



REPORT TO COUNCIL City of Sacramento

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915 I Street, Sacramento, CA 95814-2604
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Public Hearing
October 28, 2008

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

Title: The Creamery (P07-123)

Location/Council District: 1013 D Street, Sacramento, CA (Council District 1)
Assessor's Parcel Numbers: North Block: 002-0076-006, 002-0076-007, 002-0076-014, 002-0076-016, 002-0076-018, 002-0076-019, 002-0076-020, 002-0076-021. South Block: 002-0113-003, 002-0113-011, 002-0113-012, 002-0113-013, 002-0113-014, 002-0113-019, 002-0113-020, 002-0113-022, 002-0113-023

Recommendation: Conduct a public hearing and upon conclusion adopt 1) a **Resolution** approving the Mitigated Negative Declaration and Mitigation Monitoring Plan; 2) a **Resolution** amending the General Plan for the project site; 3) a **Resolution** amending the Central City Community Plan for the project site; 4) an **Ordinance** amending the Comprehensive Zoning Ordinance relating to the Creamery project; and 5) a **Resolution** approving the tentative map, special permits and variance entitlements necessary to develop the Creamery project.

Contact: Evan Compton, Acting Senior Planner, (916) 808-5260; Gregory Bitter, Principal Planner, (916) 808-7816

Presenters: Evan Compton, Acting Senior Planner

Department: Development Services

Division: Current Planning

Organization No: 21001010

Description/Analysis

Issue: The existing structures on the subject site have been demolished and the applicant is proposing to build a mixed use project totaling 217 residential units and 121,837 square feet of commercial space on 10.5 gross acres by rezoning the site from Industrial (M-1) zone to C-2 (General Commercial) and to R-3A (Multifamily). The proposal includes residential, office, ground floor retail, and work spaces for Artisans. The applicant proposes to amend the General Plan and Central City Community Plan and to rezone the property. The property is zoned Industrial (M-1), but the project does not require rezoning to construct the residential, office, ground floor retail, or work spaces because it is located in the

Central City and within ¼ mile of a light rail station; however, to facilitate the future financing of this development and to provide zoning consistency of the intended use of the property with the appropriate General Plan and Community Plan designations, staff supports the rezoning request as well as the amendments to the General Plan and Central City Community Plan.

Policy Considerations: The project is consistent with the current land use designations of the Central City Community Plan and General Plan because this mixed use development is permitted under the existing M-1 zoning with a special permit; however, the applicant desires to rezone the property and amend these plans so they more closely reflect the proposed development. The Central City Community Plan would be amended to General Commercial and Multifamily with a density of 27 and 25 dwelling units per acre respectively. The General Plan would be amended to Community/Neighborhood Commercial and Office and Medium Density Residential. The project is consistent with the Alkali Flat/Mansion Flats Strategic Neighborhood Action Plan Recommendations, the Central City Housing Strategy, and the City Council adopted Smart Growth Principles by providing new housing opportunities in the Central City, contributing to the creation of walkable neighborhoods, and strengthening the identity of an area in transition.

Environmental Considerations:

California Environmental Quality Act (CEQA): The Environmental Services Manager has determined the project, as proposed, will not have a significant impact to the environment; therefore, a Mitigated Negative Declaration (MND) has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated measures into the project plans or will implement measures to mitigate such impacts to a point where clearly no significant impacts will occur. These mitigation measures address Noise, Cultural Resources, Biological Resources, Air Quality and Transportation. The mitigation measures are listed in the attached Mitigation Monitoring Plan (Exhibit A). Comment letters in response to the Mitigated Negative Declaration were received from Sacramento Regional County Sanitation District (SRCSD) stating that the project will not significantly impact CSD-1 and SRCSD facilities and the Sacramento Metropolitan Air Quality Management District requesting measures to reduce construction emissions and compliance with the District endorsed Air Quality Management Plan. The requested measures have been added to the Conditions of Approval.

