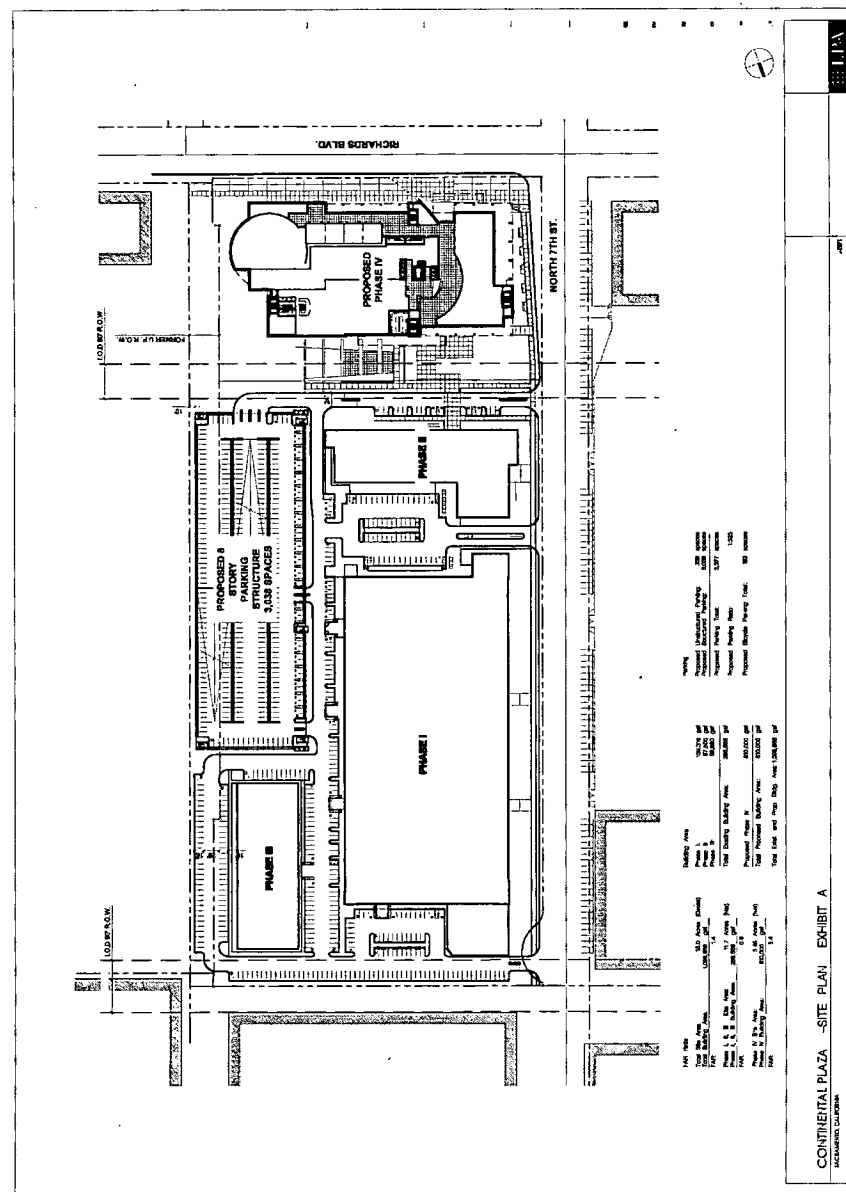
A. *A sign program for the Continental Plaza development shall be submitted to the Department of Planning and Community Development subsequent to the City Planning Commission special permit hearing and shall be approved prior to the installation of any signage. The sign program is intended to assure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

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

Subject: Continental Plaza PUD (P07-015)

July 12, 2007

Exhibit B
Schematic Plan



Attachment 2

CONCLUSION TO PREPARE AN ADDENDUM TO
A CERTIFIED ENVIRONMENTAL DOCUMENT

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

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

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

The current entitlement requests for a development agreement and PUD amendments do not significantly alter the analysis in the previously certified environmental document and the alternatives identified in that document; therefore, an addendum is being prepared for this project. Although the addendum provides additional information and evaluation, none of the new information and evaluations will trigger a need for a subsequent Environmental Impact Report. The modifications of the previous entitlements for the proposed

project are within the scope of analysis of the prior project and will not result in any new potential environmental impacts or any more severe impacts than those previously evaluated, identified, and proposed to be mitigated in the original Continental Plaza PUD environmental document.

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

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

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

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

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

Continental Plaza PUD
Addendum to the Continental Plaza PUD Environmental Document
(SCH 1996032045)
PROJECT INFORMATION
File Number / Project Name
P07-015 / Continental Plaza PUD

Project Location

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

Existing Plan Designations and Zoning:

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

Project Background

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

updated transportation and circulation analysis and applicable mitigation measures.

Project Purpose

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

Project Components

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

Subject: Continental Plaza PUD (P07-015)

July 12, 2007

Attachment 3
PUD Guidelines Redline Copy

Redline Copy

DEVELOPMENT
GUIDELINES

CONTINENTAL PLAZA PUD

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

IX. PURPOSE AND INTENT

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

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

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

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

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

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

X. FORCE AND EFFECT

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

III. SCHEMATIC DEVELOPMENT PLAN

These development guidelines incorporate the Schematic Plan of the Continental Plaza PUD originally approved by the Sacramento City Council by Resolution No. 96-594.594 and amended by Resolution No. 07-_____. This Schematic Plan, showing building locations, parking layout and site circulation, is attached as Exhibit A. Amendments to the Schematic Plan are subject to the review and approval of the Planning Commission and City Council as set forth in Section 17.180 of the Sacramento City Code. Minor modifications, however, may be made to the Schematic Plan if the Zoning Administrator determines that the requested modification is consistent with the objectives and intent of these PUD Guidelines.

XI. PROCEDURES FOR APPROVAL

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

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

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

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

Since Continental Plaza Project is a PUD, development is not subject to City design review under Chapter 17.132 of the Zoning Code that otherwise is required for all development in the Richards Boulevard SPD. Section 17.120.XXX exempts properties within a planned unit development from design review because the PUD project approval process incorporates design review. The Planning Directors Plan Review process will insure that projects within the Continental Plaza PUD comply with these Guidelines. Appeal of a Planning Directors decision regarding Plan Review for a project is set out in Chapter 17.220.

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

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

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

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

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

XII. LAND USE SUMMARY

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

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

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

TABLE 1

Land Use Summary

Phase I (existing)	160,000+ SF
Phase II (existing)	67,500+ SF
Phase III (existing)	59,850+ SF
Phase IV (to be constructed)	810,000+ SF
Office (including 14,000+ SF of ground floor retail)	
Parking Structure (approximately 4,238,000 spaces)	
Child Care Facility (conversion of 4,300+ SF of Phase I office space)	

Total square footage (net of parking structure)	1,097,350+ SF
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XIII. BUILDING STANDARDS

A. Allowable Development:

1. The overall building square footage (net of structured parking) in the Continental Plaza PUD shall not exceed 1,097,350 square feet.
 - b. For the purpose of calculating the Floor Area Ratio (FAR) for the Continental Plaza PUD, the area of the site shall include both the ~~13.23± gross acre parcel (11.7± acres net of ROW/IOD)~~ and the 11.92+ gross acre (10.62 net of ROW/IOD) Parcel A, the 1.39+ gross acre (1.22 net of ROW/IOD) Parcel B, and the 4.75+ gross acre (3.45 acres net of ROW/IOD) Parcel C. This methodology reflects the functional integration of these ~~two~~ three parcels into a single office campus.
2. The overall building square footage on Parcels A and B (the northern lots) of Continental Plaza PUD shall not exceed ~~290,500~~ 291,650 gross square feet of occupied building area and a ~~4,238 space~~ parking structure not to exceed eight stories, 95 feet in height with sufficient capacity to accommodate approximately 3,000 spaces. The building square footage includes ~~287,000~~ 287,350 gross square feet of office development and a 4,300 gross square feet childcare facility.
3. The overall building square footage on Parcel B C (the southern lot) of Continental Plaza PUD, shall not exceed 810,000 gross square feet.
4. The overall building square footage on the southern lot site, devoted to ground floor retail, commercial or service uses shall be a minimum of 14,000 square feet.

5. Residential uses, if proposed at a later date, shall be developed at a density of a minimum 25 du/nac and maximum of 65 du/nac.

B. Permitted Uses:

1. M-2 zone

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

2. OB zone

- e. Office
- f. Multiple Family Residential
- g. Child Care Facilities
- h. Ground floor commercial, retail or service uses as follows:
 - i. *art gallery*
 - ii. *bank, savings and loan*
 - iii. *barber, beauty shop*
 - iv. *book, stationery store*
 - v. *cleaners, laundry agency*
 - vi. *clothing store*

- vii. florist
- viii. food store, bakery, delicatessen
- ix. restaurant, cafe,
- x. retail
- xi. photography studio
- xii. video rental stores

C. Height:

The following is the maximum height

- 1. M-2 zone (Parcels A and B)
 - 4. M-2 zone (Parcels A and B) a. Office/Residential buildings -- 75 feet (measured from top of plate line)
 - b. Parking Garage -- 95 feet (measured from top parking deck; last elevator stop and elevator equipment shall be permitted up to an additional 15 feet)
- 2. OB zone (Parcel C) - 180 feet (measured from top of plate line)
 - b. Penthouse for mechanical equipment, if provided, shall be permitted up to an additional 15 feet.

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

- 1. M-2 zone (Parcels A and B)
 - e. 7th Street (west) - 25 feet
 - f. Proposed Vine Street IOD/ROW (north) - 10 feet
 - g. Existing interior property line (east)
 - i. Parking garage - 5 feet
 - ii. Office/Residential buildings - 10 feet
 - h. Proposed new street (south) - 10 feet

2. OB zone (Parcel B-C)

- e. 7th Street (west) - 45 feet
 - i. *This 45 foot setback shall be reduced ultimately to 23 feet once 7th Street taper is constructed.*
- f. Proposed new street (north) - 10 feet
- g. Existing interior property line (east) - 10 feet
- h. Richards Boulevard (south) - 35 feet from existing property line
 - ii. *This 35 feet setback includes the future 30 foot wide right-of-way for the extension of the LRT line to the Dos Rio station. Upon dedication of the LRT ROW the setback shall be reduced to 5 feet. The development of the 30 foot LRT ROW provides a 24 foot track area and 6 foot sidewalk (north of the tracks. To provide the best configuration for the light rail line, it is recommended that the City and Regional Transit relocate the 9 foot sidewalk to the north side of the tracks and utilize the remaining six feet for landscaping in conjunction with the 5 feet provided by the building, thus providing 11' of landscaping between the sidewalk and the building.*

E. Vehicle Parking:

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

1. Office

- c. ~~Off~~The maximum amount of off-street parking shall be developed at a ratio of one vehicle parking spaces for every vehicle parking permitted for office use shall be one space per 325 gross square feet of floor area. The minimum amount of off-street vehicle parking permitted for office use shall be one space per 600 gross square feet of floor area, unless additional TSM measures are implemented in accordance with Section VI.E.1.b below.

- d. ~~Parking~~Office parking may be reduced to above the 1:600 ratio up to a minimum amount of off-street vehicle parking of one space for every 1,000 gross square feet of floor area, provided that additional TSM measures, beyond those mandated by the Developer TSM Ordinance (35%), shall be implemented in order to support the reduction in parking. A developer Transportation Management Plan (TMP) shall be submitted concurrently with the special permit application for development to justify the requested parking reduction.
- 2. Restaurant - Vehicle parking shall not be required for a restaurant use that is a component of an office or residential project provided that the cafeteria use does not exceed 6,000 square feet per building.

Exception - vehicle parking shall not be required for a cafeteria, not exceeding 14,500 net square feet, that serves the office building and operates during the hours the office building is open.
- b. The minimum off-street vehicle parking spaces for a restaurant use, exceeding 6,000 gross square feet, provided such use is a component of a residential or office project is one space per 450 gross square feet of floor area.
- 3. Commercial/retail or service uses:
 - d. Vehicle parking shall not be required for a commercial or retail use provided that such use is a component of a residential or office project and provided that such use does not exceed 5,000 square feet of building occupancy per tenant.
 - e. One vehicle parking space per 450 gross square feet shall be required for a commercial or retail use provided such use is a component of a residential or office project and provided that such use does not exceed 9,600 gross square feet of building occupancy per tenant.
 - f. One vehicle parking space per 400 gross square feet shall be required for a commercial or retail use provided such use is a component of a residential or office project and provided that such use exceeds 9,600 gross square feet of building occupancy per tenant. The maximum amount of off-street vehicle parking permitted shall be one space per 300 gross square feet of floor area for commercial or retail use.

4. Residential
 - c. 1.5 parking spaces per unit
 - d. 1 guess space per 15 parking spaces
5. All other uses shall comply with parking standards provided by the Zoning Ordinance.
6. Two percent (2%) of all structured vehicle parking spaces shall be equipped with electrical outlets for electric vehicles. This will include adequate power supply (120/240v. 40 amp) service to each parking stall.
7. The Continental Plaza parking structure shall be operated and managed so as to provide opportunities for use of the facility by residents of and visitors to the Richards Boulevard Plan Area during those hours of the day when the structure is not in use to serve the parking requirements of the Continental Plaza Project.
8. The developer of Continental Plaza Phase IV shall make a good faith cooperative effort in collaboration with the developer of the Township 9 Project located at the northwest corner of Richards Boulevard and N. 7th Street to incorporate access to the Continental Plaza parking structure from Richards Boulevard and to reduce reliance on access to the facility from N. 7th Street.

F. Bicycle Parking:

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

G. Open Space:

1. Office Use:
 - g. The Continental Plaza Phase III and IV office buildings shall provide open space at a ratio of 1 square foot of open space per 10 square feet of development (1:10).
 - h. A minimum of 20% of the open space shall be provided on site.

- i. *Provisions shall be made for the balance of the open space obligation attributable to the Continental Plaza project either through conveyance to the City of an off-site open space location acceptable to the City and within the Richards Boulevard Planning Area or payment of an in lieu fee.*
- ii. *Conveyance of off-site open space or an in lieu fee shall be subject to a Development Agreement or other similar agreement or arrangement by the City.*
- i. Landscaped setback areas designed to contribute to the active or passive enjoyment of employees of the Continental Plaza Office campus may be counted towards the open space requirements. The landscape setback along Richards Boulevard shall be integrated into the open space design and shall be counted in the open space requirements. The interim landscape/plaza improvements in the 60 foot "new street" right-of-way shall also be counted as complying with the on-site open space requirements.
- j. To the extent consistent with considerations of security, the open space area shall be oriented towards pedestrian linkages or located adjacent to people-oriented uses (such as retail or restaurants).
- k. The open space area, shall incorporate, but not be limited to, one or more of the following features:
 - iii. *Landscaping (i.e. turf, trees, flower gardens, etc.)*
 - iv. *Decorative paving (i.e. tile, cobblestone, colored concrete, etc.)*
 - v. *Public art pieces*
 - vi. *Water features (i.e. ponds, reflecting pools, etc.)*
 - vii. *Seating areas*
 - viii. *Canopies*
 - ix. *Lighting*

- I. Open space features shall be complimentary to the building architecture. Design elements, material, colors and lighting should be contextual with the proposed building or existing adjacent buildings.

2. Residential

c. On-site open space

- i. *A minimum of 80 square feet of common usable open space per unit is required. Such areas may include courtyards, gardens, recreational and similar areas.*
- ii. *A minimum of 50 square feet of private usable open space per unit is required. this area is for the exclusive use of the unit. Such areas may include decks, balconies and patios. Private usable open space shall be directly accessible for the associated unit.*

d. Park Land Dedication

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

H. Wall/Fencing Requirements:

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

I. Temporary Structures:

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

XIV. ARCHITECTURAL TREATMENT AND MATERIALS

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

1. Building Facades. The design of building facades should be clearly organized to distinguish between the building base (up to 40 feet), the upper level streetwall facades (up to 85 feet) and a tower element that is above 85 feet in height.
2. Building Bases. The building base should be open in nature and designed in a way that creates visual interest and variety along the street frontage of Richards Boulevard, North 7th Street and the proposed new street, both from the perspective of the pedestrian and the passing motorist. Architectural features such as setbacks, colonnades, arcades, changes in materials and changes in wall planes are encouraged to provide visual relief and clearly articulate the building base from the upper level portions of the building. Because of the proximity of the building base to pedestrian level activity, special attention should be given to architectural detail including placement of joint lines, use of premium cladding at the pedestrian level and location of ventilation louvers for mechanical equipment away from points of pedestrian activity. Although the building base should employ transparent design features such as colonnades, areas of solidity should also be incorporated as the base elevation is articulated.
3. Building Entries. The building entry design should reflect a principal building orientation towards or adjacent to the corner of 7th Street and Richards Boulevard. Entries should be clearly defined with integrated canopies for weather protection and with adequate and distinctive lighting for safety and effect. Services entries should be located away from the major pedestrian activity points.
4. Fenestration. The fenestration above the building base, up to 85 feet in height, is intended to articulate the different masses of the

building by use of curtain walls, ribbon windows, punched openings and sun protection devices such as overhangs, trellises, and canopies to provide an extra level of texture for different window types. Window openings should provide for a hierarchy of horizontal and vertical expression and should be recessed to offer shade and complexity to the building elevation. Patterns should reflect changes in building form, stepbacks and proportions, and should avoid relentless grids and repetitive patterns. The solid portion of the walls should incorporate reveals, moldings, and changes in plane that reinforce the compositional design of the facade and offer shadow, detail and variety. This fenestration should contrast in appearance from the fenestration of the tower element.

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

function of the area. Recommended materials for the upper portions of the building and the tower element include precast concrete, glass-fiber reinforced concrete (GFRC), metal panels or other equivalent high quality materials. Highly reflective mirrored glass should be avoided as a primary building material for the facade.

XV. ENVIRONMENTAL STANDARDS

A. Purpose and Intent

The purpose and intent of this section is 1) to encourage the creative and innovative use of materials and methods of construction, and 2) to prevent indiscriminate and insensitive use of materials and design. All buildings, structures, paved areas and building materials, color schemes, and landscape elements shall be designed and constructed so as to create a desirable environment for the intended use and relate harmoniously to the surrounding community.

B. Landscaping

1. Landscape Plans. Detailed landscaped and irrigation plans shall be approved by the Planning and Development Department prior to issuance of a building permit. The detailed landscape and irrigation plans shall include a tree shading diagram for any on-site surface parking.
2. General Landscaping. Groundcovers interspersed with tree plantings will be employed to enhance the aesthetics of the Continental Plaza development. All landscaping referred to in this section shall be maintained in a healthy, neat and orderly fashion.
3. Planting types. A plant list for the Continental Plaza PUD shall be approved by the Planning and Development Department prior to the issuance of a building permit for the project. All trees, shrubs, and groundcover planting types shall conform to the Continental Plaza approved plant list unless and alternate type is approved by the Planning and Development Department.
4. Irrigation. All landscaped areas shall be irrigated with timed permanent automatic systems.
5. Setback Areas. Landscaping in these areas shall consist of an effective combination of trees, laws, groundcover and shrubbery. Backflow preventers located in the setback areas shall be attractively screened.
6. Unpaved Areas. All unpaved areas not utilized for parking and storage shall be landscaped utilizing groundcover and/or shrubbery and tree material.

7. Pedestrian-Oriented Amenities. The inclusion of pedestrian-oriented amenities such as benches in the landscaped areas is encouraged.
8. Installation of Landscaping. Prior to the issuance of any temporary or final occupancy permits, the project landscaping, including permanent automatic irrigation systems, shall either be installed or a security, in the form satisfactory to the City, shall be posted to insure installation as soon as climatically possible after occupancy.