Sustainability Considerations: The Creamery project has been reviewed for consistency with the goals, policies and targets of the Sustainability Master Plan and the 2030 General Plan. If approved, the contents of this report will advance the following goals, policies, and targets as follows: The project includes multi-story housing units to maximize living space while accommodating a higher density

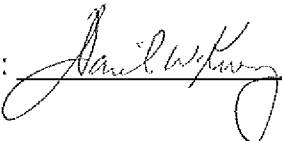
development, ground floor parking in the residential buildings to greatly reduce the space required for open parking lots and urban heat island effects, office and retail space that will allow residents to live and work in the same area, reducing vehicle trips, and effective integration of road, walkways, and bikeways with existing city infrastructure. In addition, the project is less than one-eighth of a mile from Regional Transit's Alkali Flat/La Valentina light rail station and multiple bus routes. The project also provides bicycle linkage to Class II bike lanes along E Street and Class III bike routes along 11th Street, with multiple other lanes and routes within one-half mile from the development.


Committee/Commission Action: The Planning Commission heard the project on October 9, 2008 and unanimously recommended and forwarded a recommendation of approval for the entitlements for the Creamery project. The Design Commission approved the project design on October 15, 2008.

Rationale for Recommendation: Staff supports the request to amend the General and Community Plan and to rezone the subject site since it will provide consistency between the land use designation, zoning, and the proposed use. This recommendation for approval is based on the project's consistency with the General Plan policies promoting infill development as well as the Central City Housing Strategy which encourages the reuse of existing commercial and warehouse property for residential purposes. Also, the project's density and design are appropriate because the project site is located in a transitional area between commercial, office, and residential uses and near a light rail station.

Financial Considerations: This project has no fiscal considerations.

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

Respectfully Submitted by: 
David Kwong
Planning Manager

Approved by: 
William Thomas
Director of Development Services

Recommendation Approved:

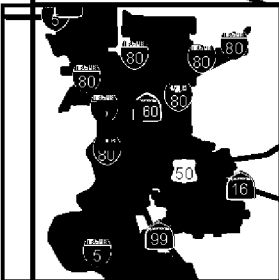
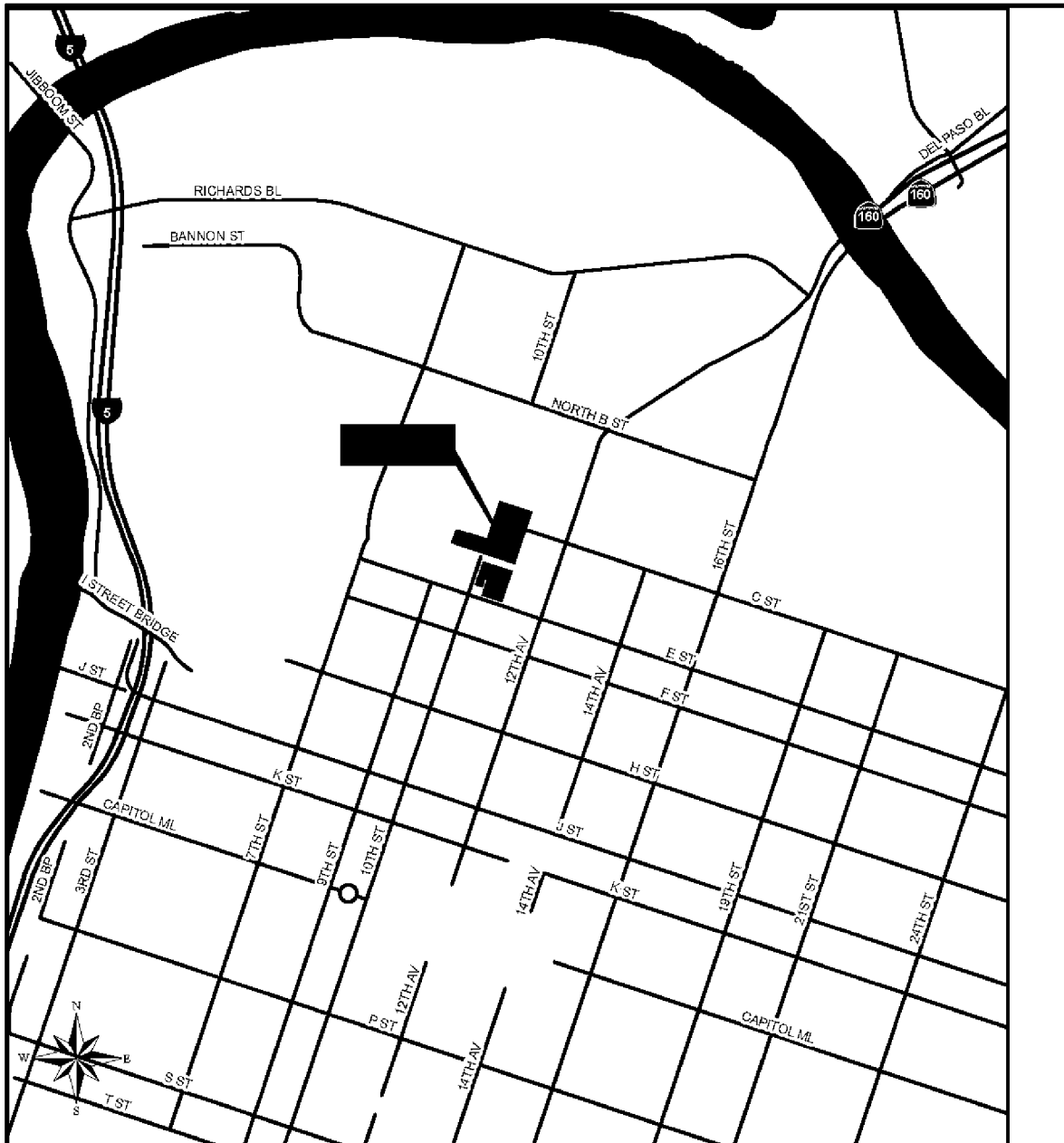


RAY KERRIDGE
City Manager

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**Vicinity Map
The Creamery
1013 D Street
P07-123**

0 400 800 1,600 2,400 3,200 Feet

Development Services
Department
Current Planning Division
March 13, 2008



Background Information: The subject site was the former Crystal Creamery production site. The structures have been demolished and the site is now vacant. The project site is located in the Central City and requires Design Commission approval. The project was heard by the Design Commission on December 19, 2007 as a Review and Comment only. On February 8, 2008, a subcommittee was formed with members from the Design, Preservation, and Planning Commissions to tour the site and provide early feedback. The project was also heard at the Planning Commission as a Review and Comment on March 27, 2008. The Design Commission is scheduled to render a final decision on the project design on October 15, 2008.

Environmental Considerations: The Environmental Services Manager has determined the project, as proposed, will not have a significant impact to the environment; therefore, a Mitigated Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated measures into the project plans or will implement measures to mitigate such impacts to a point where clearly no significant impacts will occur. These mitigation measures address Noise, Cultural Resources, Air Quality and Transportation. The mitigation measures are listed in the attached Mitigation Monitoring Plan (Exhibit A).

One comment letter in response to the Mitigated Negative Declaration was received from Sacramento Regional County Sanitation District (SRCSD) stating that the project will not significantly impact CSD-1 and SRCSD facilities.

Policy Considerations: Although the project is allowed under the existing Industrial zoning with a special permit, and thereby would be consistent with the existing designations under the Central City Community Plan and General Plan, the applicant desires to amend these plans so they will more accurately reflect the proposed mixed use project. The proposed Central City Community Plan amendment would be to General Commercial and Multifamily with a density of 27 and 25 dwelling units per acre respectively, and the General Plan designation would be Community/Neighborhood Commercial and Office and Medium Density Residential.

General Plan and Central City Community Plan: The proposed project is consistent with the goals and policies as set forth in the General Plan and Community Plan. Approval of the project would “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; and at the same time provide close-by housing within identifiable residential neighborhoods.” (Section 1-32) The project would also “promote the reuse and rehabilitation of existing urban development as a means to meet projected growth” (Section 1-34) and “improve the quality of residential neighborhoods Citywide by protecting, preserving, and enhancing their character.” (Section 2-10) The Community Plan encourages the development of transitional land use areas with land uses that are compatible with adjacent developments. (Page 8) Staff supports the request to amend the General Plan to Community/Neighborhood Commercial and Offices and Medium

Density Residential and to amend the Central City Community Plan to General Commercial and Multifamily.

General Plan Update Vision and Guiding Principles: While the City's General Plan is being updated, the City Council has adopted a vision for the future of the City as well as several guiding principles to help 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 developments that foster accessibility and connectivity between areas and safely and efficiently accommodate a mixture of cars, transit, bicyclists, and pedestrians.
2. Include a mix of housing types within neighborhoods to promote a diversity of household types and housing choices for residents of all ages and income levels to promote stable neighborhoods.
3. Use the existing assets of infrastructure and public facilities to increase infill and re-use, while maintaining important qualities of community character.

The proposed project complies with the above guiding principles and is not contrary to any of the proposed policies.

Central City Housing Strategy: The Central City Housing Strategy was adopted in the early 1990s to encourage new housing construction while also preserving existing housing stock and strengthening neighborhoods. The goal is to encourage development appropriate with the historic scale, pedestrian ambience, and sense of community. The Zoning Ordinance was changed in response to the Housing Strategy to encourage housing in the Central City by allowing residential developments by right in commercial zones and with a Special Permit in heavy commercial and industrial zones. The proposed project is consistent with the Central City Housing Strategy since it maximizes housing units on the site. Approval of the project would strengthen the residential identity of the area and add to the jobs/housing ratio in the Central City. The proximity of the site to walkable destinations within the Central City and public transportation make it an ideal location for infill development.

Strategic Plan: The project is consistent with the Citywide Strategic Plan because it will contribute to the goals of achieving sustainability and livability and will increase opportunities for all Sacramento residents to live in safe and affordable housing.

Alkali Flat/Mansion Flats Strategic Neighborhood Action Plan (SNAP): The report was completed in 2005 to reflect neighborhood priorities and to guide decision-making by both policy makers and the community in order to enhance and preserve the quality of life for area residents. The report recommendations were accepted by City Council but not adopted as a policy document. The project is consistent with the recommendations since the project will promote affordable infill development and encourage quality mixed use development. The project will also provide more needed retail and office uses to the

neighborhood.

Central City Neighborhood Design Guidelines: The Alkali Flat Subdistrict section states that care must be taken to buffer the impact of existing and new development from residential neighborhoods. Placement of utilities, trash enclosures, and loading and parking areas should be sited to minimize their impact on adjacent residential uses. The design guidelines also require larger development projects to have strong north-south pedestrian circulation patterns to reinforce the connections to the Central Business District.

Zoning Code: The project site is located in the Industrial (M-1) zone which allows for residential uses with the approval of a Special Permit. However, the applicant is pursuing a Community Plan Amendment and rezone of the site to General Commercial (C-2) and Multifamily (R-3A). In order to facilitate the future financing of the project and to provide consistency of the intended use of the project with the proposed General Plan and Community Plan designations, staff supports the request to rezone the site from Industrial (M-1) to C-2 General Commercial and R-3A Multifamily.