C. Walkways and Courtyards

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

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

D. Treatment of Parking Areas

1. Landscaping. All landscaping shall be installed and maintained with the objective of maximizing the growth potential of the plant material. Parking areas should be planted with trees which moderate the effects of the climate. Trees shall be planted and maintained throughout the parking lot area so as to ensure that, within 15 years after construction, at least 50% of the parking area will be shaded at noon on August 21st.
2. Lighting. Lighting shall be designed to contribute to the public safety and conform as well to a sense of pedestrian scale, where appropriate. Light standards shall be no higher than 20 feet. The configuration of light fixtures should be designed to minimize glare on adjacent streets and properties. Light fixtures should be off set from trees so as not to be obscured by overhanging limbs.
3. Curbs, walls, decorative fences with effective landscaping or similar screening devices shall be located along the perimeter of parking lots and enclosed storage areas except at entrances and exits indicated on approved plans. Such barriers shall be designated and located to prevent parked vehicles from extending beyond property lines of parking lots or into landscaped spaces where parking is prohibited and to protect public right-of-way and adjoining properties from damaging effects of surface drainage from parking

lots. Minimum stall dimensions shall correspond to standards provided in the City Zoning Ordinance except that the front two feet of all stalls (the area into which the vehicle bumper overhangs) may be incorporated into the adjacent landscape or walkway improvements, provided that the adjacent landscape or walkway improvements are a minimum of six (6) feet in depth, resulting in a net decrease of two (2) feet of the required surface depth of the parking stall. A continuous six (6) inch raised concrete curb shall be provided along all landscaped areas and walkways abutting parking or drives.. Curbs and drives shall be constructed in accordance with the latest requirements of the City of Sacramento.

E. Exterior Lighting

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

F. Loading and Service Areas

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

G. Energy Conservation

1. The Continental Plaza buildings shall be designed to meet current state and federal energy requirements at the time of construction.
2. Developers, builders and architects shall work with relevant utilities during the initial stages of project development to maximize energy efficiency and reduce infrastructure needs and developer cost. The purpose of this coordination is to ensure that energy efficiency and load management measures are considered to the maximum extent feasible for all developments in order to substantially reduce overall energy use in the community.

3. Site Design. Building should be oriented to provide appropriate solar access/exposure and shading for improved efficiency. Natural ventilation and day lighting should also be considered to reduce cooling and heating loads and to provide alternatives to more energy-intensive mechanical/electrical systems.
4. Building Design. Construction should maximize energy efficiency potential through the utilization of: exterior building materials that are well insulated and shaded where appropriate; window shading strategies/devices and effective shading coefficients; the use of light colored paints and building materials for interior and exterior surfaces; and the use of efficient lighting systems and day lighting louvers and controls/sensors to reduce dependence on artificial lighting and to reduce cooling loads. In addition, water consumption features as well as efficient heating, ventilating and air conditioning systems, pumps, motors and energy management systems should be employed where economically feasible. Opportunities for passive and active solar design (photovoltaics, solar domestic hot water) and the inclusion of alternative and renewable energy systems should be explored.
5. Landscaping shall be designed to shade walks, streets, drives and parking areas so as to minimize surface heat gain and shall, at a minimum, comply with the Water Conservation Landscape Requirements and all other current City of Sacramento standards.
6. Outdoor lighting should be designed to provide the minimum level of site lighting commensurate with site security.

H. Garbage Services/Trash Enclosures

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

4. Such facilities shall relate appropriately to the buildings they serve and shall not be obtrusive or detract from the building design theme.

I. Utility Connections, Mechanical Equipment and Communications Equipment

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

J. On-Site Drainage

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

K. Hazardous Materials

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

XVI. SIGN CRITERIA

- A. A sign program for the Continental Plaza development shall be submitted to the Department of Planning and Community Development subsequent to the

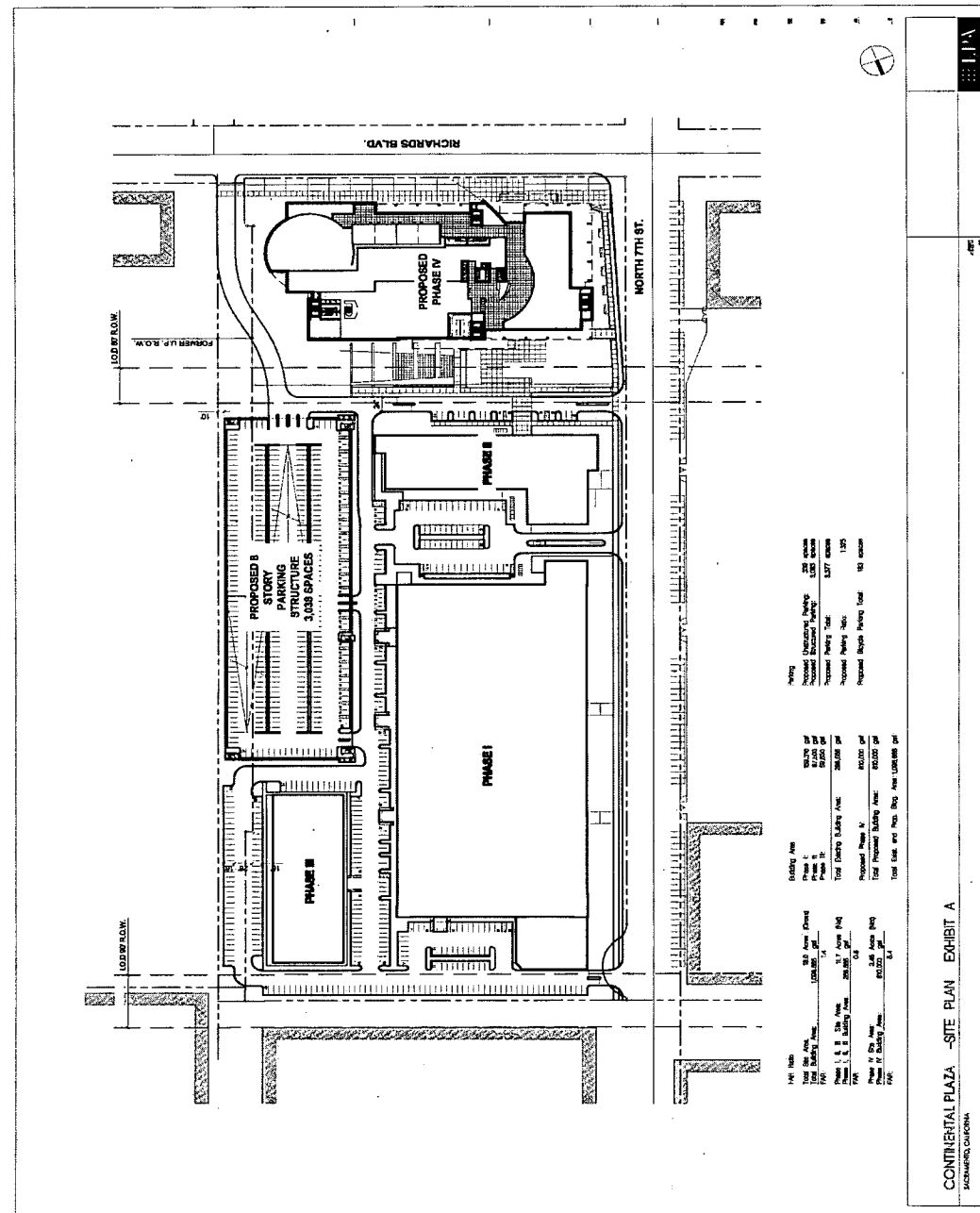
City Planning Commission special permit hearing and shall be approved prior to the installation of any signage. The sign program is intended to assure that all Continental Plaza signage is harmonious with the Continental Plaza building and site. The sign program shall set forth the locations and details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

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

Subject: Continental Plaza PUD (P07-015)

July 12, 2007

Attachment 4
Potential Access Off Richards Bl.



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

ACTION OF THE ZONING ADMINISTRATOR

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

Project Information

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

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

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

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

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

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

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

Property Owner: Grove Investment Company, a California general partnership
3184 J Airway Avenue
Costa Mesa, CA 92626

Project Planner: Monica May

General Plan Designation: Special Planning District
Central City Community Plan Designation: Office; and Industrial-Residential

Existing Land Use of Site:
Existing Zoning of Site:
SPD

Office and Warehouse
OB-PUD, OB-PUD-SPD, and M2-N-PUD-
SPD

Surrounding Zoning
North: M2-N-PC-SPD
South: M2-C-SPD
East: M2-N-SPD & M2-C-SPD
West: M2-N-SPD & M2-C-SPD

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

Project Plans: Exhibits A through M

Previous Files: P01-125

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

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

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

Environmental Determination

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

CONDITIONS OF APPROVAL:

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

General

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

The new expiration date shall be October 24, 2007.

Development Engineering and Finance

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

Fire

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

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

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

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

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

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

Provide appropriate Knox access for site.

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

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

Utilities

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

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

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

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

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

A drainage study and shed map as described in Section 11.7 of the City Design and Procedure

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

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

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

The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.

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

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

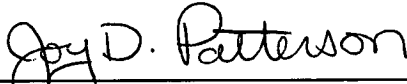
ADVISORY NOTES:

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

The proposed project is located in the 100-year floodplain, designated as an A99 zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that

have been revised by a Letter of Map Revision effective May 22, 2000. Within the A99 zone, there are no requirements to elevate or flood proof.

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


Joy D. Patterson
Zoning Administrator

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

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

cc: File (original)
ZA Log Book
Applicant

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

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

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

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

FINDINGS OF FACT

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

1. One or more mitigation measures have been added to the above-identified project;
2. A Mitigation Monitoring Plan has been prepared to ensure compliance and implementation of the mitigation measures for the above-identified project, a copy of which is attached as Exhibit 1A;
3. The Mitigation Monitoring Plan meets the requirements of Public Resources Code Sec. 21081.6.
4. The Mitigation Monitoring Plan is approved, and the mitigation measures shall be implemented and monitored as set forth in the Plan.

C. PUD/ Guideline Amendments to modify text regarding timing and development on a total of 18.25± gross acres in the Office Planned Unit Development Special Planning District (OB-PUD-SPD) and Heavy Industrial Planned Unit Development Special Planning District (M-2-PUD-SPD) zones: The PUD/ Guideline Amendments are approved subject to the following findings of fact and conditions of approval:

1. The proposed amendments to the PUD Schematic Plan do not alter the height or setback requirements established by the PUD.
2. The proposed amendments to the PUD Schematic Plan do not change the types or intensities of land uses.

D/E/F. Special Permit to construct a 810,000 square foot office building in the Continental Plaza PUD, to operate off-site parking for the proposed 810,000 square foot office building, and to operate a 4,300 square foot child care facility within the existing 159,316 SF Phase I office building in the Heavy Industrial (M-2-SPD) zone: The Special Permits are approved subject to the following findings of fact and conditions of approval:

1. The overall project is based upon sound principles of land use in that:
 - a. the proposed use will not adversely affect the peace and general welfare of the surrounding industrial area;
 - b. the proposed use will stimulate the revitalization of the area; and,
 - c. the proposed use will contribute to amenities necessary to transition the area from predominately industrial area to a mixed use district.
2. The overall project will not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - a. adequate parking and lighting is provided;

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

CONDITIONS OF APPROVAL

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

- D/E/F1. Comply with requirements included in the Mitigation Monitoring Plan (MMP) developed by the Environmental Services Division and approved by the Planning Commission. The Mitigation Monitoring Program contains all mitigation measures adopted by the Planning Commission in the Findings of Fact and Statement of Overriding Considerations for approval regarding the proposed project. In addition, the MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.
- D/E/F2. The applicant shall comply with the City of Sacramento's Grading, Erosion, and Sediment Control Ordinance.
- D/E/F3. The applicant shall provide the required handicap parking spaces as required by Title 24 of the City Code and the Americans with Disabilities Act (ADA) standards.
- D/E/F4. A 14,000 square foot cafeteria/ retail component shall be provided on the ground floor of the building.
- D/E/F5. The location and design of signage shall be reviewed and approved by the Department of Public Works, Planning and Building Department, and Design Review staff prior to issuance of any permits.

D/E/F6. Thirteen parking spaces located to the east of the play yard shall be identified and market for use by the child care facility.

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

Public Works

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

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

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

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

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

D/E/F12. Prior to the issuance of a building permit to construct the office building property owner shall execute and record an agreement with the City to design and construct "new street" to the satisfaction of Public Works, at the sole cost to the property owner/developer, upon written demand by the City. The agreement shall specify the manner in which the City may make its demand, the timing of design and construction of new street after such

demand is made; and shall further provide that the City may proceed with design and construction of "new street" if property owner/developer fails to proceed with such design and construction as provided in the agreement, and thereafter obtain reimbursement. The street shall be constructed per the Facility Element of the Railyards Specific Plan (RSP) and Richards Boulevard Area Plan (RBAP). In lieu of a performance bond, deposit or other financial security, the agreement shall establish the property as security for performance of the obligations to design and construct "new street".

D/E/F13. Prior to the issuance of a building permit to construct the office building property owner shall execute and record an agreement with the City to design and construct southerly one-half of Vine Street to the satisfaction of the Department of Public Works, at the sole cost to the property owner/developer, upon written demand by the City. The agreement shall specify the manner in which the City may make its demand, the timing of design and construction of the southerly one-half of Vine Street after such demand is made; may allow the property owner/developer to be reimbursed for overwidth pavement per the Overwidth Pavement Reimbursement Policy; and shall further provide that the City may proceed with design and construction of the southerly one-half of Vine Street if property owner/developer fails to proceed with such design and construction as provided in the agreement, and thereafter obtain reimbursement. The street shall be constructed per the Facility Element of the RSP and RBAP. In lieu of a performance bond, deposit or other financial security, the agreement shall establish the property as security for performance of the obligations to design and construct the southerly one-half of Vine Street".

D/E/F14. Upon dedication and construction of "new street", Vine Street and North 7th Street, all areas adjacent to these streets shall be developed in accordance with the PUD Guidelines, RSP/RBAP Facility Element and to the satisfaction of Planning and Community Development and Public Works Departments. Prior to issuance of building permit to construct the office building, the applicant shall submit a new site plan for review and approval of Planning and Development and Public Works demonstrating how areas adjacent to the proposed new rights-of-way shall interface with the new roadways (e.g. landscaping, driveway, pedestrian access, parking).

D/E/F15. Property owner shall be responsible for maintenance of all IOD areas until the City formally accepts dedication.

D/E/F16. Upon dedication and construction of "new street", Vine Street and North 7th Street, all areas adjacent to these streets shall be developed in accordance with the PUD Guidelines, RSP/ RBAP Facility Element and to the satisfaction of Planning and Building Department and the Department of Public Works.

D/E/F17. Prior to building permit issuance for Continental Plaza Phase IV, pay the

Transportation Impact Fee of the Railyards/ Richards Boulevard Area Infrastructure Financing Plan as adopted by the City Council on March 10, 1998 by Ordinance No. 98-011. The Transportation Impact Fee has been calculated based on the costs of constructing the Railyards/ Richards Boulevard Area Stage One Infrastructure and Facilities including the widening of the Richards/ I-5 undercrossing from five to seven lanes. The Transportation Impact Fee shall be paid based on the fee in effect at the time payment is made.

- D/E/F18. The parking structure shall be constructed with the construction of Continental Plaza Phase IV (810,000 s.f.).
- D/E/F19. Access to parking structure shall be limited to patrons and employees of Continental Plaza during normal business hours. During off business hours, parking may be made available to the public provided security measures reviewed and approved by the Police Department are in place.
- D/E/F20. Prior to issuance of a building permit to construct the office building, provide reciprocal access, parking, and maneuvering easements between Parcels A, B, and C, as shown in Exhibit 1B (assessor parcel numbers 001-0020-017, -018, -049, and -050). If the parcels are under one ownership, provide reciprocal access, parking, and maneuvering easements at the time of sale or lease.
- D/E/F21. Parking spaces and driveways shall be to City standards.
- D/E/F22. Prior to issuance of a building permit to construct the office building, a TMP shall be submitted, reviewed and approved by the Public Works Department.
- D/E/F23. Prior to issuance of building permit for either the 810,000 square foot building or the parking garage the applicant shall have either:
- A. Dedicated to the City, at no cost to the City, 22,400+ square feet of open space in an off-site location within the Richards Boulevard Planning Area satisfactory to the City; or
 - B. Paid an in-lieu fee to the City, in the amount specified below. The in-lieu fee shall be calculated pursuant to the formula and procedure set forth in Subdivision Regulations (City Code Title 16, Section 16.64.050) (i.e., the fair market value of the land, plus twenty percent (20%) for off-site improvements such as utility line extensions, curb, gutter and pavement and street lights); provided that the appraisal required by Section 16.64.050 shall be based upon the appraised fair market value of the property with the entitlements granted by this approval, including the approvals by the Council or the requested rezone(s) and plan amendments. The appraisal shall be made not more than 90 days prior to the date of application for building permit.

D/E/F24. Prior to issuance of building permit, the applicant shall submit revised plans incorporating additional open space elements into the open space area designated along Richards Boulevard (RT alignment), to the satisfaction of the Planning and Community Development Department.

Utilities

D/E/F25. This project is served by the Combined Sewer System (CSS). Without mitigation the project will have an impact to the CSS. Therefore, impact from the project to the CSS must be mitigated to the satisfaction of the Department of Utilities. If mitigation of impacts is not practical, the developer may enter into an impact fee agreement with the City or pay a fee based upon the projects' estimated sanitary sewer flows prior to the issuance of a building permit. The fee will be used for improvements to the CSS.

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

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

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

D/E/F29. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Since the project is not served by a regional water quality control facility and is greater than 1 acre, both source controls are required for (1) commercial/ industrial material storage, (2) commercial/ industrial outdoor loading/ unloading of materials, (3) commercial/ industrial vehicle and equipment fueling, (4) commercial/ industrial vehicle and equipment maintenance, repair, and washing, (5) commercial/ industrial outdoor process equipment operations and maintenance, and (6) commercial/ industrial waste handling. Storm drain message is required at all drain inlets. On-site treatment control measures are also required and may affect site design and site configuration and therefore, should be considered during the early planning stages. Improvement plans must include the source controls and on-site treatment

control measures selected for the site. Refer to the "Guidance Manual for On-Site Stormwater Quality Control Measures", dated January 2000, for appropriate source control measures and recommended on-site control measures.

Police

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

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

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

D/E/F33. The applicant shall agree to a "good neighbor policy". The "good neighbor policy" shall require that if any significant problems arise and that the City receives complaints about the use, the City will commence with Special Permit revocation hearings at the cost of the property owner. The revocation hearing shall be at the discretion and direction of the Planning Commission.

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

D/E/F35. Dumpsters shall be locked.

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

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

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

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

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

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


CHAIRPERSON

ATTEST:


SECRETARY TO CITY PLANNING COMMISSION

DATE (P01-125)

Recording
Not
Required

-
-
-

MITIGATION MONITORING PLAN
FOR
Continental Plaza (P01-125)

Type of Environmental Document:
Addendum to Negative Declaration

Prepared By:
EIP Associates

Prepared For:
City of Sacramento Planning Division

Date:
October 24, 2002

Adopted By:
City of Sacramento, Planning Commission

Date:

Attest:

Secretary

**CITY OF SACRAMENTO
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Neighborhoods, Planning and Development Services Department, 1231 I Street, Room 300, Sacramento, CA 95814, pursuant to CEQA Guidelines Section 15097.

Project Description

Project Name/File Number: Addendum to the Continental Plaza Phase III and IV EIR

City of Sacramento Contact Person: Ted Kozak
City of Sacramento, Planning and Building
1231 I Street, Room 300
Sacramento, California 95814
(916) 264-1944
(916) 264-5328 (Fax)

Applicant: Bruce E. Nott
Address: 3184-J Airway Avenue
Costa Mesa, California 92624

Project Location

The Continental Plaza Phase IV Project (Proposed Project) is located in the Richards Boulevard planning area of the Central City area at the northeast corner of Richards Boulevard and North 7th Street in the City of Sacramento. The Richards Boulevard planning area (Richards Area) is generally bounded by the American River, the Sacramento River, the Southern Pacific Railroad, and Sutter's Landing Park. Nearby uses consist primarily of warehousing and light industry, with residential development (the Dos Rios and Basler-Dreher neighborhoods) and the Dos Rios Elementary School in the eastern portion of the plan area. The 18-acre project site is bounded by Richards Boulevard to the south, North 7th Street to the west, the proposed Vine Street extension to the north, and the California Lottery office complex to the east. The northern portion of the project site is designated Industrial/Residential, which allows continuation and expansion of existing light industry while designating sufficient land for long-term housing development. The southern portion of the project site is designated Office-Transit. The project site and adjacent areas are zoned M-2(SPD). The Assessor Parcel Numbers are 001-0020-017 and 001-0020-018.

At present, the northern portion of the project site is occupied by a 159,316 square-foot, single-story office building (Continental Plaza Phase I), a 67,500 square-foot office building constructed in 1991 (Continental Plaza Phase II), and a 59,850 square-foot office building constructed in 1998 (Continental Plaza Phase III), all leased to the State Department of Health Services, and a 920-space parking lot. A warehouse occupies the Proposed Project

site.

Original Project Description

The Continental Plaza EIR (Draft Initial Study and Notification of the Use of the Railyards Specific Plan/Richards Boulevard Area Plan EIR and SEIR for the Continental Plaza Phase III and Phase IV) (certified EIR) was certified, and the original Continental Plaza Phase IV Special Permits were approved on October 29, 1996, as part of an entitlement package that included a rezone, a Planned Unit Development, a Schematic Plan and Development Guidelines (the Continental Plaza Phase IV Entitlements). A time extension of the Continental Plaza Phase IV Special Permits, together with a Supplemental EIR and Mitigation Monitoring Plan, were approved by the City Council on February 22, 2000.

The original Phase III and Phase IV project is a planned unit development (PUD) for the 18-acre Continental Plaza site. The PUD consists of the existing two office buildings, (Phases I and II) and construction of two new office buildings (Continental Plaza Phase III and Phase IV). In addition, Phase IV of the Proposed Project will include construction of a parking structure and remodeling of the Phase I building to create a day care center.

Phase III Expansion

Under the original project, a two-story, 59,850 square-foot office building was constructed in the northeastern corner of the project site. The building provides space for approximately 250 employees. The building required the removal of approximately 196 to 206 of the existing 920 onsite parking spaces, leaving 704 to 714 spaces. Access to this portion of the site is provided via a driveway at the northern property line. The driveway and adjacent parking is located within one half of the future right-of-way (ROW) (45 feet) known as Vine Street in the RBAP. The building was constructed in 1998.

Phase IV Office Building and Parking Structure

The proposed Phase IV Project includes construction of a 810,000 square-foot office building on the southern portion of the project site, fronting Richards Boulevard. The western portion of this building will be 12 stories tall; the eastern portion will be five stories tall. Outdoor terraces are planned for the five-story portion of the building. One of two access points to the site is provided via a driveway to the north of the Phase IV building site, between Phase IV and Phase II. A portion of the driveway and adjacent landscaped open space area will be located within the future 60-foot ROW known as New Street in the RBAP. Access to the public lobby of the building will be from the south side, near the corner of 7th Street and Richards Boulevard, or from a pedestrian walkway on the north side of the building. A large outdoor plaza is planned for the north side of the building; although, a portion of the plaza will be eliminated when a roadway is constructed along the north portion of the Phase IV site.

Approximately 2,430 employees will be housed in the Phase IV building.

The Phase IV building is planned to be designed as a "Life-Safety" building that meets or exceeds Uniform Building Standards. It is anticipated that building plans will include a smoke detection system, a fire alarm and communication system, a smoke-control system,

standby power, light and emergency systems, and a helistop, which would be used only in emergencies. Because of its proximity to Richards Boulevard traffic, the Phase IV building will be designed and constructed with noise attenuation features to reduce interior noise levels to 45 Ldn or lower.

In order to construct Phase IV, the existing warehouse will be demolished and the railspur along Richards Boulevard will be removed.

Parking Structure

To provide parking for Continental Plaza, a six-story parking structure will be built to the east of the existing DHS buildings and north of the Phase IV site. The structure will contain approximately 1,238 spaces. There will be approximately 207 surface spaces remaining in the existing lot, for a total of approximately 1,445 spaces. An additional 95 surface parking spaces will be provided along the driveway access in the location of or in proximity to the Irrevocable Offers of Dedication (IODs). These spaces will be eliminated when the street is constructed (north of Phase IV).

During Phase IV development, the northwest corner of the Phase I building will be expanded to incorporate a day care center, which will consist of an approximately 4,300-square-foot indoor facility and a 7,300-square-foot outdoor play area. State standards for day care require a minimum of 35 square feet of indoor area and 75 square feet of outdoor area per student. Based on these ratios, the square footage of the outdoor play area will allow adequate space to accommodate 97 children (the indoor space will accommodate 123 children).

Off-Site Improvements

The RSP/RBAP EIR and SEIR identified a number of roadway and intersection improvements to reduce the effects of increased traffic in the Planning Area. A traffic study was prepared by DKS Associates to determine whether any modifications to the approved mitigations will be necessary to offset the location and density of the Proposed Project. While the study found that no road widenings beyond those identified for the RSP/RBAP will be required, the Proposed Project will necessitate some reconfiguration of intersections. Three local improvements were identified:

- Installing a signal at Richards Boulevard and Fifth Street (which has been approved and funded through the Richards Boulevard Assessment District),
- Altering the lane geometry at Richards Boulevard and North Seventh Street, with a single westbound left-turn lane, double eastbound left-turn lanes, right turns from the southbound North Seventh Street approach, and left turns allowed from both northbound approach lanes (a slightly different mitigation measure was approved as part of the RSP/RBAP SEIR; as under the RSP/RBAP, Richards Boulevard will be widened to six lanes), and

- Altering the lane geometry proposed at Richards Boulevard and I-5 with three eastbound through lanes, a single eastbound turn lane, a double westbound left-turn lane and a single westbound through lane (a slightly different mitigation measure was approved as part of the RSP/RBAP SEIR; the number of lanes will be increased to seven on Richards Boulevard, per the RSP/RBAP).

Consistent with the RSP/RBAP Mitigation Monitoring Plan, the project applicant will provide its "fair-share funding" toward these three improvements, and the other improvements adopted in conjunction with the RSP and RBAP.

The Proposed Project contains PUD Guidelines, which are intended to supplement existing City ordinances. The Guidelines will take precedence when more restrictive than City ordinances, or when inconsistencies arise between the provisions of the Guidelines and the provisions of such ordinances.

The PUD Guidelines will allow for the following uses:

- Overall building square footage (net of structured parking) in the Continental Plaza PUD not to exceed 1,097,350 square feet.
- A minimum of 14,320 square feet of food service and ground floor retail provided on-site as part of the Phase IV development.
- Childcare uses within the Continental Plaza PUD as a part of the Phase IV development when ancillary to the office use.
- Parking at a minimum ratio of one space per 1,000 gross square feet of development (net of structured parking) and at a maximum ratio of one space per 600 gross square feet of development provided on-site, in conjunction with a Transportation Management Plan.

In addition, the PUD Guidelines contain standards that address office intensity, building height, setbacks, parking, open space, site design, architectural treatment and materials, energy conservation, temporary structures enclosures, on-site drainage, walkways, courtyards, hazardous materials, landscaping, exterior lighting and sign criteria. For the most part the provisions of the Guidelines are identical to those found in the Zoning Ordinance for the Richards Area.

Proposed Changes to the Approved Project

Project Elements

The previously approved project included 870,000 square feet of new office space, so it is consistent with previous environmental analyses conducted for Phase 1 of the Richards Boulevard Area Plan (RBAP). It should be noted that this is the maximum amount assumed for the first phase of development under the RSP/RBAP SEIR, so any additional office development proposed prior to the extension of 7th Street and completion of related

infrastructure will require supplemental environmental review to determine the extent to which the RSP/RBAP EIR and SEIR were adequate to address potential impacts.

The Proposed Project includes the following elements: the Continental Plaza PUD within the Richards Boulevard SPD on approximately 4.75 acres in the Office Planned Unit Development Special Planning District (OB-PUD-SPD) zone; PUD Guideline Amendments to delete the sunset clause of the PUD on 4.75 acres in the OB-PUD-SPD zone; Special Permit to construct a 810,000 square foot office building in the Continental Plaza PUD; Special Permit for off-site parking for the proposed 810,000 square foot office building; and Special Permit to operate a 4,300 square foot child care facility within the existing 159,316 square foot Phase I office building in the Heavy Industrial (M-2-SPD) zone.

Removal of the sunset clause of the PUD includes deletion of the following text from the second paragraph under Section II, Force and Effect, of the Continental Plaza PUD:

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

Transportation Mitigation Measure Monitoring Revisions

The Proposed Project includes the revision of the Monitoring Program for Mitigation Measure 4-1 (a) and (b), adopted as part of the Mitigation Monitoring Plan and approved with the extension of the Continental Plaza Phase IV Special Permits on February 22, 2000 (see Table 1). Mitigation Measure 4-1 (a) and (b) involves the widening of the Richards Boulevard/I-5 undercrossing from five to seven lanes. Mitigation Measure 4-1(a) references the AI-5 Northbound Ramps@ portion of the undercrossing; Mitigation Measure 4-1(b) references the AI-5 Southbound Ramps@ portion of the undercrossing. The Mitigation Measure will be unchanged; however, the revised project proposes to revise the monitoring program for Mitigation Measure 4-1 as follows:

Monitoring Program: Prior to building permit issuance for Continental Plaza Phase IV, pay the Transportation Impact Fee of the Railyards/Richards Boulevard Area Infrastructure Financing Plan as adopted by the City Council on March 10, 1998 by Ordinance No. 98-011. The Transportation Impact Fee has been calculated based on the costs of constructing the Railyards/Richards Boulevard Area Stage One Infrastructure and Facilities, including the widening of the Richards/I-5 undercrossing from five to seven lanes. The Transportation Impact Fee shall be paid based on the fee in effect at the time payment is made.

Mitigation Monitoring Plan

Introduction

The California Environmental Quality Act (CEQA) requires review of any plan or project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the

environmental review process. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of measures adopted from the Addendum to the Continental Plaza Phase III and Phase IV Environmental Impact Report.

Mitigation Measures

The mitigation measures are taken from the Continental Plaza Phase III and IV EIR, as amended by the Addendum to the EIR, and are assigned the same number they had in the previous EIR. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

The components of each monitoring form are addressed briefly, below.

Mitigation Measure: All mitigation measures that were identified in this SEIR, as well as in the previous MMP for the Continental Plaza Phase III and IV Draft EIR are presented, and numbered accordingly.

Monitoring Program: For every mitigation measure, one or more action is described. These are the center of the MMP, as they delineate the means by which EIR measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

Timing: Each action must take place prior to or during some part of approval, project design or construction. Generally, the action must occur in conjunction with one of the following milestones:

Special Permit: A permit for a project within the Planning Area.

Demolition Permit: A permit to demolish the existing warehouse on the site.

Grading Permit: A permit to allow clearance and grading of the site.

Building Permit: Permit that allows construction-related activities.

Occupancy Permit: Permit to occupy a structure.

In addition, some actions must occur during construction, at the time a threshold is exceeded (as warranted), or on an ongoing basis.

Parties Responsible for Implementing Measure: This item identifies the entity that will undertake the required action. Generally, the City is responsible for regulatory changes, setting standards, and establishing funding mechanisms. The City is also the implementing party for public infrastructure projects, such as road and sewer construction. The developer is responsible for actions intended to mitigate design- and construction-related impacts. In some cases, an agency such as the California Department of Transportation is identified as one of the implementing parties because its actions are key to implementation of the

mitigation measure.

Entity Responsible for Ensuring Compliance: The City of Sacramento is responsible for ensuring that most mitigation measures are successfully implemented. Within the City, a number of departments and divisions will have responsibility for monitoring some aspect of the overall project. At this time, only the Planning and Public Works Departments have been identified. Occasionally, monitoring parties outside the City are identified. These parties are referred to as "Responsible Agencies" by CEQA.

Verification of Compliance: This section provides confirmation that a measure has been implemented, with space for the signature, title, and department of the individual who is verifying compliance. A space is also provided for notes.

Where more than one action is required in the monitoring program, each item is numbered, and the timing and responsible parties are numbered accordingly.

ADDENDUM TO THE CONTINENTAL PLAZA PHASE III AND PHASE IV EIR MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
4.1 TRANSPORTATION AND CIRCULATION (previously 4.8 TRANSPORTATION)					
Richards Boulevard/Southbound I-5 Ramp	<p>4-1(a) The significant impacts at these adjacent intersections shall be mitigated by the developer by widening Richards Boulevard through the interchange area. Currently, Richards Boulevard is five lanes wide under I-5. Discussions with City staff have indicated that widening to seven lanes under I-5 appears feasible. The seven lanes would consist of three eastbound through lanes, a single eastbound left turn lane, a double westbound left turn lane, and a single westbound through lane. Additionally, the ramp from I-5 southbound to Richards Boulevard shall be restriped to allow left turns from both intersection approach lanes, and the ramp from I-5 northbound to Richards Boulevard shall be widened to permit an exclusive double right turn lane. This intersection geometry is illustrated in Figure A-12 of the DSEIR Technical Appendix.</p> <p>Some roadway widening immediately east and west of the interchange along Richards Boulevard would also be required. With this improvement, the Richards Boulevard and I-5 Southbound Ramps intersection level of service would improve to "C" during the p.m. peak hour with an average vehicle delay of 23.9 seconds. The Richards Boulevard and I-5 Northbound Ramps intersection level of service would improve to "B" during the p.m. peak hour with an average vehicle delay of 14.4 seconds.</p>	<p>Prior to building permit issuance for Continental Plaza Phase IV, pay the Transportation Impact Fee of the Railyards/Richards Boulevard Area Infrastructure Financing Plan as adopted by the City Council on March 10, 1998 by Ordinance No. 98-011. The Transportation Impact Fee has been calculated based on the costs of constructing the Railyards/Richards Boulevard Area Stage One Infrastructure and Facilities, including the widening of the Richards/I-5 undercrossing from five to seven lanes. The Transportation Impact Fee shall be paid based on the fee in effect at the time payment is made.</p>	Developer, City	Building Permit	Department of Public Works, PB, Development Services and Building Division

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ADDENDUM TO THE CONTINENTAL PLAZA PHASE III AND PHASE IV EIR MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Richards Boulevard/Northbound I-5 Ramp	<p>4.1(b) The significant impacts at these adjacent intersections shall be mitigated by the developer by widening Richards Boulevard through the interchange area. Currently, Richards Boulevard is five lanes wide under I-5. Discussions with City staff have indicated that widening to seven lanes under I-5 appears feasible. The seven lanes would consist of three eastbound through lanes, a single eastbound left turn lane, a double westbound left turn lane, and a single westbound through lane. Additionally, the ramp from I-5 southbound to Richards Boulevard shall be restriped to allow left turns from both intersection approach lanes, and the ramp from I-5 northbound to Richards Boulevard shall be widened to permit an exclusive double right turn lane. This intersection geometry is illustrated in Figure A-12 of the DSEIR Technical Appendix.</p> <p>Some roadway widening immediately east and west of the interchange along Richards Boulevard would also be required. With this improvement, the Richards Boulevard and I-5 Southbound Ramps intersection level of service would improve to "C" during the p.m. peak hour with an average vehicle delay of 23.9 seconds. The Richards Boulevard and I-5 Northbound Ramps intersection level of service would improve to "B" during the p.m. peak hour with an average vehicle delay of 14.4 seconds.</p>	Prior to building permit issuance for Continental Plaza Phase IV, pay the Transportation Impact Fee of the Railyards/Richards Boulevard Area Infrastructure Financing Plan as adopted by the City Council on March 10, 1998 by Ordinance No. 98-011. The Transportation Impact Fee has been calculated based on the costs of constructing the Railyards/Richards Boulevard Area Stage One Infrastructure and Facilities, including the widening of the Richards/I-5 undercrossing from five to seven lanes. The Transportation Impact Fee shall be paid based on the fee in effect at the time payment is made.	Developer, City	Building Permit	Department of Public Works, PB, Development Services and Building Division

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ADDENDUM TO THE CONTINENTAL PLAZA PHASE III AND PHASE IV EIR MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Richards Boulevard/North 7th Street	4-1(c) The significant impact to this intersection shall be mitigated by the developer by modifying the northbound and southbound approaches to the intersection. The southbound North 7th Street approach shall be widened to include a double right turn lane and one through and left turn lane, while the northbound North 7th Street approach shall be restriped to allow left turns from both intersection approach lanes. This intersection geometry is illustrated in Figure A-12 of the DSEIR Technical Appendix. With this mitigation measure, the level of service during the a.m. peak hour would improve to "C", with an average vehicle delay of 16.8 seconds. During the p.m. peak hour, the level of service would improve to "C", with an average vehicle delay of 21.8 seconds.	Pay development impact fees according to the provisions of the Railyards Area, Richards Boulevard Area, and the Downtown Benefit District Area. If adequate fees are not available through the financing plan, the applicant shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4-1(c), consistent with the provisions of the financing plan. If fees generated by the fee program are insufficient to pay for the required improvement(s), the applicant shall pay the additional amount required to implement the improvement and be entitled to reimbursement from fees generated by subsequent development. Applicant and City shall enter into a reimbursement agreement to such effect.	City, Developer	Building Permit	Department of Public Works, PB, Development Services and Building Division
4.3 URBAN DESIGN AND VISUAL QUALITY					
4.3-4 Implementation of most of the Alternatives could affect the amount of glare generated within the Planning Area.	4.3-4(b) Include the following design standards and guidelines in the final approved version of the RBAP: <ul style="list-style-type: none">The configuration of exterior light fixtures shall emphasize close spacing and lower intensity light that is directed downward, in order to minimize glare on adjacent residential areas and other sensitive receptors.Highly reflective mirrored glass walls shall be avoided as a primary building material for facades.	Include design standards listed in Mitigation Measure 4.3-4(b) in the RBAP. Design buildings in compliance with design standards set forth in the RBAP.	City Developer	RBAP Special Permit	Planning Department Planning Department
4.6 CULTURAL RESOURCES					
4.6-1 Potentially significant buried cultural resources may be located in the Planning Area, which could be damaged or destroyed by development or redevelopment activities involving any of the	4.6-1(d) The project construction team shall become familiar with the indicators of historic and prehistoric archaeological sites. In the event that subsurface archaeological or historical remains are discovered	Prepare information packet for distribution to construction teams working in archaeologically sensitive areas, and provide packet to construction team.	City and Contractor	Grading Permits	PB, Development Services and Building Division

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ADDENDUM TO THE CONTINENTAL PLAZA PHASE III AND PHASE IV EIR MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Alternatives.	during development or construction of specific projects, work in the area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.	In the event that subsurface archaeological or historical artifacts are discovered on a project site, stop all work in the vicinity of the find, and consult with a qualified archaeologist and a representative of the Native American Heritage Commission.	Developer	During grading and construction	PB, Development Services and Building Division
4.9 AIR QUALITY					
4.9-1 For year 2000, traffic generated by the Alternatives would contribute to continued carbon monoxide problems in downtown Sacramento.	4.9-1(a) Implement Phase Two of the Circulation Element of the draft Facility Element.	Establish funding mechanism and fee structure for roadway improvements. Construct Phase Two improvements of the Circulation Element of the Facilities Element as a condition of Phase 2 development.	City, SHRA, Developer City	In accordance with RSP In accordance with linkage requirements in RSP	Planning Department Public Works
	4.9-1(b) The Planning Area shall be developed under a stringent vehicle-trip reduction requirement applicable to all proposed land uses. The availability of transit, proximity to downtown Sacramento, potential for mixed land uses and other aspects of the sites provide a high potential for non-auto travel modes.	Incorporate vehicle reduction program into Transportation Management Plans.	Developer	Building Permit	PB, Public Works Department
4.9-4 The traffic generated by the Alternatives would increase regional emissions and cause a deterioration in regional air quality.	4.9-4(b) All development within the Planning Area shall be required to participate in a Transportation Management Association, whose purpose would be the reduction in vehicle trips.	Document participation in Transportation Management Association.	Developer	Building Permit	PB, Public Works Department
	4.9-4(c) All employment-generating uses shall be required to develop a Commute Management Plan, adopting programs using parking management/fees, transit incentives and amenities, alternative work schedules, telecommuting or other strategies to reduce employee commuting. The transportation performance standards of the California Clean Air Act would be adopted as minimum targets for trip reduction.	Incorporated the Commute Management Plan items in Mitigation Measure 4.9-4(c) into the Transportation Management Plan.	Developer	Building Permit	PB, Public Works Department
	4.9-4(d) All development proposals within the Planning Area	Develop standards for amenities that reduce vehicle trips and include in RSP,	City	RSP, RBAP	Public Works, Planning Department