Traffic Circulation: The private roads are proposed to be two-way streets. On the North block, the former C Street and 10th Street which were previously abandoned, will operate as a private two way street. The loft garages will be one-way in and one way out. On the South Block, the alley paralleling D Street is a one-way street. The paving will be a mixture of materials to create a softened appearance and deter non-resident use. The rowhouses will be setback to allow a landscaped buffer along the south side of the alley.

Street Parking: The Creamery project proposes to increase the on-street parking supply by working with the Department of Transportation and converting the existing parallel parking to angle parking along their frontage on the following streets:

- 11th Street between C Street and E Street
- D Street between 9th Street and 11th Street
- E Street between 10th Street and 11th Street

Furthermore, the applicant will convert the existing parallel parking to angle parking on the following streets in the surrounding area:

- C Street between 11th Street and 12th Street
- D Street between 11th Street and 12th Street
- E Street between 11th Street and 12th Street

The Department of Transportation follows the following guidelines for evaluating street segments for angled parking: (i) the average daily traffic (ADT) on the street segment must be less than 4,000 vehicles per day; (ii) the street must be at least 48 feet wide from curb to curb; (iii) the speed limit must be less than or equal to 30 miles per hour; (iii) potential impacts to Class II bicycle facilities and/or Regional Transit bus routes are reviewed on the proposed section. The street segments mentioned above meet these guidelines for angle parking.

Public/Neighborhood Outreach and Comments: The project was routed to the Alkali and Mansion Flats Neighborhood Association, Walk Sacramento, and the Sacramento

Housing Alliance. A notice was mailed to property owners within 500 feet of the subject site and the site was posted. At the time of writing this report, staff had received two comment letters which have been included as Attachment 10 and 11. The Sacramento Montessori School is concerned about the height of the office buildings near their historic structure, traffic circulation, sensitive receptors, air emissions, and parking. Evan Edgar represents Burnett and Sons Mill and Lumber Company. They want to ensure the new residents of the Creamery project are aware of their existing industrial use.

Alternative Modes: Various modes of alternative transportation are located within a close proximity to the subject site. The Alkali Flat / La Valentina light rail station is located within 1/8 mile of the project site. Regional Transit bus route 34 provides 30 minute weekday service and hourly weekend service within 1/8 mile of the site. Bus Route 29 provides weekday peak service from Carmichael to Downtown within 1/8 mile of the site. Neighborhood Ride route 33 provides hourly service within 1/8 mile of the site.

Project Design

Tentative Map: The project site consists of 16 lots totaling approximately 10.5 gross acres. The Tentative Map will create 45 lots and 2 common lots. Lots 1-10 will contain 182 residential condos and 106 commercial condos. Lots 11-45 will be for 35 single family homes. The two remaining lots A and B will be common area. The applicant intends to have all residential and commercial spaces to be a “for sale” product. Lots 1-10 will be for condominium purposes. The Subdivision Review Committee reviewed the project on September 3, 2008 and forwarded a recommendation to the Planning Commission and City Council to approve the Tentative Map subject to the conditions listed in Attachment 6.

Land Use

The applicant proposes to develop homes on small lots that deviate from the lot size, width, and depth standards of a standard single family lot.

Standard	Required	Proposed	Deviation?
Minimum lot size	3,200 square feet	966 -1288 square feet	yes
Minimum lot width	40 feet	21 – 23 feet	yes
Minimum lot depth	80 feet	46 – 57 feet	yes

Section 17.24.050(8) of the zoning code permits deviations for alternative ownership housing types with the issuance of a special permit. In evaluating special permit proposals of this type, the Commission is required to make the following findings:

- A.** Sound Principles of Land Use. A special permit shall be granted upon sound principles of land use.

In this case, staff finds that the single family alternative development is compatible with the surrounding area of retail, commercial, multifamily, and single family homes and adds to the balance of housing types in the midtown neighborhood. The density of the proposed development is in keeping with the goals and policies of the Central City Housing Strategy to increase housing, will contribute to a better jobs/housing balance, and provide a more active and vibrant Central City beyond the hours of 9 to 5.

- B.** Not Injurious. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.

The proposed homes are oriented to provide eyes on the street and the development has ample parking. Staff finds that the proposed lot width and depth are adequate to protect the privacy of neighbors and ensure access to light and air.

- C.** Must Relate to a Plan. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.

The proposed project is consistent with the residential land use policies and density requirements of the Central City Community Plan. The amendment and rezones provide consistency of the use with the land use designation and zoning as identified in the Central City Housing Strategy, the General Plan, and the Central City Community Plan.

Phasing of the Project: The applicant proposes to phase the project beginning on the east side and moving west. There will be three phases. Phase 1 would include 20 residential units on the South block, one office building, one loft building with ground floor retail, and a portion of the Artisan lofts on the North block. Phase 2 would include 23 residential units on the South block, one office building, one loft building with ground floor retail, and the remainder of the Artisan lofts on the North block. Phase 3 would include 14 residential units on the South block and one loft building with ground floor retail on the North block.

“The North Block” (Site A)

Site Description: The applicant is proposing to construct three (3) loft buildings, two (2) office buildings, and eighteen (18) Artisan spaces, and one (1) caretaker’s unit.

The three loft buildings (designated as D Street, Rail Yard, and Mills) will have a total of 160 units. Each loft building will contain ground floor commercial space and private podium parking for the loft residents. The commercial spaces for the Rail Yard and Mills Loft buildings will face the interior plaza area. The commercial space area for the D Street lofts will face D Street.

The two office buildings will be 44,490 square feet in size for a total office square footage of 88,980 square feet and extend up to three stories in height. The office buildings will be constructed such that pedestrian entrances to both the public streets and the plaza area will be provided.

The Artisan spaces are proposed to offer work space for artists such as welders, sculptors, or glass blowers. There are four unit sizes offered: Unit A has ten spaces and is 625 square feet each, Unit B has two spaces and is 860 square feet each with an optional 250 square foot mezzanine for a total of 1,100 square feet, and Unit C has one space and is 750 square feet with an optional mezzanine of 450 square feet for a total of 1,200 square feet. Unit D has 5 spaces and is 450 square feet with an optional mezzanine of 210 square feet for a total of 660 square feet. The workspaces are not designed for living purposes and the use is permitted by right in the proposed General Commercial (C-2) zones. The Artisan building will also provide a sound barrier from the railroad tracks at the north property line for the rest of the development. The caretaker's unit will be a residential condo unit attached to Artisan units abutting the western property line. It will have a ground floor with 450 square feet and a sleeping mezzanine area with 270 square feet for a total living space of 750 square feet. The total space for the Artisan units including the caretaker's unit will be 11,720 to 13,700 square feet depending on how many of the work lofts are constructed with the optional mezzanines.

The land for the North Block can be broken down as follows: 77,756 square feet (1.79 acres) for the loft buildings with ground floor retail (Lots 1-3), 31,825 square feet (.73 acres) for the offices (Lots 4-5), 13,515 square feet (.31 acres) for the Artisan Lofts (Lots 6-8), and 139,121 square feet (3.19 acres) for the common area (Lot A). The total North Block is 262,217 square feet or 6.02 acres.

Setbacks, height and bulk

Under the Special Permit for Alternative Ownership Housing, the Planning Commission has the authority to vary setback, lot coverage, lot size and dimension, and public street frontage and access requirements. The proposal zoning of the north block to General Commercial (C-2) would allow Alternative Ownership Housing with a Special Permit. The following tables show the requirements for the all of the uses proposed in the C-2 zone designation.