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	shall be required to use land use mix and densities, provision of transit/bicycle/pedestrian amenities and provision of on-site amenities (day care, restaurants) to reduce the need for vehicle trips.	RBAP and Facility Element. Document compliance with standards.	Developer	Special Permits	Public Works, Planning Department
	4.9.4(e) To the extent feasible, all development proposals within the Planning Area shall be required to include measures that facilitate alternative powered vehicles, including, but not limited to, electric vehicle recharge stations in new parking facilities.	Establish requirements for provisions of alternative powered vehicles. Provide amenities to encourage alternative powered vehicles.	City, SHRA Developer	Special Permit Special Permit	Public Works, Planning Department Public Works, Planning Department
4.9.5 Construction activities, such as clearing, excavation and grading operations, construction vehicle traffic on unpaved ground and wind blowing over exposed earth, would generate dust and particulate matter.	4.9.5 To ensure that construction mitigation is used, final approval shall not be given to any development within the Planning Area until the developer submits a construction dust mitigation plan satisfactory to the City. This plan should specify the methods of control that will be used to control dust and particulate matter, demonstrate the availability of needed equipment and personnel, and identify a responsible individual who, if needed, can authorize the implementation of additional measures.	Submit dust mitigation plan, per Mitigation Measure 4.9.5.	Developer	Grading Permit	PB
	The construction dust mitigation plan shall, at a minimum, include the following: <ul style="list-style-type: none"> Suspend earthmoving or other dust-producing activities during periods of high winds when dust control measures are unable to prevent visible dust plumes of a significant size. Provide equipment and staffing for watering of all exposed or disturbed soil surfaces at least twice daily, including weekends and holidays. An appropriate dust palliative or suppressant, added to water before application, should be used. Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind. Sweep the active construction area and adjacent streets of all mud and debris on a 				

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>regular basis, since this material can be pulverized and later re-suspended by vehicle traffic.</p> <ul style="list-style-type: none"> Limit the speed of all construction vehicles to 15 miles per hour while on-site. All materials transported by truck will be covered or wetted down. All inactive portions of the site will be watered with an appropriate dust suppressant, covered or seeded. Trucks shall maintain freeboard (i.e., the distance between the top of the load and the top of the truck bed sides). 				
	<ul style="list-style-type: none"> Truck wheel washers shall be installed before the roadway entrance at construction sites. Tarps shall be used on trucks carrying dirt. Dust hoods shall be used on drilling and blasting equipment. 				
4.9-6 Air quality would decrease as a result of construction-related activities.	<p>4.9-6 To the extent feasible, the following measures are required during construction:</p> <ul style="list-style-type: none"> Use low emission fuels for pile drivers, such as methanol or low-sulfur fuels. Use construction equipment that has catalytic converters (for gasoline powered equipment). Prevent trucks from idling for more than two minutes. Discontinue operations during second stage smog alerts. 	Submit and comply with construction-related air quality mitigation plan, per Mitigation Measure 4.9-6, to the satisfaction of the City.	Developer	Grading and Building Permit	PB
4.10 NOISE					
4.10-5	4.10-5(a)	Comply with the time restrictions in the	Contractor	Grading and	PB

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Development of any of the Alternatives would cause temporary increases in construction noise levels in and around the Planning Area over the entire period of construction.	The contractor shall limit outdoor construction activity from 7:00 a.m. to 6:00 p.m. on Monday through Saturday and from 9:00 a.m. to 6:00 p.m. on Sunday, unless the City grants a special permit, in order to minimize disruption to residences adjacent to and near the project. 4.10-5(b) The contractor shall use mufflers, enclosure panels, or other noise suppression attachments on all equipment as appropriate and turn off equipment when not in use.	City Code. Include statement identifying noise suppression attachments used on construction-related equipment, consistent with the City Code.	Contractor	Building Permit Grading and Building Permit	PB
4.11 GEOLOGY, SOILS AND SEISMICITY					
4.11-1 Development of the Planning Area would be subject to potentially damaging seismically induced groundshaking.	4.11-1 New structures, the restoration of existing structures, and the development of project infrastructure shall be designed and built in conformance with the Uniform Building Code (with California amendments) standards for Seismic Zone 3.	Demonstrate that all construction plans are in compliance with UBC.	Contractor	Grading or Building Permit	PB

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
4.11-2 Development of the Planning Area could be exposed to seismically induced hazards such as liquefaction, settlement and the lateral spreading of underlying materials.	4.11-2(a) Prior to construction, site-specific geotechnical evaluations shall be performed by an appropriately licensed professional engineer qualified to assess seismic conditions including probability associated with liquefaction, settlement, and lateral spreading using a maximum probable and credible earthquake. The evaluation shall identify specific geotechnical recommendations for development foundation design to mitigate for seismically induced hazards, as well as recommendations for adequate building design including excavation and fill requirements for any identified soil constraints. The evaluation for project sites adjoining the levee will also include an analysis of levee stability under static and seismic conditions in coordination with the US Army Corps of Engineers for project sites adjoining the levee.	Submit geotechnical study per Mitigation Measure 4.11-2(a).	Developer	Grading or Building Permit	PB
		Demonstrate compliance with geotechnical study, per Mitigation Measure 4.11-2(a).	Developer	Construction	PB
4.11-2 Development of the Planning Area could be exposed to seismically induced hazards such as liquefaction, settlement and the lateral spreading of underlying materials.	4.11-2(b) Design of foundations and drainage facilities shall conform with Title 24 of the California Code of Regulations, the Uniform Building Code and recommendations contained in the site-specific geotechnical evaluations prepared by an appropriately licensed and qualified Engineer/Geologist as specified in Mitigation Measure 4.11-2(a). [see page 9]	Demonstrate compliance with CCR Title 24, UBC and geotechnical recommendations.	Developer	Building Permit	PB
4.11-5 Development of the Planning Area could occur in areas where groundwater could be encountered during the construction phase of the project.	4.11-5(a) If below-grade construction is proposed, site-specific geotechnical investigation will be undertaken prior to the start of excavation to determine the depth to the groundwater for the affected site, and the need for subsurface drainage and the potential for caving of excavation walls. This investigation and subsequent analysis shall be made by an appropriately licensed and qualified engineer or geologist.	Prepare geotechnical study per Mitigation Measure 4.11-5(a).	Developer	Grading or Building Permit	PB
		Demonstrate compliance with geotechnical recommendations, per Mitigation Measure 4.11-5(a), and City's Groundwater Discharge Policy.	Developer	Construction	PB
	4.11-5(b) If dewatering of a construction site is required, subdrains, reinforced concrete retaining walls and/or waterproofing methods shall be used as necessary to eliminate the effects of subsurface groundwater conditions. The subdrain plan shall form part of the	Submit dewatering plans to be undertaken per Mitigation Measure 4.11-5(b).	Developer	Grading or Building Permit	PB, Utilities Department
		Demonstrate compliance with dewatering provisions.	Developer	Grading or Building Permit	PB, Utilities Department

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	final plans for the project, and would be prepared with the recommendations of an appropriately licensed and qualified engineer or geologist.				
	4.11-5(c) Dewatering shall comply with applicable requirements established by the Central Valley Regional Water Quality Control Board and any applicable local permit requirements, and shall be coordinated with the City's Flood Control and Sewers Division.	Demonstrate compliance with applicable requirements regarding dewatering from the CVRWQCB and City's Groundwater Discharge Policy.	Developer	Construction	PB, Utilities Department
	4.11-5(d) Moisture barriers around foundations shall be used where applicable to prevent moisture changes from adversely affecting soils beneath a structure.	Demonstrate compliance with building code provisions regarding moisture barriers.	Developer	Building Permit	PB, Utilities Department
	4.11-5(e) Where required due to high groundwater, excavations shall be shored as required by the Office of Safety and Health Administration (OSHA) to preclude slope failures during the construction period. Shoring shall use standard stabilizing methods, such as tiebacks, as necessary to retain excavation areas.	Demonstrate compliance with OSHA requirements regarding excavations.	Developer	Grading or Building Permit	PB
4.11-7 On a regional basis, cumulative development in Downtown Sacramento, including the Planning Area, would increase the number of people working and living within structures who would be exposed to hazards associated with seismic activity.	4.11-7 The City of Sacramento shall continue to require development to comply with General Plan Goals and Policies for Seismic Safety, including Policies 1 through 3, or the equivalent.	Comply with goals and policies regarding seismic safety in the zoning ordinance.	Developer	Special Permit	Planning Department
4.12 HYDROLOGY AND WATER QUALITY					
4.12-2 Implementation of any of the Alternatives would allow additional development in the FEMA A99 zone, exposing future inhabitants to risks associated with inundation of a 100-year flood.	4.12-2(a) Development in the Planning Area shall comply with City ordinances and zoning codes regulating residential and non-residential development in the A99[AR] zone (City of Sacramento Ordinance 90-005) 100-year flood plain.	Demonstrate compliance with construction requirements for the AR zone and compliance with City regulations.	Developer	Building Permit	PB
	4.12-2(b) If project development is not completed prior to removal of A99 [AR] designation and 100-year	Demonstrate compliance with construction requirements for the AR zone and compliance with City	Developer	Buildings Permit	PB

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	protection has not been achieved, development of the proposed Planning Area shall comply with all applicable FEMA regulations.	regulations.			
4.12-3 Increased siltation and sedimentation could result from erosion and storm water runoff during construction in the Planning Area.	<p>4.12-3 A comprehensive erosion control plan shall be prepared by a registered civil engineer or a registered professional hydrologist prior to submittal of the final map to protect water resources from impacts due to siltation and sedimentation generated by project construction in the Planning Area. The plan shall be prepared in coordination with the Central Valley Regional Water Quality Control Board, and the City of Sacramento to assure compliance with applicable NPDES permit requirements for construction activities. The plan shall include a combination of the following Best Management Practices (BMPs), or equally effective measures or any other measures required by local codes and ordinances:</p> <p>(a) If feasible, project construction periods should be limited to the dry months of the year (May through October).</p> <p>(b) If project construction does occur during the rainy season (November through April), sediment traps, barriers, covers or other methods shall be used to reduce erosion.</p> <p>(c) Slopes, both cut and fill, shall not be steeper than those recommended by the detailed geotechnical report for the Planning Area (see Mitigation Measure 4.11-1(a)).</p> <p>(d) Sediment basins, sediment traps, or similar sediment control Best Management Practices (BMP's) shall be installed before extensive ground alteration operations begin.</p>	Prepare and submit a Erosion Control and Sediment plan in accordance with Mitigation Measure 4.12-3 and the City's Technical Procedures Manual for Grading and Erosion and Sediment Control.	Developer	Building Permit	Utilities Department

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	(e) Temporary mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities.				
	(f) Excavated materials shall not be deposited or stored where the material could be washed away by storm water runoff.				
4.12-4 Implementation of any of the Alternatives would increase peak rates of runoff and alter the character of storm water runoff, thereby affecting the quality of receiving waters.	4.12-4(a) Prior to development of any part of the Planning Area, a comprehensive runoff control plan shall be prepared by a registered civil engineer or registered professional hydrologist to protect water resources from impacts due to urban and landscape runoff generated by the project. This mitigation measure would be required for all Alternatives. The plan shall be prepared in coordination with the Central Valley Regional Water Quality Control Board, and the City of Sacramento to assure compliance with applicable NPDES permit requirements for new developments. The plan shall include a combination of the following Best Management Practice (BMP's), or equally effective measures:	Prepare site-specific runoff control plan. This plan shall be prepared in accordance with the Technical Procedures Manual for Grading and Erosion and Sediment Control and the City/County Drainage Manual Volume 5, Manual of standards for Design of New Development On-Site Stormwater Quality Control Measures. Note that "oil and grease separators" are not listed in this document due to their questionable effectiveness and dependence on proper maintenance. They are not the City's preferred method.	Developer	Grading Permit	Utilities Department
	(i) Oil and grease separators shall be used to control roadway and parking lot contaminants.	Demonstrate compliance with runoff control measures.	Developer	Construction	Utilities Department
	(ii) Streets and parking lots shall be cleaned and swept on a regular basis.				
	(iii) Peak flow reduction and infiltration practices, such as grass swales, infiltration trenches and grass filter strips, and detention and retention basins, shall be incorporated.				
	(iv) Landscape areas including borders and medians shall use low water-using plants				

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>wherever feasible.</p> <p>(vi) Plants of similar water use shall be grouped to reduce overirrigation of low-water-using plants.</p> <p>(vii) Mulch shall be used in all non-lawn landscaped areas to a minimum depth of two (2) inches. Mulch applied on top of the soil will improve the water-holding capacity and reduce runoff.</p> <p>(viii) Existing trees and shrubs shall be preserved and protected where feasible, because established plants are often adapted to low-water-using conditions.</p> <p>(ix) Efficient irrigation systems shall be installed to minimize runoff and evaporation and maximize the water that will reach the plant roots such as drip irrigation, soil moisture sensors, and automatic irrigation systems.</p> <p>(x) Seasonal, climatical, and dosage fertilizer application restrictions shall be followed, as recommended by manufacturer.</p> <p>(xi) Slow release fertilizers shall be used.</p> <p>(xii) Where feasible, landscape areas shall be limited to 4:1 slopes to reduce runoff, unless such slopes form landscape berms which are required to mitigate aesthetic and noise impacts.</p>				
	(xiii) The use of plastic or other impervious materials to control weed growth in landscaped areas shall not be permitted.				
	4.12.4(b) Comply with joint City and County storm water NPDES permit requirements for the City's municipal storm water conveyance system.	Demonstrate compliance with NPDES permit requirements.	Developer	Grading Permit	Utilities Department

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
4.13. HAZARDOUS MATERIALS					
4.13-1 Construction in the Planning Area could expose construction workers to contaminated soil.	4.13-1(a) The entire Railyards Area, and each site within the Richards Area where hazardous materials contamination that requires remediation is identified, shall be cleaned up at the time of development or redevelopment, to levels, at a minimum, determined by DTSC (and other involved agencies as appropriate) to be adequately protective of construction workers.	Include provisions in RSP, RBAP, the SPTCo/City development agreement, the City/DTSC MOU and MOU implementing documents, and OPAs between Richards Boulevard property owners and SHRA requiring remediation of hazardous materials contamination prior to site development.	City, SHRA, SPTCo	RSP, RBAP, DTSC, City MOU and agreements for Railyards and Richards development	Planning Department
		Document that adequate levels of remediation have been completed.	Developer	Final Map, Special Permit	Planning Department
4.13-2 Groundwater drawn to the surface from construction dewatering could result in increased short-term exposures to hazardous materials.	4.13-2(b) The City shall require that extracted groundwater in the Planning Area be tested for the presence of hazardous materials, and that appropriate handling and disposal techniques be required accordingly.	If dewatering is to occur, determine whether dewatering activities will result in extraction of contaminated groundwater.	Developer	Grading Permit	Utilities Department, PB, Planning Services
		If contaminated groundwater is extracted, handle in a manner that protects construction workers and others from harmful exposure, as required by the City in cooperation with the DTSC, CVRWQCB, and SMAQMD.	Contractor	Construction	Utilities Department, PB, Planning Services
4.13-3 Disposal of groundwater extracted during construction dewatering activities may result in off-site contamination.	4.13-3(b) The City shall require extracted groundwater that is to be discharged to the sanitary sewer be authorized by the City to be in compliance with its obligations to meet standards established by the CVRWQCB in order to reduce the risk of leakage of unacceptable levels of contaminants along the sewer lines, and to assure that the regional treatment plant can meet standards established under its NPDES permit, prior to discharge.	Obtain required disposal permits from the regional sanitation district.	Developer	Building Permit	Utilities Department, PB, Development Services and Building Division
		Comply with DTSC dewatering requirements and the City's Groundwater Discharge Policy.	Developer	Construction	Utilities Department, PB, Development Services and Building Division
	4.13-3(c) If the City or regional treatment plant determines that groundwater extracted during dewatering activities does not meet applicable standards for discharge into the city sewer system, contractors	Comply with City, DTSC and County dewatering requirements.	Developer and Contractor	During construction	Utilities Department, PB

PB = Planning and Building Department
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SPTCo = Southern Pacific Transportation Company

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OPAs = Owner Participation Agreements
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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	shall implement groundwater treatment systems, that treat groundwater to standards established by the CVRWQCB, City, and regional treatment plant.				
4.13-4 Dewatering for construction activities could interfere with groundwater remediation by moving plumes or lengthening the time required for remediation.	4.13-4(b) In the Richards Area, prior to obtaining a grading or building permit that requires dewatering, the contractor shall coordinate with the City and the CVRWQCB to ensure that dewatering does not interfere with any adjacent or on-site groundwater remediation. 4.13-4(c) All dewatering in the Planning Area shall be coordinated with any on-site or adjacent groundwater remediation activities in accordance with measures agreed upon by DTSC, the City, the RWQCB, and the Southern Pacific Transportation Company or other developers, if appropriate. In the absence of such agreement, DTSC shall require contractors to obtain approval of dewatering activities prior to initiation of construction.	Submit evidence that dewatering will not interfere with groundwater remediation. Coordinate dewatering activities with appropriate agencies per Mitigation Measure 4.13-4(c).	Developer Developer	Grading Permit Grading Permit	PB, Development Services and Building Division, Toxics Coordinator and Building Division PB, Development Services and Building Division, Toxics Coordinator
4.13-5 Construction in the Planning Area would require the demolition and/or renovation of existing structures, possibly containing asbestos material, thereby exposing construction workers to associated hazards. Asbestos materials may also be present in the soils of the Planning Area.	4.13-5(b) If asbestos fibers are suspected or identified in soils or existing building materials, then additional sampling shall be performed prior to any construction activities to identify asbestos-containing materials that may be contained in building materials or obscured behind walls, above ceilings, and beneath floors.	Provide written confirmation from Air Quality Management District and the Developer that test for asbestos has been conducted if demolition is required, or if asbestos fiber in soil are possible due to prior site uses.	Developer	Demolition Permit	PB, SMAQMD, Development Services and Building Division, Toxics Coordinator, Sacramento County Department of Environmental Health
	4.13-5(c) Demolition activities affecting asbestos-containing material shall be performed by a licensed asbestos abatement contractor with properly trained personnel in accordance with all applicable federal, state and local regulations.	Submit evidence that asbestos abatement contractor is licensed to perform such work.	Developer	Demolition Permit	PB, Development Services and Building Division, Toxics Coordinator
4.13-9 Implementation of any of the Alternatives could result in exposure of inhabitants and users to contaminated soil and/or groundwater.	4.13-9(b) Prior to issuance of building permits in areas of known groundwater contamination, the City shall assess the need for building features designed to protect against the risk of exposure to soil vapors in enclosed underground spaces. Such features could include vapor barriers and adequate ventilation.	Design or construct new buildings to protect against risk of exposure to soil vapors.	Developer	Building Permit	PB, Development Services, Building Division, Toxics Coordinator

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>4.13-9(f) For the Richards Area, the City shall link development approvals to specific remediation steps for each of the Alternatives as follows:</p> <p>(2) For all commercial and industrial sites for which modification is proposed that require a discretionary land use entitlement from the City that will result in the disturbance of more than 50 cubic yards of soil and that are located within 2,000 feet of an existing or approved residence, school, daycare center, or other similar sensitive use, the City shall require, prior to the issuance of any building permit, that a Phase I site investigation be conducted. Should the Phase I analysis indicate the potential for contamination, a Phase II site investigation and cleanup of any discovered contamination shall be required.</p>	Develop a program for proposed sites within 2,000 feet of a sensitive use that will disturb soil, require Phase I, and if warranted, Phase II assessments, and appropriate cleanup.	City	Within 1 year following approval of RBAP	Planning Department
	<p>(4) For all sites where contamination is found, the City shall require completed soil remediation and/or site closure approved by the applicable local, state or federal regulatory agency prior to the issuance of grading, demolition, building, or occupancy permits, unless preliminary construction work, such as excavation for building foundations, will occur as part of the remediation process. In some cases, permits may be issued while groundwater remediation or soil vapor extraction is ongoing, if a site specific health risk assessment demonstrates that there will be no significant risk to construction workers, site users, or occupants. In lieu of completed remediation and/or site closure, the permit applicant may submit a statement from the appropriate regulatory agency or from a registered engineer or geologist certifying that no remediation would be required under applicable laws.</p>	Remediate contaminated sites, per Mitigation Measure 4.13-9(f)(4)	Developer	Grading, Demolition or Building Permits	Planning Department

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ADDENDUM TO THE CONTINENTAL PLAZA PHASE III AND PHASE IV EIR MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	4.13-9(h) For sites in the Richards Area where soil or groundwater remediation is required, property owners shall be required to demonstrate that remediation methods comply with all applicable Sacramento Metropolitan Air Quality Management District requirements.	Comply with all SMAQMD permits and restrictions.	Property Owners, SMAQMD	Construction	Planning Department
	4.13-13(h) The City shall not approve any project or development permit without first reviewing available data to determine if the proposed project or use would create an unreasonable risk to adjoining properties. If sufficient data does not exist to make such a determination, further studies (such as air toxics evaluations) shall be performed to evaluate the risk and develop appropriate mitigation measures.	Review new projects for potential to create unreasonable risk to adjoining properties.	City	Special Permit	Planning Department
	4.13-13(c) The City shall require businesses in the Richards Area that use solvents and/or other toxic or hazardous materials to present Hazardous Substance Management Plans for the review and approval of the Hazardous Materials Division of Sacramento County's Environmental Management Department, prior to final building inspection. The plans shall demonstrate that adequate safety precautions have been taken for the storage and handling of hazardous materials and/or wastes, including: <ul style="list-style-type: none">▪ Proper on-site management;▪ Proper transportation;▪ Properly designed and outfitted disposal facilities;▪ Source reduction and recovery;▪ Measures to prevent hazardous wastes from entering sanitary sewers;▪ Programs to reduce spills of hazardous substances during transport.	Comply with Countywide Hazardous Substances Management Plan, per Mitigation Measure 4.13-13(c).	Businesses	Ongoing	County

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ADDENDUM TO THE CONTINENTAL PLAZA PHASE III AND PHASE IV EIR MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	4.13-13(d) The City shall require that all buildings or structures containing hazardous materials in the Richards Area be labeled at all doorways with easy-to-read signs that provide emergency response teams with information on the hazardous content of the building or structure, and proper containment procedures. Labeling should be based on existing systems (such as the national Fire Protection Association 704 System) and approved by the City Fire Department.	Label buildings or structures containing hazardous materials in accordance with Fire Department requirements.	Businesses	Ongoing	Planning Department
	4.13-13(e) Outdoor storage of materials in the Richards Area shall be minimized. Materials which emit odors, fumes, or otherwise cause a nuisance or hazard to neighboring properties shall not be stored outdoors. Any outdoor storage shall be done in compliance with all applicable federal, state, and local regulations.	Demonstrate that hazardous materials are stored in compliance with federal, State and local regulations.	Businesses	Ongoing	Planning Department
4.15 WATER SUPPLY					
4.15-2 Implementation of any of the Alternatives would require new or upgraded water distribution systems to serve new and redeveloped areas.	4.15-2 New local water distribution system piping will be installed concurrent with construction of the roadways that are proposed to serve the Planning Area. New water mains are considered to be a developer responsibility and will be installed at the developer's cost at the time the roadways are constructed. Proposed water mains will be sized and located to meet domestic and fire flow requirements. Water main size and location shall be verified at both the preliminary design and final design stage of project development.	Design the water distribution system to meet the specifications of the Utilities Department.	Developer	Grading or Building Permit	Utilities Department

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Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
4.18. SOLID WASTE					
4.18-1 Implementation of any of the Alternatives would result in additional solid waste in excess of 500 tons annually and could shorten the useful life of the Sacramento County Landfill by as much as one or two years over the life of the landfill.	4.18-1(a) The City of Sacramento shall require all new development within the Planning Area to participate fully in a comprehensive solid waste management program designed so that, on average, at least 50 percent of the solid waste generated within the area is diverted from landfilling to either recycling, re-use, or other disposal means such as cogeneration. All recycling and source reduction programs shall comply fully with the City of Sacramento Recycling and Solid Waste Reduction Ordinance.	Comply with Zoning Ordinance solid waste management requirements.	Developer	Building Permit	PB
4.19. POLICE SERVICES					
4.19-1 Development under any of the Alternatives would result in the need for additional police protection services and the addition of sworn officers, equipment, and support personnel.	4.19-1(a) Development within the Planning Area shall ensure that adequate police protection services are available at the time of development. All necessary sworn and non-sworn staff shall be made available to the Planning Area in accordance with Police Department Standards.	Provide for police services in the Planning Area.	City	Special Permit	Planning Department
	4.19-1(b) Development within the Planning Area shall be coordinated on a project-specific basis with the Sacramento City Police Department Community Resources Division at the design phase of project approval.	Request Police Dept. review of all Special Permit Applications.	City	Special Permit	Planning Department

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ADDENDUM TO THE CONTINENTAL PLAZA PHASE III AND PHASE IV EIR MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
4.21 SCHOOLS AND CHILDCARE AND 5.4.3 PUBLIC FACILITIES: SCHOOL SITING CRITERIA					
4.21-6 Implementation of the Alternatives would increase the number of children requiring day care (both infant/toddler/pre-school age and school age) facilities.	4.21-6 New development within the Planning Area shall demonstrate that adequate provision for facility space for child care services is included in the application for use permit approval. The City of Sacramento shall not approve the occupancy of any office or commercial use that is unable to demonstrate the availability of child care services. In the absence of the immediate availability of child care services, approval may be granted to projects that submit a plan of action that would ensure the provision of child care services within a reasonable period and that is approved by the City. Recognizing that the market for child care services requires an established customer base to justify location of new facilities, the City of Sacramento shall actively encourage and support the expansion of child care services by licensed care providers within the Planning Area.	Provide evidence that child care facility space is adequate.	Developer	Special Permit	Planning Department

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Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.1 TRANSPORTATION AND CIRCULATION****Mitigation Measure 4.1-1(a)****Mitigation Measure:**

The significant impacts at these adjacent intersections shall be mitigated by the developer by widening Richards Boulevard through the interchange area. Currently, Richards Boulevard is five lanes under I-5. Discussions with City staff have indicated that widening to seven lanes under I-5 appears feasible. The seven lanes would consist of three eastbound through lanes, a single eastbound left turn lane, and a single westbound through lane. Additionally, the ramp from I-5 southbound to Richards Boulevard shall be restriped to allow left turns from both intersection approach lanes, and the ramp from I-5 northbound to Richards Boulevard shall be widened to permit an exclusive double right turn lanes. This intersection geometry is illustrated in Figure A-12 of the DSEIR Technical Appendix.

Some roadway widening immediately east and west of the interchange along Richards Boulevard would also be required. With this improvement, the Richards Boulevard and I-5 Southbound Ramps intersection level of service would improve to "C" during the p.m. peak hour with an average vehicle delay of 23.9 seconds. The Richards Boulevard and I-5 Northbound Ramps intersection level of service would improve to "B" during the p.m. peak hour with an average vehicle delay of 14.4 seconds.

Monitoring Program:

Prior to building permit issuance for Continental Plaza Phase IV, pay the Transportation Impact Fee of the Railyards/Richards Boulevard Area Infrastructure Financing Plan as adopted by the City Council on March 10, 1998 by Ordinance No. 98-011. The Transportation Impact Fee has been calculated based on the costs of constructing the Railyards/Richards Boulevard Area Stage One Infrastructure and Facilities, including the widening of the Richards/I-5 undercrossing from five to seven lanes. The Transportation Impact Fee shall be paid based on the fee in effect at the time payment is made.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer, City

Entities Responsible for Ensuring Compliance:

City of Sacramento, Neighborhoods, Planning and Development Services Department (NPDS),
Development Services and Building Division
City of Sacramento, Public Works Department, Development Division

Verification of Compliance:

The required monitoring of Mitigation Measure 4-1(a) has been performed and the measure was found to be successfully implemented:

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.1 TRANSPORTATION AND CIRCULATION****Mitigation Measure 4.1-1(b)****Mitigation Measure:**

The significant impacts at these adjacent intersections shall be mitigated by the developer by widening Richards Boulevard through the interchange area. Currently, Richards Boulevard is five lanes under I-5. Discussions with City staff have indicated that widening to seven lanes under I-5 appears feasible. The seven lanes would consist of three eastbound through lanes, a single eastbound left turn lane, and a single westbound through lane. Additionally, the ramp from I-5 southbound to Richards Boulevard shall be restriped to allow left turns from both intersection approach lanes, and the ramp from I-5 northbound to Richards Boulevard shall be widened to permit an exclusive double right turn lanes. This intersection geometry is illustrated in Figure A-12 of the DSEIR Technical Appendix.

Some roadway widening immediately east and west of the interchange along Richards Boulevard would also be required. With this improvement, the Richards Boulevard and I-5 Southbound Ramps intersection level of service would improve to "C" during the p.m. peak hour with an average vehicle delay of 23.9 seconds. The Richards Boulevard and I-5 Northbound Ramps intersection level of service would improve to "B" during the p.m. peak hour with an average vehicle delay of 14.4 seconds.

Monitoring Program:

Prior to building permit issuance for Continental Plaza Phase IV, pay the Transportation Impact Fee of the Railyards/Richards Boulevard Area Infrastructure Financing Plan as adopted by the City Council on March 10, 1998 by Ordinance No. 98-011. The Transportation Impact Fee has been calculated based on the costs of constructing the Railyards/Richards Boulevard Area Stage One Infrastructure and Facilities, including the widening of the Richards/I-5 undercrossing from five to seven lanes. The Transportation Impact Fee shall be paid based on the fee in effect at the time payment is made.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer, City

Entities Responsible for Ensuring Compliance:

City of Sacramento, Neighborhoods, Planning and Development Services Department (NPDS),
Development Services and Building Division
City of Sacramento, Public Works Department, Development Division

Verification of Compliance:

The required monitoring of Mitigation Measure 4-1(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.1 TRANSPORTATION AND CIRCULATION

Mitigation Measure 4.1-1(c)

Mitigation Measure:

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer, City

Entities Responsible for Ensuring Compliance:

City of Sacramento, Neighborhoods, Planning and Development Services Department (NPDS),
Development Services and Building Division
City of Sacramento, Public Works Department, Development Division

Verification of Compliance:

The required monitoring of Mitigation Measure 4-1(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.3 URBAN DESIGN AND VISUAL QUALITY****Mitigation Measure 4.3-4(b)****Mitigation Measure:**

Include the following design standards and guidelines in the final approved version of the RBAP:

- The configuration of exterior light fixtures shall emphasize close spacing and lower intensity light that is directed downward, in order to minimize glare on adjacent residential areas and other sensitive receptors.
- Highly reflective mirrored glass walls shall be avoided as a primary building material for facades.

Monitoring Program:

Include design standards listed in Mitigation Measure 4.3-4(b) in the RBAP.

Design buildings in compliance with design standards set forth in the RBAP.

Timing:

RBAP, Special Permit

Parties Responsible for Implementing Measure:

City and Developer

Entities Responsible for Ensuring Compliance:

Planning Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.3-4(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.6 CULTURAL RESOURCES

Mitigation Measure 4.6-1(d)

Mitigation Measure:

The project construction team shall become familiar with the indicators of historic and prehistoric archaeological sites. In the event that subsurface archaeological or historical remains are discovered during development or construction of specific projects, work in the area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.

Monitoring Program:

1. Prepare information packet for distribution to construction teams working in archaeologically sensitive areas and provide packet to construction team.
2. In the event that subsurface archaeological or historical artifacts are discovered on a project site, stop all work in the vicinity of the find, and consult with a qualified archaeologist and a representative of the Native American Heritage Commission.

Timing:

1. Grading Permits
2. During grading and construction

Parties Responsible for Implementing Measure:

1. City and Contractor
2. Developer

Entities Responsible for Ensuring Compliance:

1. Neighborhoods, Planning and Development Services Department (NPDS), Development Services and Building Division
2. NPDS, Development Services and Building Division

Verification of Compliance:

The required monitoring of Mitigation Measure 4.6-1(d) has been performed and the measure was found to be successfully implemented:

Notes: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.9 AIR QUALITY****Mitigation Measure 4.9-1(a)****Mitigation Measure:**

Implement Phase Two of the Circulation Element of the draft Facility Element.

Monitoring Program:

Establish funding mechanism and fee structure for roadway improvements.

Construct Phase Two improvements of the Circulation Element of the Facilities Element as a condition of Phase 2 development.

Timing:

RBAP, Special Permit

Parties Responsible for Implementing Measure:

City and Developer

Entities Responsible for Ensuring Compliance:

Planning Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.3-4(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.9 AIR QUALITY****Mitigation Measure 4.9-1(b)****Mitigation Measure:**

The Planning Area shall be developed under a stringent vehicle-trip reduction requirement applicable to all proposed land uses. The availability of transit, proximity to downtown Sacramento, potential for mixed land uses and other aspects of the sites provide a high potential for non-auto travel modes.

Monitoring Program:

Incorporate vehicle reduction program into Transportation Management Plans.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Public Works Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.9-1(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.9 AIR QUALITY

Mitigation Measure 4.9-4(b)

Mitigation Measure:

All development within the Planning Area shall be required to participate in a Transportation Management Association, whose purpose would be the reduction in vehicle trips.

Monitoring Program:

Document participation in Transportation Management Association.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Public Works Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.9-4(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.9 AIR QUALITY****Mitigation Measure 4.9-4(c)****Mitigation Measure:**

All employment-generating uses shall be required to develop a Commute Management Plan, adopting programs using parking management/fees, transit incentives and amenities, alternative work schedules, telecommuting or other strategies to reduce employee commuting. The transportation performance standards of the California Clean Air Act would be adopted as minimum targets for trip reduction.

Monitoring Program:

Incorporated the Commute Management Plan items in Mitigation Measure 4.9-4(c) into the Transportation Management Plan.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Public Works Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.9-4(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.9 AIR QUALITY

Mitigation Measure 4.9-4(d)

Mitigation Measure:

All development proposals within the Planning Area shall be required to use land use mix and densities, provision of transit/bicycle/pedestrian amenities and provision of on-site amenities (day care, restaurants) to reduce the need for vehicle trips.

Monitoring Program:

Develop standards for amenities that reduce vehicle trips and include in RSP, RBAP and Facility and Element.

Document compliance with standards.

Timing:

RSP, RBAP and Special Permits.

Parties Responsible for Implementing Measure:

City and Developer.

Entities Responsible for Ensuring Compliance:

Public Works and Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.9-4(d) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.9 AIR QUALITY**Mitigation Measure 4.9-4(e)****Mitigation Measure:**

To the extent feasible, all development proposals within the Planning Area shall be required to include measures that facilitate alternative powered vehicles, including, but not limited to, electric vehicle recharge stations in new parking facilities.

Monitoring Program:

Establish requirements for provisions of alternative powered vehicles.

Provide amenities to encourage alternative powered vehicles.

Timing:

Special Permit.

Parties Responsible for Implementing Measure:

City, SHRA and Developer.

Entities Responsible for Ensuring Compliance:

Public Works and Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.9-4(e) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.9 AIR QUALITY****Mitigation Measure 4.9-5****Mitigation Measure:**

To ensure that construction mitigation is used, final approval shall not be given to any development within the Planning Area until the developer submits a construction dust mitigation plan satisfactory to the City. This plan should specify the methods of control that will be used to control dust and particulate matter, demonstrate the availability of needed equipment and personnel, and identify a responsible individual who, if needed, can authorize the implementation of additional measures.

The construction dust mitigation plan shall, at a minimum, include the following:

- Suspend earthmoving or other dust-producing activities during periods of high winds when dust control measures are unable to prevent visible dust plumes of a significant size.
- Provide equipment and staffing for watering of all exposed or disturbed soil surfaces at least twice daily, including weekends and holidays. An appropriate dust palliative or suppressant, added to water before application, should be used.
- Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Sweep the active construction area and adjacent streets of all mud and debris on a regular basis, since this material can be pulverized and later re-suspended by vehicle traffic.
- Limit the speed of all construction vehicles to 15 miles per hour while on-site.
- All materials transported by truck will be covered or wetted down.
- All inactive portions of the site will be watered with an appropriate dust suppressant, covered or seeded.
- Trucks shall maintain freeboard (i.e., the distance between the top of the load and the top of the truck bed sides).
- Truck wheel washers shall be installed before the roadway entrance at construction sites.
- Tarps shall be used on trucks carrying dirt.
- Dust hoods shall be used on drilling and blasting equipment.

Monitoring Program:

Submit dust mitigation plan, per Mitigation Measure 4.9-5.

Timing:

Grading Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.9-5 has been performed and the measure was found to be successfully implemented:

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.9 AIR QUALITY****Mitigation Measure 4.9-6****Mitigation Measure:**

To the extent feasible, the following measures are required during construction:

- Use low emission fuels for pile drivers, such as methanol or low-sulfur fuels.
- Use construction equipment that has catalytic converters (for gasoline powered equipment).
- Prevent trucks from idling for more than two minutes.
- Discontinue operations during second stage smog alerts.

Monitoring Program:

Submit and comply with construction-related air quality mitigation plan, per Mitigation Measure 4.9-6, to the satisfaction of the City.

Timing:

Grading and Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.9-6 has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.10 NOISE

Mitigation Measure 4.10-5(a)

Mitigation Measure:

The contractor shall limit outdoor construction activity from 7:00 a.m. to 6:00 p.m. on Monday through Saturday and from 9:00 a.m. to 6:00 p.m. on Sunday, unless the City grants a special permit, in order to minimize disruption to residences adjacent to and near the project.

Monitoring Program:

Comply with the time restrictions in the City Code.

Timing:

Grading and Building Permit

Parties Responsible for Implementing Measure

Contractor

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.10-5(a) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.10 NOISE

Mitigation Measure 4.10-5(b)

Mitigation Measure:

The contractor shall use mufflers, enclosure panels, or other noise suppression attachments on all equipment as appropriate and turn off equipment when not in use.

Monitoring Program:

Include statement identifying noise suppression attachments used on construction-related equipment, consistent with the City Code.

Timing:

Grading and Building Permit

Parties Responsible for Implementing Measure

Contractor

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.10-5(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.11 GEOLOGY, SOILS AND SEISMICITY

Mitigation Measure 4.11-1

Mitigation Measure:

New structures, the restoration of existing structures, and the development of project infrastructure shall be designed and built in conformance with the Uniform Building Code (with California amendments) standards for Seismic Zone 3.

Monitoring Program:

Demonstrate that all construction plans are in compliance with UBC.

Timing:

Grading or Building Permit

Parties Responsible for Implementing Measure

Contractor

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-1 has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.11 GEOLOGY, SOILS AND SEISMICITY****Mitigation Measure 4.11-2(a)****Mitigation Measure:**

Prior to construction, site-specific geotechnical evaluations shall be performed by an appropriately licensed professional engineer qualified to assess seismic conditions including probability associated with liquefaction, settlement, and lateral spreading using a maximum probable and credible earthquake. The evaluation shall identify specific geotechnical recommendations for development foundation design to mitigate for seismically induced hazards, as well as recommendations for adequate building design including excavation and fill requirements for any identified soil constraints. The evaluation for project sites adjoining the levee will also include an analysis of levee stability under static and seismic conditions in coordination with the US Army Corps of Engineers for project sites adjoining the levee.

Monitoring Program:

1. Submit geotechnical study per Mitigation Measure 4.11-2(a).
2. Demonstrate compliance with geotechnical study, per Mitigation Measure 4.11-2(a).

Timing:

1. Grading or Building Permit
2. Construction

Parties Responsible for Implementing Measure

1. Developer
2. Developer

Entities Responsible for Ensuring Compliance:

1. Neighborhoods, Planning and Development Services Department (NPDS)
2. NPDS

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-2(a) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.11 GEOLOGY, SOILS AND SEISMICITY

Mitigation Measure 4.11-2(b)

Mitigation Measure:

Design of foundations and drainage facilities shall conform with Title 24 of the California Code of Regulations, the Uniform Building Code and recommendations contained in the site-specific geotechnical evaluations prepared by an appropriately licensed and qualified Engineer/Geologist as specified in Mitigation Measure 4.11-2(a).

Monitoring Program:

Demonstrate compliance with CCR Title 24, UBC and geotechnical recommendations. See page 26 for a discussion of Mitigation Measure 4.11-2(a).

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-2(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.11 GEOLOGY, SOILS AND SEISMICITY****Mitigation Measure 4.11-5(a)****Mitigation Measure:**

If below-grade construction is proposed, site-specific geotechnical investigation will be undertaken prior to the start of excavation to determine the depth to the groundwater for the affected site, and the need for subsurface drainage and the potential for caving of excavation walls. This investigation and subsequent analysis shall be made by an appropriately licensed and qualified engineer or geologist.

Monitoring Program:

1. Prepare geotechnical study per Mitigation Measure 4.11-5(a).
2. Demonstrate compliance with geotechnical recommendations, per Mitigation Measure 4.11-5(a), and City's Groundwater Discharge Policy.

Timing:

1. Grading or Building Permit
2. Construction

Parties Responsible for Implementing Measure

1. Developer
2. Developer

Entities Responsible for Ensuring Compliance:

1. Neighborhoods, Planning and Development Services Department (NPDS)
2. NPDS

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-5(a) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.11 GEOLOGY, SOILS AND SEISMICITY

Mitigation Measure 4.11-5(b)

Mitigation Measure:

If dewatering of a construction site is required, subdrains, reinforced concrete retaining walls and/or waterproofing methods shall be used as necessary to eliminate the effects of subsurface groundwater conditions. The subdrain plan shall form part of the final plans for the project, and would be prepared with the recommendations of an appropriately licensed and qualified engineer or geologist.