Table 3: Height and area standards for the “The North Block” on Site A				
Standard	Required		Proposed	Deviation
Height:				
Loft Buildings	55 feet maximum*		52 feet	No
Office Buildings	35 feet maximum*		45 feet	10 feet
Front (11 th Street)	Height	Stepback		
	0-15	0 ft	0 feet for “Office Building II” on the first two floors and then stepbacks 16 feet for the third floor	Yes, 7.5 feet on a portion of the 2 nd floor.
	15-26	7.5 ft		
	26+	15 ft		

Streetside (D Street)	5 feet	0 feet for Office Building I 6 feet for D Street Lofts 7.5 feet for Office Building II	5 feet No No
Interior (North)	0 feet for commercial uses	0 feet for the Artisan Units	No
Rear (West)	0 feet	0 feet	No
Lot Coverage	N/A**	N/A	N/A
Density: North Block	150 du/na maximum	27 du/na	No

*According to the Zoning Code, in the General Commercial (C-2) zone, the height limit is 35 feet for portions of the site within 100 feet of a residential zone and 45 feet for portions of the site more than 100 feet from a residentially zoned property. If more than 25% of the building is residential, then the building may be up to 55 feet in height. Therefore, the loft buildings are allowed to be 55 feet in height, but the office buildings may not exceed 35 feet in height in areas where a residential zone is closer than 100 feet or a Planning Commission Special Permit will be required. There is a portion of Office Building I and II that are within 100 feet of a residential zone, and therefore a Special Permit is being requested.

**The Zoning Code does not specify a maximum lot coverage but instead requires a Special Permit for projects over 40,000 square feet in the General Commercial (C-2) zone.

The proposed office buildings are 45 foot in height where the Zoning Code allows up to 35 foot by right. The proposal also will construct loft buildings with ground floor retail at 52 foot in height. Existing development in the area includes the Globe Mills building which is approximately 110 feet in height. Therefore the scale and massing of the office buildings will not be out of character for the neighborhood.

Parking: As indicated below, the project will require entitlements to deviate from the standard parking requirements. The site has designated parking spaces for the residential units in the ground floor of the loft buildings. The onsite surface parking spaces will be shared for the office, commercial, artisan spaces, and residential guests. These parking figures do not include street parking.

Table 4: Parking for the “The North Block” on Site A			
	Required Parking	Proposed Parking	Difference
Office	198 spaces	156 spaces	42 spaces*

(88,890 sqft)	(1/450)		
Residential (160 units)	171 spaces (160 for residents and 11 guest spaces)	160 spaces	11 spaces for guests*
Ground Floor Commercial (19,247 sqft)	63 spaces (1/400 for first 9600 then 1/250)	0 spaces	63 spaces*
Artisan Space (11,720 to 13,700 sqft)	14 spaces (1/1000)	14 spaces	No

*The North block will have 171 onsite surface parking spaces and 159 spaces provided in the ground floor of the mixed use buildings, therefore the total onsite parking provided is 330 spaces. It is estimated the project will provide 108 onstreet parking spaces along the frontages of the North and South blocks which will help to offset the requested parking waiver of 116 parking spaces onsite. The applicant is also working with the Department of Transportation to assist with striping other blocks in the surrounding area to convert parallel into angled parking which will further increase onstreet parking. Staff supports the request to partially waive parking for the commercial and guest uses because the project will increase the supply of onstreet parking in the area by converting parallel spaces to angled spaces, the project site is located within 1.5 blocks from a light rail station, and retail/guest parking uses typically have a higher rate of turnover.

Table 4a: Bicycle Parking			
Total parking provided	Required bicycle parking	Provided bicycle parking	Difference
446*	22 (A minimum of 11 must be Class I facilities)	22	0

*Calculation of bicycle parking facilities is based on offstreet vehicle parking spaces required prior to consideration of vehicle parking reduction measures. Fifty percent of the required bicycle facilities shall be Class I: An enclosed box or compartment with a locking door; or a stationary rack designed to secure the frame and both wheels of the bicycle where the bicyclist supplies only a padlock, and which is located in an area completely enclosed and covered and where entry is secured by a locking door.

Trash Enclosures: The collection procedures for each building type is outlined below.