Monitoring Program:

1. Submit dewatering plans to be undertaken per Mitigation Measure 4.11-5(b).
2. Demonstrate compliance with dewatering provisions.

Timing:

1. Grading or Building Permit
2. Grading or Building Permit

Parties Responsible for Implementing Measure

1. Developer
2. Developer

Entities Responsible for Ensuring Compliance:

1. Neighborhoods, Planning and Development Services Department (NPDS), Utilities Department
2. NPDS, Utilities Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-5(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.11 GEOLOGY, SOILS AND SEISMICITY****Mitigation Measure 4.11-5(c)****Mitigation Measure:**

Dewatering shall comply with applicable requirements established by the Central Valley Regional Water Quality Control Board and any applicable local permit requirements, and shall be coordinated with the City's Flood Control and Sewers Division.

Monitoring Program:

Demonstrate compliance with applicable requirements regarding dewatering from the CVRWQCB and City's Groundwater Discharge Policy.

Timing:

Construction

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Utilities Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-5(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.11 GEOLOGY, SOILS AND SEISMICITY****Mitigation Measure 4.11-5(d)****Mitigation Measure:**

Moisture barriers around foundations shall be used where applicable to prevent moisture changes from adversely affecting soils beneath a structure.

Monitoring Program:

Demonstrate compliance with building code provisions regarding moisture barriers.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Utilities Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-5(d) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.11 GEOLOGY, SOILS AND SEISMICITY****Mitigation Measure 4.11-5(e)****Mitigation Measure:**

Where required due to high groundwater, excavations shall be shored as required by the Office of Safety and Health Administration (OSHA) to preclude slope failures during the construction period. Shoring shall use standard stabilizing methods, such as tiebacks, as necessary to retain excavation areas.

Monitoring Program:

Demonstrate compliance with OSHA requirements regarding excavations.

Timing:

Grading or Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-5(e) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.11 GEOLOGY, SOILS AND SEISMICITY

Mitigation Measure 4.11-7

Mitigation Measure:

The City of Sacramento shall continue to require development to comply with General Plan Goals and Policies for Seismic Safety, including Policies 1 through 3, or the equivalent.

Monitoring Program:

Comply with goals and policies regarding seismic safety in the zoning ordinance.

Timing:

Special Permit

Parties Responsible for Implementing Measure:

City and Developer.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.11-7 has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.12 HYDROLOGY AND WATER QUALITY

Mitigation Measure 4.12-2(a)

Mitigation Measure:

Development in the Planning Area shall comply with City ordinances and zoning codes regulating residential and non-residential development in the AR zone (City of Sacramento Ordinance 90-005) 100-year flood plain.

Monitoring Program:

Demonstrate compliance with construction requirements for the AR zone and compliance with City regulations.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.12-2(a) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.12 HYDROLOGY AND WATER QUALITY

Mitigation Measure 4.12-2(b)

Mitigation Measure:

If project development is not completed prior to removal of AR designation and 100-year protection has not been achieved, development of the proposed Planning Area shall comply with all applicable FEMA regulations.

Monitoring Program:

Demonstrate compliance with construction requirements for the AR zone and compliance with City regulations.

Timing:

Buildings Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.12-2(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.12 HYDROLOGY AND WATER QUALITY****Mitigation Measure 4.12-3****Mitigation Measure:**

A comprehensive erosion control plan shall be prepared by a registered civil engineer or a registered professional hydrologist prior to submittal of the final map to protect water resources from impacts due to siltation and sedimentation generated by project construction in the Planning Area. The plan shall be prepared in coordination with the Central Valley Regional Water Quality Control Board, and the City of Sacramento to assure compliance with applicable NPDES permit requirements for construction activities. The plan shall include a combination of the following Best Management Practices (BMPs), or equally effective measures or any other measures required by local codes and ordinances:

- (a) If feasible, project construction periods should be limited to the dry months of the year (May through October).
- (b) If project construction does occur during the rainy season (November through April), sediment traps, barriers, covers or other methods shall be used to reduce erosion.
- (c) Slopes, both cut and fill, shall not be steeper than those recommended by the detailed geotechnical report for the Planning Area (see Mitigation Measure 4.11-1(a)).
- (d) Sediment basins, sediment traps, or similar sediment control Best Management Practices (BMP's) shall be installed before extensive ground alteration operations begin.
- (e) Temporary mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities.
- (f) Excavated materials shall not be deposited or stored where the material could be washed away by storm water runoff.

Monitoring Program:

Prepare and submit an Erosion Control and Sediment plan in accordance with Mitigation Measure 4.12-3 and the City's Technical Procedures Manual for Grading and Erosion and Sediment Control.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Utilities Department

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**Verification of Compliance:**

The required monitoring of Mitigation Measure 4.12-3 has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.12 HYDROLOGY AND WATER QUALITY

Mitigation Measure 4.12-4(a)

Mitigation Measure:

Prior to development of any part of the Planning Area, a comprehensive runoff control plan shall be prepared by a registered civil engineer or registered professional hydrologist to protect water resources from impacts due to urban and landscape runoff generated by the project. This mitigation measure would be required for all Alternatives. The plan shall be prepared in coordination with the Central Valley Regional Water Quality Control Board, and the City of Sacramento to assure compliance with applicable NPDES permit requirements for new developments. The plan shall include a combination of the following Best Management Practice (BMP's), or equally effective measures:

- (i) Oil and grease separators shall be used to control roadway and parking lot contaminants.
- (ii) Streets and parking lots shall be cleaned and swept on a regular basis.
- (iii) Peak flow reduction and infiltration practices, such as grass swales, infiltration trenches and grass filter strips, and detention and retention basins, shall be incorporated.
- (iv) Landscape areas including borders and medians shall use low water-using plants wherever feasible.
- (vi) Plants of similar water use shall be grouped to reduce overirrigation of low-water-using plants.
- (vii) Mulch shall be used in all non-lawn landscaped areas to a minimum depth of two (2) inches. Mulch applied on top of the soil will improve the water-holding capacity and reduce runoff.
- (viii) Existing trees and shrubs shall be preserved and protected where feasible, because established plants are often adapted to low-water-using conditions.
- (ix) Efficient irrigation systems shall be installed to minimize runoff and evaporation and maximize the water that will reach the plant roots such as drip irrigation, soil moisture sensors, and automatic irrigation systems.
- (x) Seasonal, climatical, and dosage fertilizer application restrictions shall be followed, as recommended by manufacturer.
- (xi) Slow release fertilizers shall be used.
- (xii) Where feasible, landscape areas shall be limited to 4:1 slopes to reduce runoff, unless such slopes form landscape berms which are required to mitigate aesthetic and noise impacts.
- (xiii) The use of plastic or other impervious materials to control weed growth in landscaped

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

areas shall not be permitted.

Monitoring Program:

1. Prepare site-specific runoff control plan. This plan shall be prepared in accordance with the Technical Procedures Manual for Grading and Erosion and Sediment Control and the City/County Drainage Manual Volume 5, Manual of standards for Design of New Development On-Site Stormwater Quality Control Measures. Note that "oil and grease separators" are not listed in this document due to their questionable effectiveness and dependence on proper maintenance. They are not the City's preferred method.
2. Demonstrate compliance with runoff control measures.

Timing:

1. Grading Permit
2. Construction

Parties Responsible for Implementing Measure

1. Developer
2. Developer

Entities Responsible for Ensuring Compliance:

1. Utilities Department
2. Utilities Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.12-4(a) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.12 HYDROLOGY AND WATER QUALITY

Mitigation Measure 4.12-4(b)

Mitigation Measure:

Comply with joint City and County storm water NPDES permit requirements for the City's municipal storm water conveyance system.

Monitoring Program:

Demonstrate compliance with NPDES permit requirements.

Timing:

Grading Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Utilities Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.12-4(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-1(a)****Mitigation Measure:****Monitoring Program:**

The entire Railyards Area and each site within the Richards Area where hazardous materials contamination that requires remediation is identified, shall be cleaned up at the time of development or redevelopment, to levels, at a minimum determined by DTSC (and other involved agencies as appropriate) to be adequately protective of construction workers.

Timing:

RSP, RBAP, DTSC, City MOU and agreements for Railyards and Richards development.

Parties Responsible for Implementing Measure:

City, SHRA, SPTCo.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-1(a) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-2(b)****Mitigation Measure:**

The City shall require that extracted groundwater in the Planning Area be tested for the presence of hazardous materials, and that appropriate handling and disposal techniques be required accordingly.

Monitoring Program:

1. If dewatering is to occur, determine whether dewatering activities will result in extraction of contaminated groundwater.
2. If contaminated groundwater is extracted, handle in a manner that protects construction workers and others from harmful exposure, as required by the City in cooperation with the DTSC, CVRWQCB, and SMAQMD.

Timing:

1. Grading Permit
2. Construction

Parties Responsible for Implementing Measure

1. Developer
2. Contractor

Entities Responsible for Ensuring Compliance:

1. Utilities Department, Neighborhoods, Planning and Development Services Department (NPDS), Planning Services
2. Utilities Department, NPDS, Planning Services

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-2(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-3(b)****Mitigation Measure:**

The City shall require extracted groundwater that is to be discharged to the sanitary sewer be authorized by the City to be in compliance with its obligations to meet standards established by the CVRWQCB in order to reduce the risk of leakage of unacceptable levels of contaminants along the sewer lines, and to assure that the regional treatment plant can meet standards established under its NPDES permit, prior to discharge.

Monitoring Program:

1. Obtain required disposal permits from the regional sanitation district.
2. Comply with DTSC dewatering requirements and the City's Groundwater Discharge Policy.

Timing:

1. Building Permit
2. Construction

Parties Responsible for Implementing Measure

1. Developer
2. Developer

Entities Responsible for Ensuring Compliance:

1. Utilities Department, Neighborhoods, Planning and Development Services Department (NPDS), Development Services and Building Division
2. Utilities Department, NPDS, Development Services and Building Division

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-3(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-3(c)****Mitigation Measure:**

If the City or regional treatment plant determines that groundwater extracted during dewatering activities does not meet applicable standards for discharge into the city sewer system, contractors shall implement groundwater treatment systems that treat groundwater to standards established by the CVRWQCB, City, and regional treatment plant.

Monitoring Program:

Comply with City, DTSC and County dewatering requirements.

Timing:

During construction

Parties Responsible for Implementing Measure

Developer and Contractor

Entities Responsible for Ensuring Compliance:

Utilities Department, Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-3(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-4(b)****Mitigation Measure:**

In the Richards Area, prior to obtaining a grading or building permit that requires dewatering, the contractor shall coordinate with the City and the CVRWQCB to ensure that dewatering does not interfere with any adjacent or on-site groundwater remediation.

Monitoring Program:

Submit evidence that dewatering will not interfere with groundwater remediation.

Timing:

Grading Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Development Services and Building Division, Toxics Coordinator and Building Division

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-4(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-4(c)****Mitigation Measure:**

All dewatering in the Planning Area shall be coordinated with any on-site or adjacent groundwater remediation activities in accordance with measures agreed upon by DTSC, the City, the RWQCB, and the Southern Pacific Transportation Company or other developers, if appropriate. In the absence of such agreement, DTSC shall require contractors to obtain approval of dewatering activities prior to initiation of construction.

Monitoring Program:

Coordinate dewatering activities with appropriate agencies per Mitigation Measure 4.13-4(c).

Timing:

Grading Permit

Parties Responsible for Implementing Measure

Developer/Contractor

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Development Services and Building Division, Toxics Coordinator

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-4(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-5(b)****Mitigation Measure:**

If asbestos fibers are suspected or identified in soils or existing building materials, then additional sampling shall be performed prior to any construction activities to identify asbestos-containing materials that may be contained in building materials or obscured behind walls, above ceilings, and beneath floors.

Monitoring Program:

Provide written confirmation from Air Quality Management District and the developer that test for asbestos has been conducted if demolition is required, or if asbestos fiber in soil are possible due to prior site uses.

Timing:

Demolition Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Sacramento Metropolitan AQMD, Neighborhoods, Planning and Development Services Department (NPDS), Development Services and Building Division, Toxics Coordinator, Sacramento County Department of Environmental Health

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-5(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-5(c)****Mitigation Measure:**

Demolition activities affecting asbestos-containing material shall be performed by a licensed asbestos abatement contractor with properly trained personnel in accordance with all applicable federal, state and local regulations.

Monitoring Program:

Submit evidence that asbestos abatement contractor is licensed to perform such work.

Timing:

Demolition Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Development Services and Building Division, Toxics Coordinator

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-5(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-8(b)****Mitigation Measure:**

All contractors in the Richards Area shall coordinate with the City, DTSC, and other involved agencies, as appropriate, to assure that accessible portions of the Richards Area containing hazardous materials contamination shall be covered, encapsulated, or otherwise rendered inaccessible to prevent unacceptable human exposure to hazardous materials.

Monitoring Program:

If contaminants are present on the project site or adjacent properties, provide written confirmation from DTSC and/or County Health to ensure that areas in proximity to a contaminated site are inaccessible.

Timing:

Grading Permit

Parties Responsible for Implementing Measure

Contractor

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Development Services, Building Division, and Toxics Coordinator

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-8(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-8(c)****Mitigation Measure:**

Active remediation sites in the Richards Area shall employ measures to protect the surrounding population and environment. Such measures could include, as appropriate, buffer zones, fencing, posting, site security, dust control, and perimeter air monitoring.

Monitoring Program:

Work with DTSC and/or County Health to identify measures deemed necessary to protect affected populations against exposure.

Timing:

Grading Permit

Parties Responsible for Implementing Measure

Property Owner

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Development Services, Building Division, and Toxics Coordinator

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-8(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-9(b)****Mitigation Measure:**

Prior to issuance of building permits in areas of known groundwater contamination, the City shall assess the need for building features designed to protect against the risk of exposure to soil vapors in enclosed underground spaces. Such features could include vapor barriers and adequate ventilation.

Monitoring Program:

Design or construct new buildings to protect against risk of exposure to soil vapors.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS), Development Services, Building Division, and Toxics Coordinator

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-9(b) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-9(f)(2)****Mitigation Measure:****Monitoring Program:**

For the Richards Area, the City shall link development approvals to specific remediation steps for each of the Alternatives as follows:

For all commercial and industrial sites for which modification is proposed that requires a discretionary land use entitlement from the City that will result in the disturbance of more than 50 cubic yards of soil and that are located within 2,000 feet of an existing or approved residence, school, daycare center, or other similar sensitive use, the City shall require, prior to the issuance of any building permit, that a Phase I site investigation be conducted. Should the Phase I analysis indicate the potential for contamination, a Phase II site investigation and cleanup or any discovered contamination shall be required.

Timing:

Within 1 year following approval of RBAP.

Parties Responsible for Implementing Measure:

City.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-9(f)(2) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-9(f)(4)****Mitigation Measure:****Monitoring Program:**

For the Richards Area, the City shall link development approvals to specific remediation steps for each of the Alternatives as follows:

- (4) For all sites where contamination is found, the City shall require completed soil remediation and/or site closure approved by the applicable local, state or federal regulatory agency prior to the issuance of grading, demolition, building, or occupancy permits, unless preliminary construction work, such as excavation for building foundations, will occur as part of the remediation process. In some cases, permits may be issued while groundwater remediation or soil vapor extraction is ongoing, if a site specific health risk assessment demonstrates that there will be significant risk to construction workers, site users, or occupants. In lieu of completed remediation and/or site closure, the permit application may submit a statement from the appropriate regulatory agency or from a registered engineer or geologist certifying that no remediation would be required under applicable laws.

Timing:

Grading, demolition, or Building Permits.

Parties Responsible for Implementing Measure:

Developer.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-9(f)(4) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-9(h)****Mitigation Measure:****Monitoring Program:**

For sites in the Richards Area where soil or groundwater remediation is required to demonstrate that remediation methods comply with all applicable Sacramento Metropolitan Air Quality Management District requirements.

Timing:

Construction.

Parties Responsible for Implementing Measure:

Property Owners, SMAQMD.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-9(h) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-13(b)****Mitigation Measure:****Monitoring Program:**

The City shall not approve any project or development permit without first reviewing available data to determine if the proposed project or use would create an unreasonable risk to adjoining properties. If sufficient data does not exist to make such a determination, further studies (such as air toxics evaluations) shall be performed to evaluate the risk and develop appropriate mitigation measures.

Timing:

Special Permit.

Parties Responsible for Implementing Measure:

City.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-13(b) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.13 HAZARDOUS MATERIALS****Mitigation Measure 4.13-13(c)****Mitigation Measure:**

The City shall require businesses in the Richards Area that use solvents and/or other toxic or hazardous materials to present Hazardous Substance Management Plans for the review and approval of the Hazardous Materials Division of Sacramento County's Environmental Management Department, prior to final building inspection. The plans shall demonstrate that adequate safety precautions have been taken for the storage and handling of hazardous materials and/or wastes, including:

- Proper on-site management;
- Proper transportation;
- Proper designed and outfitted disposal facilities;
- Source reduction and recovery;
- Measures to prevent hazardous wastes from entering sanitary sewers;
- Programs to reduce spills of hazardous substances during transport.

Monitoring Program:

Comply with Countywide Hazardous Substances Management Plan, per Mitigation Measure 4.13-13(c).

Timing:

On-going.

Parties Responsible for Implementing Measure:

Businesses.

Entities Responsible for Ensuring Compliance:

County.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.13-13(c) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____

Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.15 WATER SUPPLY****Mitigation Measure 4.15-2****Mitigation Measure:**

New local water distribution system piping will be installed concurrent with construction of the roadways that are proposed to serve the Planning Area. New water mains are considered to be a developer responsibility and will be installed at the developer's cost at the time the roadways are constructed.

Proposed water mains will be sized and located to meet domestic and fire flow requirements. Water main size and location shall be verified at both the preliminary design and final design stage of project development.

Monitoring Program:

Design the water distribution system to meet the specifications of the Utilities Department.

Timing:

Grading or Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Utilities Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.15-2 has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.17 STORM WATER AND DRAINAGE****Mitigation Measure 4.17-1(c)****Mitigation Measure:**

Separate combined sewers in Railyards Area and Eastern Richards Area, or construct a substitute facility adequate to prevent outflows in the combined system.

Monitoring Program:

Prepare a program to separate the combined system or a substitute facility to prevent outflows in the combined system and/or pay fair share costs of the system or construct a substitute facility.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Utilities Department

Verification of Compliance:

The required monitoring of Mitigation Measure 4.17-1(c) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.18 SOLID WASTE

Mitigation Measure 4.18-1(a)

Mitigation Measure:

The City of Sacramento shall require all new development within the Planning Area to participate fully in a comprehensive solid waste management program designed so that, on average, at least 50 percent of the solid waste generated within the area is diverted from landfilling to either recycling, re-use, or other disposal means such as cogeneration. All recycling and source reduction programs shall comply fully with the City of Sacramento Recycling and Solid Waste Reduction Ordinance.

Monitoring Program:

Comply with Zoning Ordinance solid waste management requirements.

Timing:

Building Permit

Parties Responsible for Implementing Measure

Developer

Entities Responsible for Ensuring Compliance:

Neighborhoods, Planning and Development Services Department (NPDS)

Verification of Compliance:

The required monitoring of Mitigation Measure 4.18-1(a) has been performed and the measure was found to be successfully implemented:

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.19 POLICE SERVICES****Mitigation Measure 4.19-1(a)****Mitigation Measure:**

Development within the Planning Area shall ensure that adequate police protection services are available at the time of development. All necessary sworn and non-sworn staff shall be made available to the Planning Area in accordance with Police Department Standards.

Monitoring Program:

Provide for police services in the Planning Area.

Timing:

Special Permit.

Parties Responsible for Implementing Measure:

City.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.19-1(a) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan**4.19 POLICE SERVICES****Mitigation Measure 4.19-1(b)****Mitigation Measure:**

Development within the Planning Area shall be coordinated on a project-specific basis with the Sacramento City Police Department Community Resources Division at the design phase of project approval.

Monitoring Program:

Request Police Dept. review of all Special Permit Applications.

Timing:

Special Permit.

Parties Responsible for Implementing Measure:

City.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

The required monitoring of Mitigation Measure 4.19-1(b) has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Addendum to the Continental Plaza Phase III and Phase IV EIR
Mitigation Monitoring Plan

4.21 SCHOOLS AND CHILD CARE

Mitigation Measure 4.21-6

Mitigation Measure:

New development within the Planning Area shall demonstrate that adequate provision for facility space for child care services is included in the application for use permit approval. The City of Sacramento shall not approve the occupancy of any office or commercial use that is unable to demonstrate the availability of child care services. In the absence of the immediate availability of child care services, approval may be granted to projects that submit a plan of action that would ensure the provision of child care services within a reasonable period and that it is approved by the City. Recognizing that the market for child care services requires an established customer base to justify location of new facilities, the City of Sacramento shall actively encourage and support the expansion of child care services by licensed care providers within the Planning Area.

Monitoring Program:

Provide evidence that child care facility space is adequate.

Timing:

Special Permit.

Parties Responsible for Implementing Measure:

Developer.

Entities Responsible for Ensuring Compliance:

Planning Department.

Verification of Compliance:

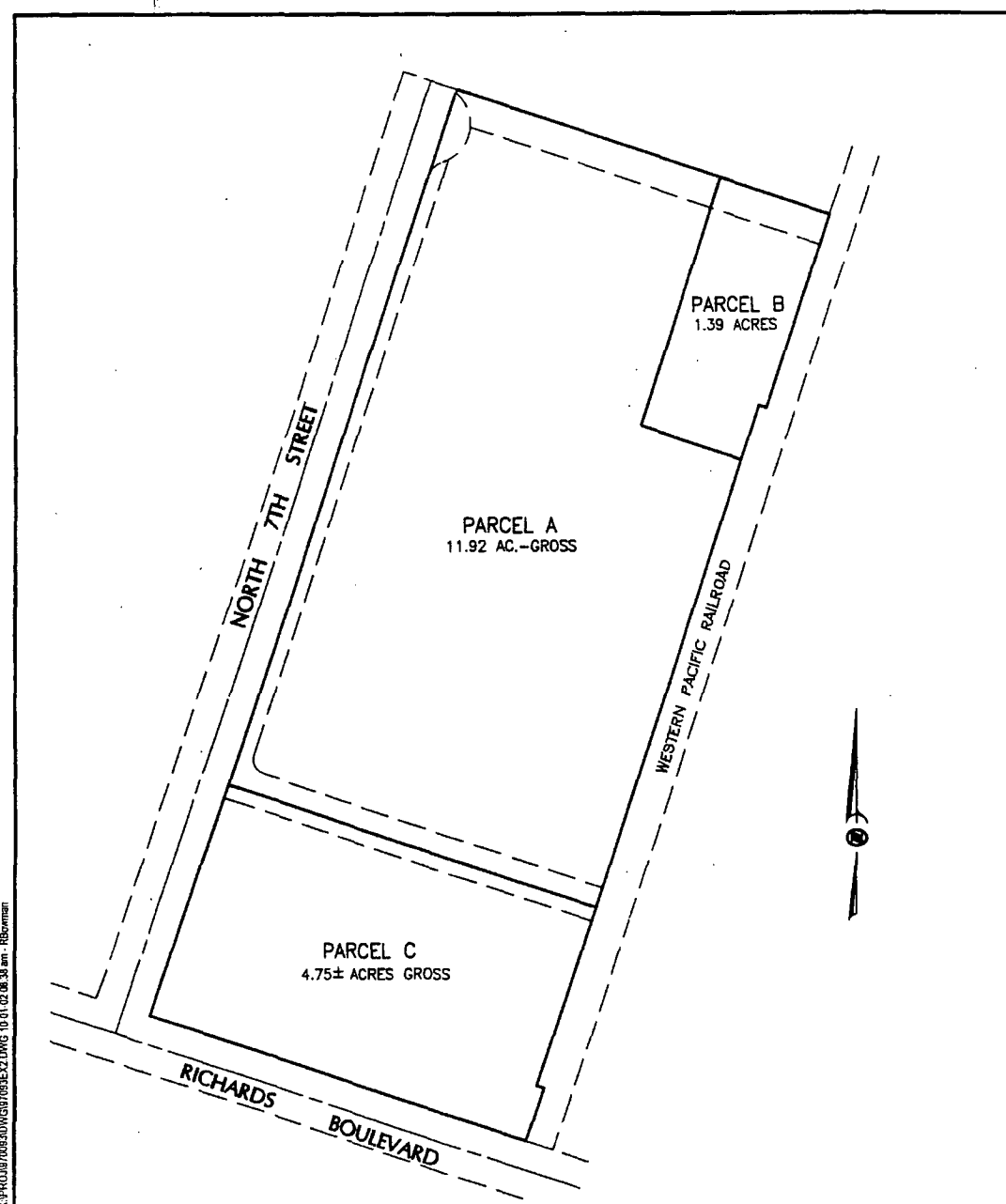
The required monitoring of Mitigation Measure 4.21-6 has been performed and the measure was found to be successfully implemented.

Notes: _____

Signature: _____ Date: _____

Title: _____

Agency/Department: _____

Exhibit 1B
Parcel Summary

X:\PROJECTS\100830\WG09\100830.DWG 10-01-02 08:38 am - RB\matt

**MORTON & PITALO, INC.**CIVIL ENGINEERING • PLANNING • SURVEYING
1788 Tribute Road, Suite 200 • Sacramento, CA 95815
phone: 916.927.2400 • fax: 916.567.0120 • survey fax: 916.927.1185
email: enr@mpengr.com • web: www.mpengr.com

DRAWN:	RB	JOB NO:	970093
CHECKED:	RB	DATE:	OCTOBER, 2002
SCALE:	1"=200'	SHEET:	1 of 1

EXHIBIT MAP

CONTINENTAL PLAZA**LAND USE SUMMARY**

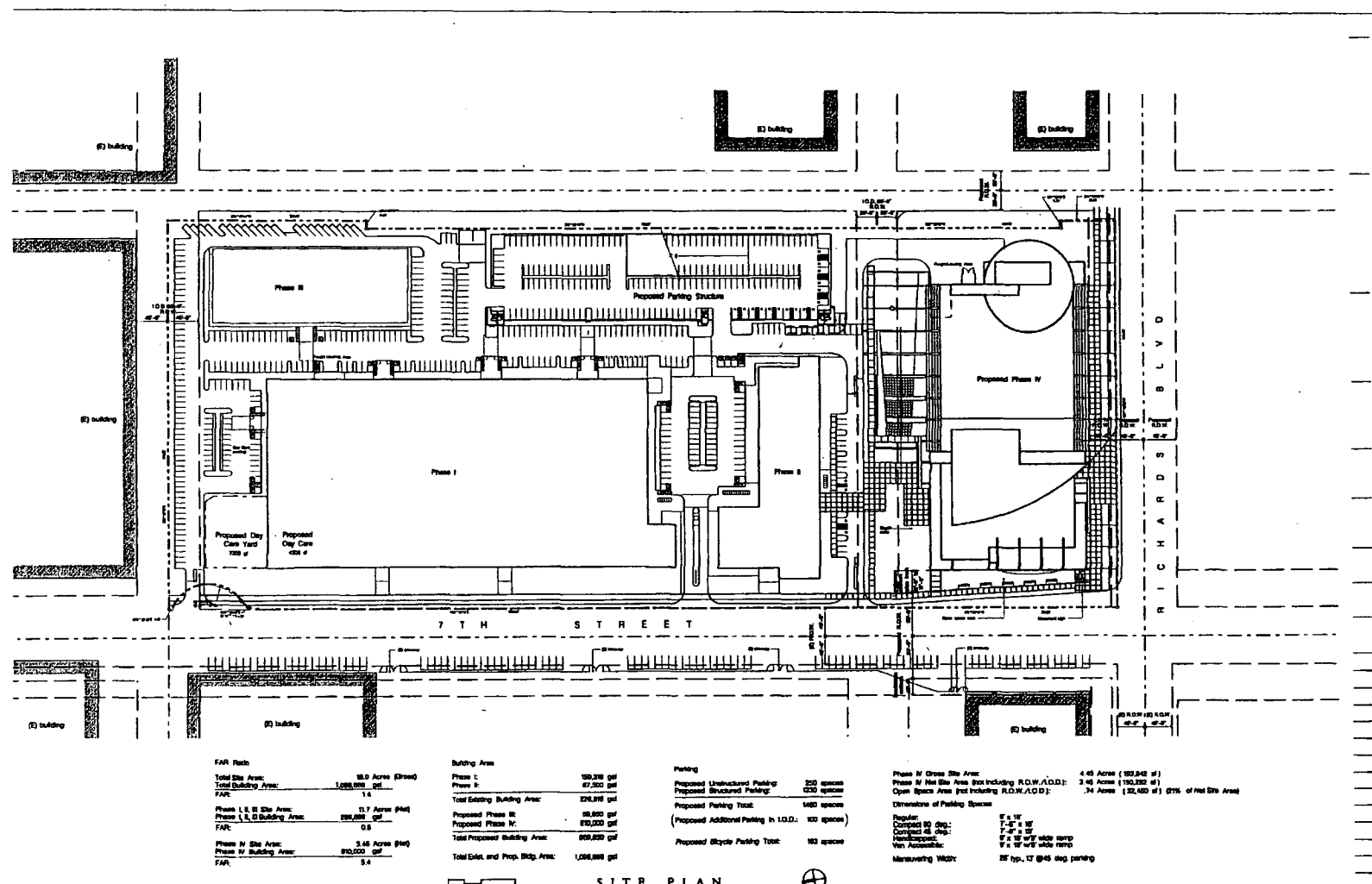
CITY OF SACRAMENTO, CALIFORNIA

P01-125

OCTOBER 24, 2002

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PAGE 109

Exhibit 1C
Site Plan



CONTINENTAL PLAZA - GROVE INVESTMENT COMPANY
SACRAMENTO, CALIFORNIA

P 01-125 REC'D FEB 15 2002

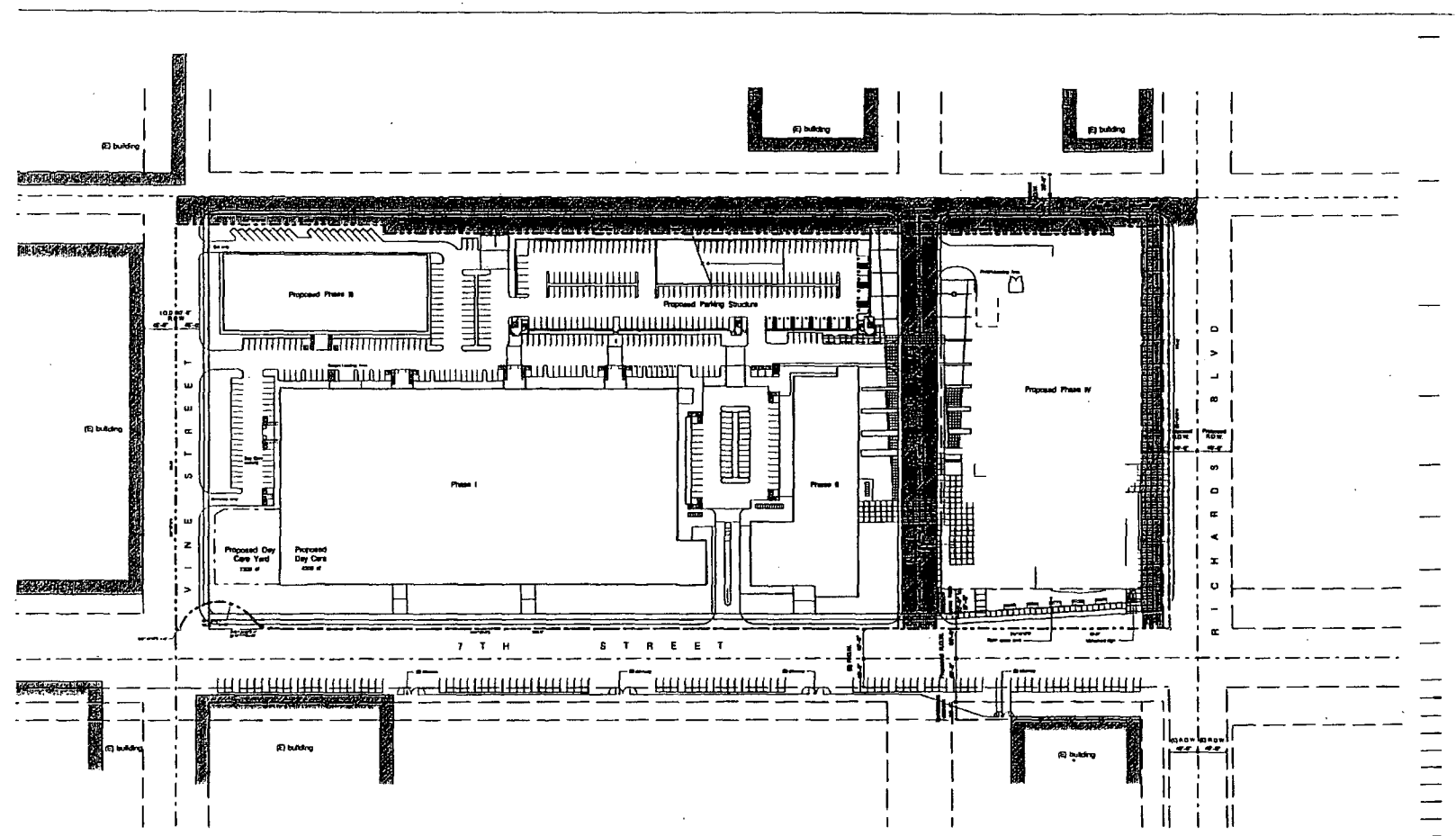


P01-125

OCTOBER 24, 2002

ITEM # 3
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Exhibit 1D
PUD Schematic Plan with future right-of-way



SITE PLAN
(with future right-of-way)

CONTINENTAL PLAZA - GROVE INVESTMENT COMPANY
SACRAMENTO, CALIFORNIA

P 01-125 REC'D FEB 15 2002

ARCHITECTURE . PLANNING . INTERIORS . LANDSCAPE ARCHITECTURE 1318 O STREET SACRAMENTO, CA 95814 TEL. 916.443.0333



OCTOBER 24, 2002

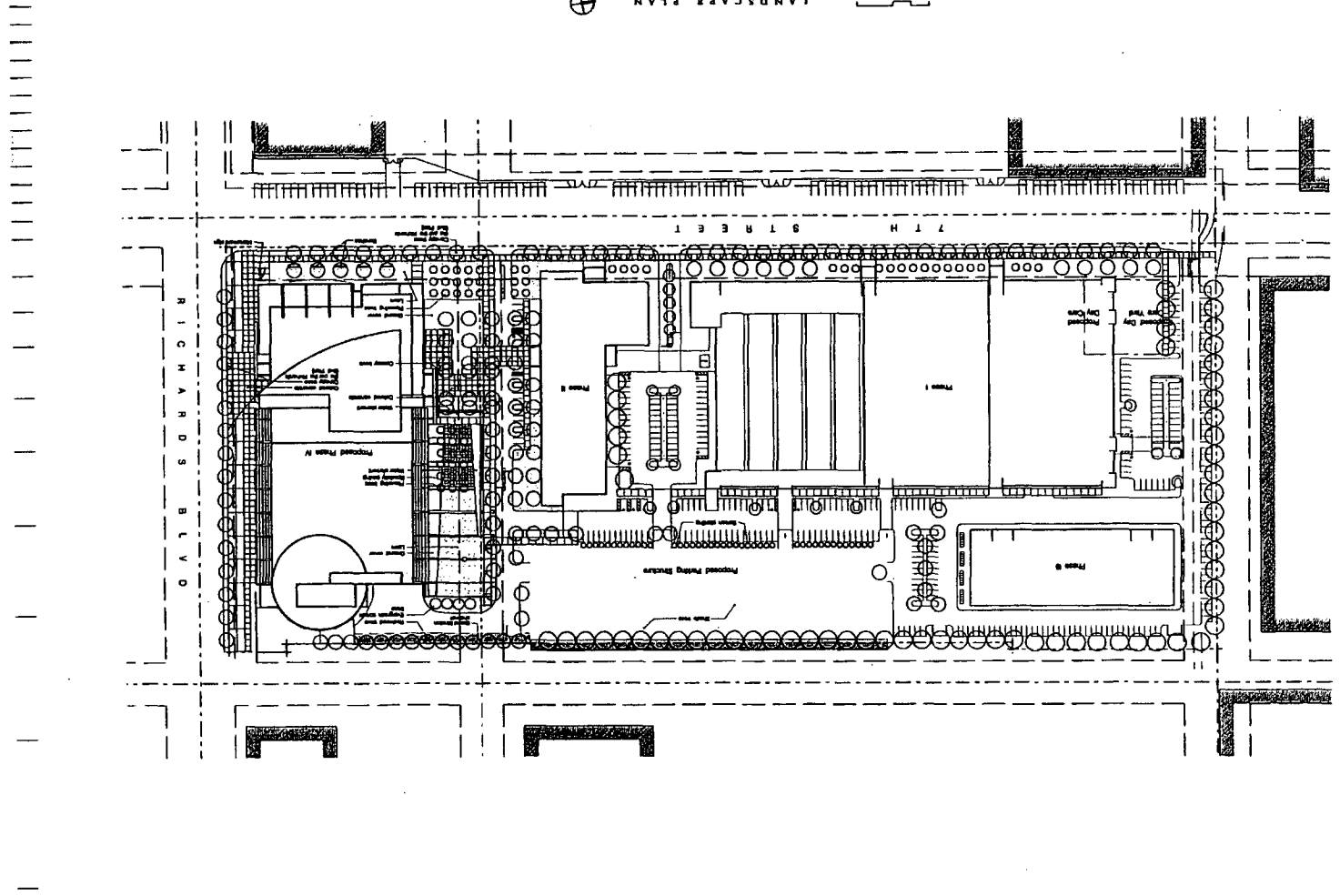
P01-125

Exhibit 1E
Landscape Plan



CONTINENTAL PLAZA - GROVE INVESTMENT COMPANY
SACRAMENTO, CALIFORNIA
P 01-125
REC'D FEB 15 2002
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1815 O STREET • SACRAMENTO, CA 95811 • TEL: 916.443.9238

LANDSCAPE PLAN

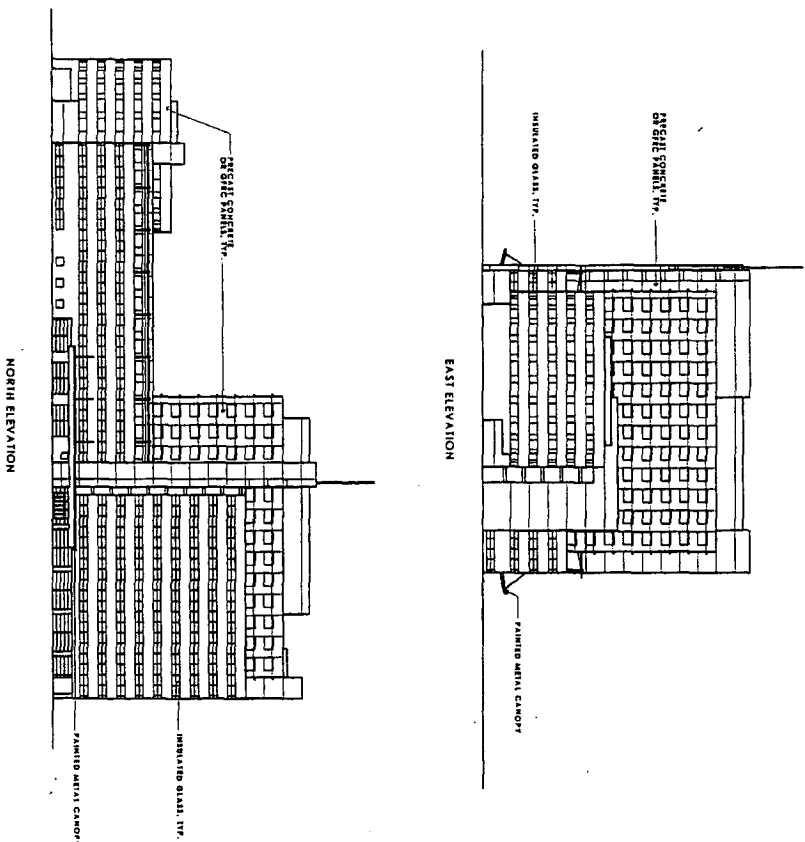




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P 01-125

RECD FEB 15 2002

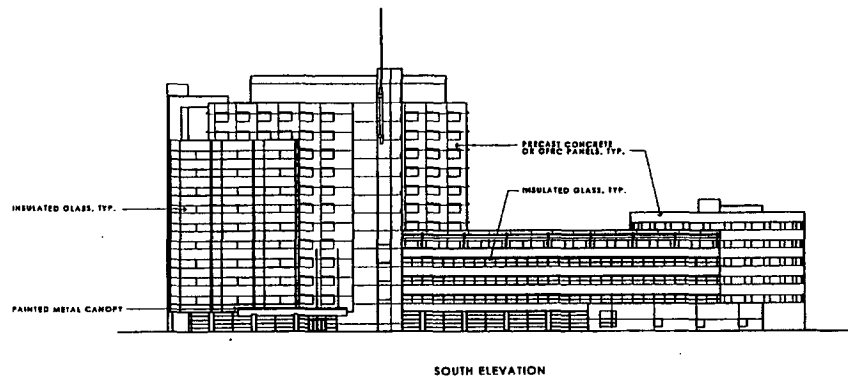
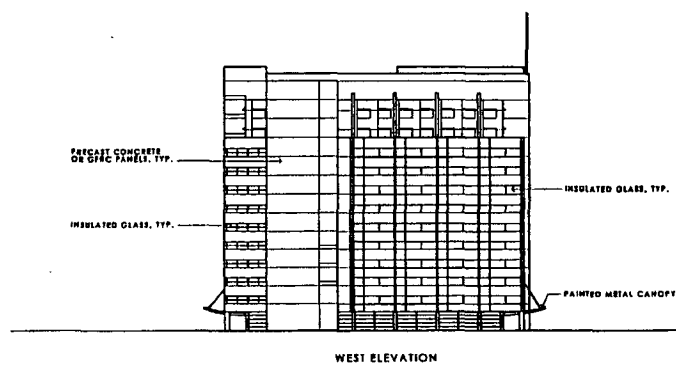


P01-125

OCTOBER 24, 2002

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Exhibit 1G
South and West Elevations



CONTINENTAL PLAZA - GROVE INVESTMENT COMPANY
SACRAMENTO, CALIFORNIA

P 01-125

REC'D FEB 15 2002

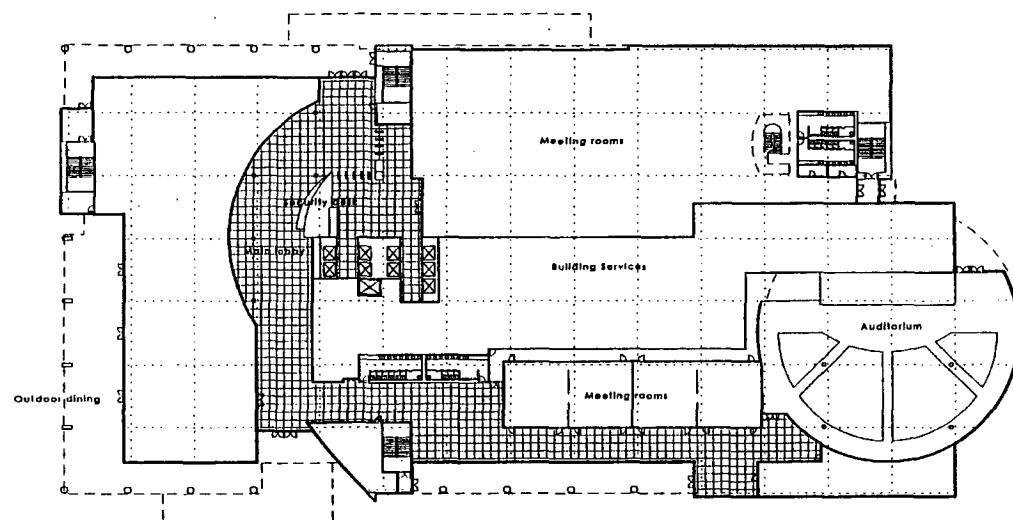


P01-125

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Exhibit 1H
Ground Level Plan



Ground Level Plan

CONTINENTAL PLAZA - GROVE INVESTMENT COMPANY
SACRAMENTO, CALIFORNIA

P 01-125

REC'D FEB 15 2002

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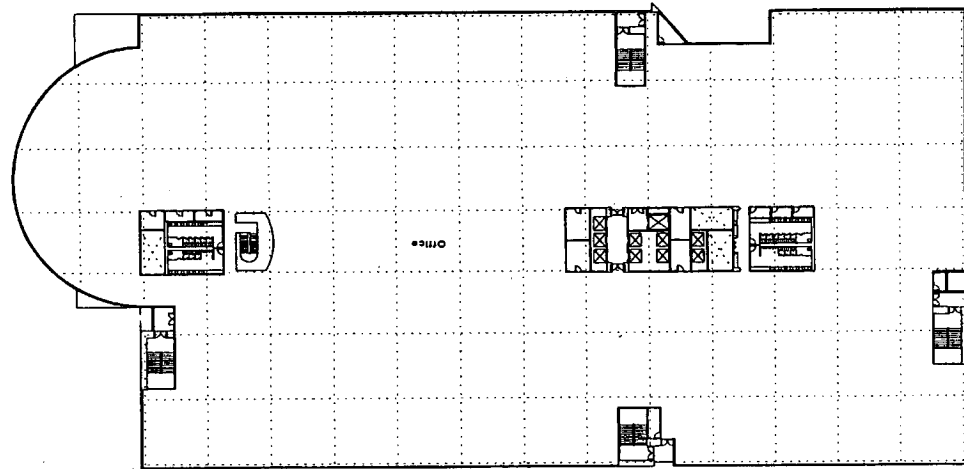
OCTOBER 24, 2002

P01-125

Exhibit 11
2nd, 3rd, and 4th Level Plan



CONTINENTAL PLAZA - GROVE INVESTMENT COMPANY
SACRAMENTO, CALIFORNIA
P 01-125
REC'D FEB 15 2002
ARCHITECTURE PLANNING INTERIORS LANDSCAPE ARCHITECTURE
1515 O STREET SACRAMENTO, CA 95811 TEL: 916.444.2222



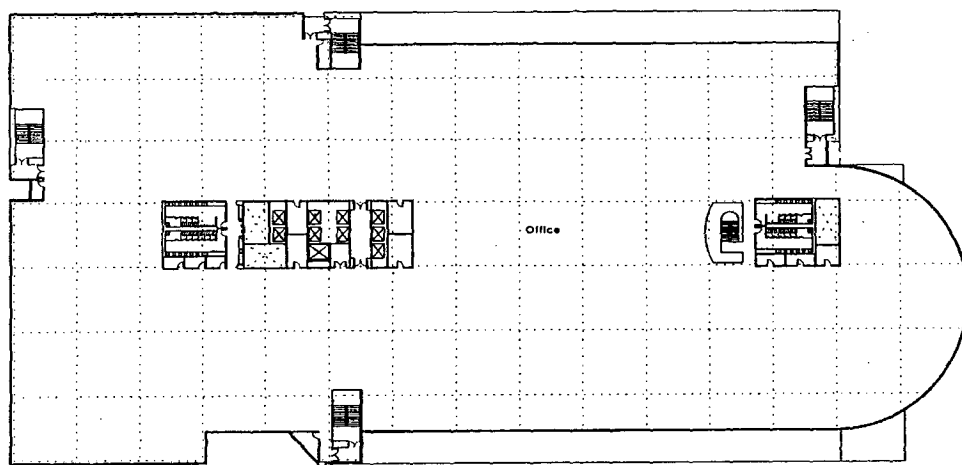
95,258 square ft.
95,638 available s.f.

P01-125

OCTOBER 24, 2002

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Exhibit 1J
5th Level Plan



93,187 gross s.f.
87,770 rentable s.f.

Fifth Level Plan

CONTINENTAL PLAZA - GROVE INVESTMENT COMPANY
SACRAMENTO, CALIFORNIA

REC'D FEB 15 2002



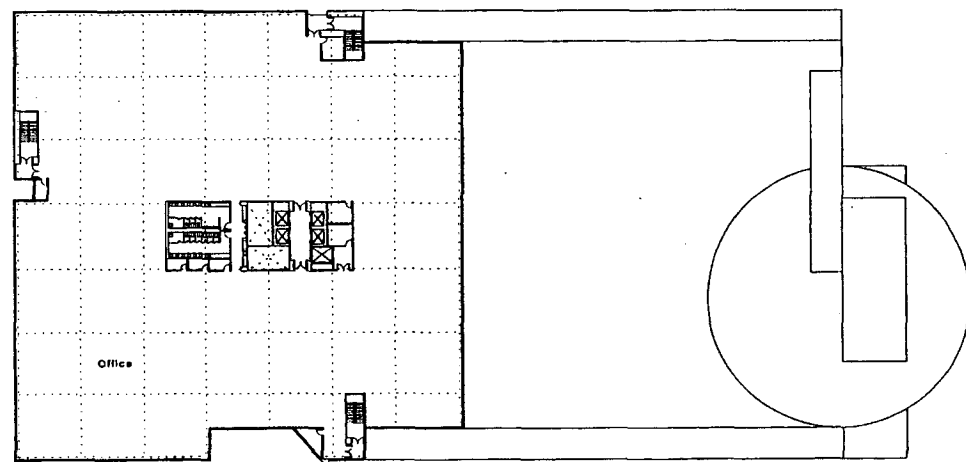
P 01-125

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OCTOBER 24, 2002

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PAGE 117

Exhibit 1K
6th to 10th Level Plan



49,399 gross s.f.
46,527 rentable s.f.

Sixth, Seventh, Eighth, Ninth and Tenth Level Plan

CONTINENTAL PLAZA - GROVE INVESTMENT COMPANY
SACRAMENTO, CALIFORNIA

P 01-125

REC'D FEB 15 2002



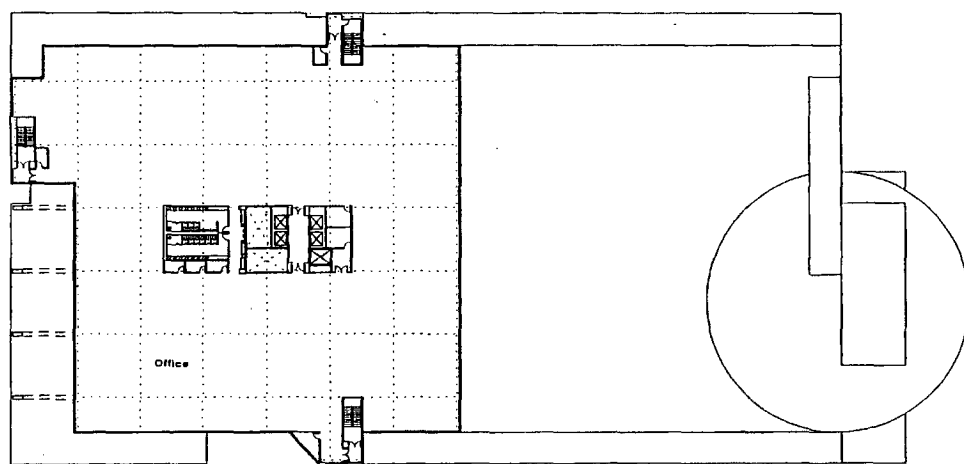
ARCHITECTURE . PLANNING . INTERIORS . LANDSCAPE ARCHITECTURE 1111 O STREET SACRAMENTO, CA 95814 TEL. 916.443.8933

P01-125

OCTOBER 24, 2002

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Exhibit 1L
11th and 12th Level Plan



41,323 gross s.f.
38,688 rentable s.f.

Eleventh and Twelfth Level Plan

CONTINENTAL PLAZA - GROVE INVESTMENT COMPANY
SACRAMENTO, CALIFORNIA

R-01-125

REC'D FEB 15 2002



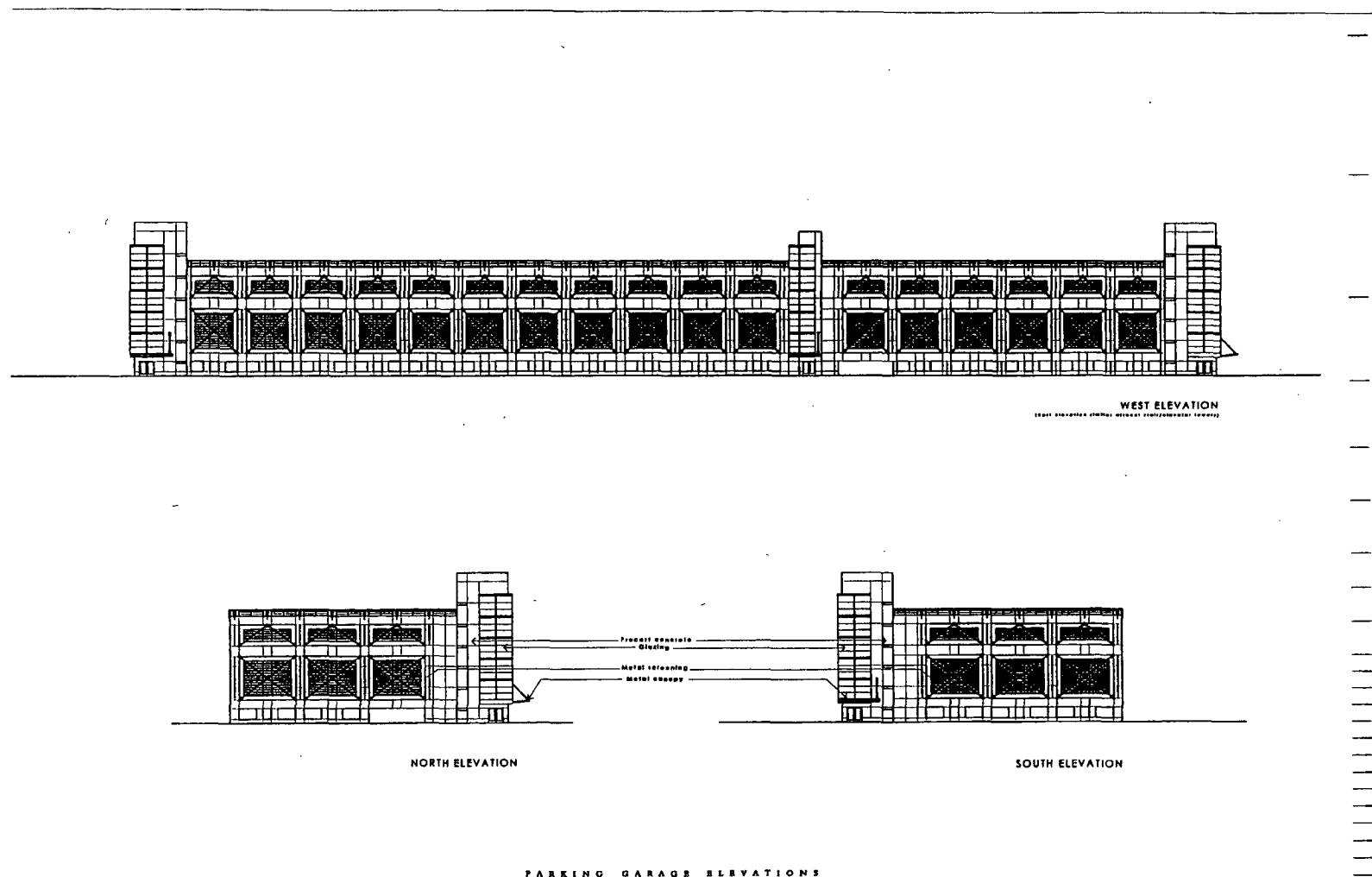
ARCHITECTURE PLANNING INTERIOR LANDSCAPE ARCHITECTURE

P01-125

OCTOBER 24, 2002

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Exhibit 1M
Parking Garage Elevations



CONTINENTAL PLAZA - GROVE INVESTMENT COMPANY
SACRAMENTO, CALIFORNIA

P 01-125

REC'D FEB 15 2002



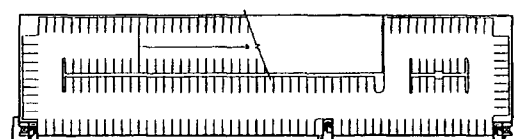
ARCHITECTURE PLANNING INTERIORS LANDSCAPE ARCHITECTURE 1218 O STREET SACRAMENTO, CA 95814 TEL. 916.442.8233

P01-125

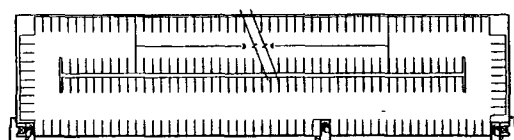
OCTOBER 24, 2002

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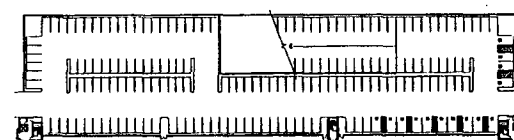
Exhibit 1N
Parking Garage Floor Plans



SIXTH FLOOR PLAN



SECOND, THIRD, FOURTH, FIFTH, FLOOR PLAN



FIRST FLOOR PLAN

PARKING GARAGE FLOOR PLANS

CONTINENTAL PLAZA - GROVE INVESTMENT COMPANY
SACRAMENTO, CALIFORNIA

P. 01-125

REC'D FEB 15 2002



ARCHITECTURE PLANNING INTERIORS LANDSCAPE ARCHITECTURE 1715 R STREET SACRAMENTO, CA 95814 TEL. 916.443.8221

Exhibit 10
Amended PUD Guidelines

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

I. PURPOSE AND INTENT

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

Phase I, completed in 1986, consists of a conversion of the 160,000 square foot Continental Can Manufacturing Facility (originally constructed in 1946) from industrial to office use. In 1991, a new 67,500 square foot, two story, Phase II office building was added to the complex. A two story, 59,850 square foot Phase III office building was constructed in 1998, resulting in a total of 287,350 developed square footage in the first three phases of the Continental Plaza PUD. The Continental Plaza Phase I, II and II III buildings are currently occupied by the State Department of Health Services.

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

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

1. To allow for the expansion of the existing Department of Health Services use to accommodate additional requirements of this State agency or other State agencies;

2. To accommodate the State's plans for consolidation of State-occupied office space at a location that has been targeted by the City for such use;
3. To house office users seeking the efficiency, flexibility and cost-effectiveness of large floor plate designs in an attractive back-office setting;
4. To contribute to and enhance the operational efficiency and functional qualities of the existing Continental Plaza Phase I, II and III facilities (which already includes a 9,100 square foot cafeteria, a centralized mail facility, a 200 seat auditorium, two large classroom/training facilities, and an existing shuttle system linking Continental Plaza with the Central Business District and Capitol Area);
5. To provide a signature building to anchor the 7th Street corridor to the north and establish a design standard for the "lower cost, support office space" targeted by the Richards Boulevard Area Plan (RBAP) for this location.
6. To contribute to financing of the critical first phase of infrastructure for the Railyards Specific Plan (RSP) and Richards Boulevard Area Plan (including the widening of the I-5/Richards Boulevard undercrossing, the 7th Street extension and transportation facilities);
7. To provide a logical extension of downtown employment activity, commerce and trade;
8. To reinforce the use of major transit improvements planned for the area (including Intermodal transportation facilities to be located in the Railyards Specific Plan area and the LRT Station to be located west of the Continental Plaza site on Richards Boulevard); and
9. To provide the catalyst for the redevelopment of the Richards Boulevard area (now known as the Capitol Station District), the land owners of which have formed a Property Owners Business Development District for their mutual benefit.

II. FORCE AND EFFECT

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

V. LAND USE SUMMARY

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

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

TABLE 1

Land Use Summary

Phase I (existing)	160,000± SF
Phase II (existing)	67,500± SF
Phase III (existing)	59,850± SF
Phase IV (to be constructed)	810,000± SF
Office (including 14,000+ SF of ground floor retail)	
Parking Structure (approximately 1,238 spaces)	

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

VI. Building Standards

C. Height:

The following is the maximum height

1. M-2 zone (Parcels A and B) - 75 feet (measured to top of plate line)
2. OB zone (Parcel C) -140 feet (measured to top of plate line)
 - a. Penthouse for mechanical equipment, if provided, shall be permitted up to an additional 15 feet.

E. Vehicle Parking:

Parking for Phase IV office building is provided on the northern Parcels A and B of the PUD. In order to assure parking will remain available for Phase IV office

building, an easement, deed restriction, or other instrument satisfactory to the City Attorney shall be recorded that provides access to the parking for the perpetuity of the office building. In addition, the owner/ operator of the parking garage should encourage reciprocal parking and access of Continental Plaza with other developments in the Richards Boulevard area during off-peak hours.