- Lofts: Each secured garage portion of the buildings will have an enclosure which will house the containers (sized as suitably prescribed appropriate service) to serve the refuse and recycling needs of the residents. Refuse shall be placed into the receptacles by contracted janitorial services.
- Office Buildings: The buildings will have an exterior enclosure within the parking lot area which will house the containers (sized as suitably prescribed appropriate service) to serve the refuse and recycling needs of the tenants. Refuse collected inside the buildings shall be placed into the receptacles by contracted janitorial services.
- Artisan Lofts: The buildings will have an exterior enclosure within the parking lot area which will house the containers (sized as suitably prescribed appropriate service) to serve the refuse and recycling needs of the tenants. Refuse collected inside the buildings shall be placed into the receptacles by contracted janitorial services and/or tenants.

“The South Block” (Site B)

Site Description: The applicant is proposing to construct a total of 57 residential units on the south block. There will be 22 units (11 halfplexes) in which half of the units face D Street and the other half will face a private drive that runs parallel to D Street. The remaining 35 units on the south block will be constructed as single family homes with a rowhouse appearance.

The land for the South Block can be broken down as follows: 19,099 square feet (.44 acres) for the condominium units along D Street (Lots 9-10), 38,617 square feet (.89 acres) for the single family homes (Lots 11-45), and 42,099 square feet (.97 acres) for the common area (Lot B). The total South Block is 99,815 square feet or 2.3 acres.

Setbacks, height and bulk

Under the Special Permit for Alternative Ownership Housing, the Planning Commission has the authority to vary setback, lot coverage, lot size and dimension, and public street frontage and access requirements. The applicant is requesting to rezone the site to Multi-Family (R-3A). The following tables show the development standards for the proposed R-3A zone.

Table 5: Height and area standards for the Halfplexes “Lots 9-10” on the South Block			
Standard	Required	Proposed	Deviation
Height	35 feet	39 feet 3 inches	4 feet 3 inches
Front (D Street)	20 feet (may include width of planter in	8 feet	12 feet

	meeting the requirement)		
Rear (South Property Line)	3 feet	7 feet 9 inches	No
Streetside (10 th Street)	5 feet	5 feet	No
Streetside (11 th Street)	5 feet	5 feet	No
Interior	3 feet	0 foot	3 feet
Lot Coverage	60% maximum	Approximately 86%	±26%
Density: South Block	36 du/na maximum	25 du/na	No

Private Open Space: The units whose front door faces D Street will have a ground floor indoor/outdoor living space. It will have a patio area with low masonry wall and an overhead garage door to provide the residents an option to open the living space to the outside. The units whose front door faces the private drive will have a roof deck. All units on Lots 9-10 will also have a minimum of one additional balcony for private outdoor space.

Setbacks: The 22 condominium units along D Street are constructed as 11 “side by side” halfplex units. Half of the units face D Street and the other half face a private drive. All the halfplexes have zero foot interior setbacks which provide the streetscape with a rowhouse appearance. The units do not meet the required front yard setback however, the reduced front setback is consistent with the surrounding area. Furthermore staff supports the request to vary the front setback because the units have entrances, balconies, and patios that face the street and provide security and a pedestrian friendly experience. The units facing D Street are approximately 1600 square feet and the units facing the private drive are 1,250 square feet. Each unit has a 400± square foot garage and storage area.

Height: The units on Lots 9-10 will exceed the height requirement of 35 feet. The additional height will allow 11 units to have access to a rooftop deck. The deck will provide a private outdoor space amenity for the residents and therefore staff supports the request to construct a structure with a plate height of an additional 4 feet 3 inches.

Lot Coverage: The units on Lots 9-10 will exceed the 60% lot coverage. However, the units will have access to private outdoor space including roof top decks, balconies, and ground floor patios. There will also be public outdoor space with turf area and hardscape areas with benches. There are also public parks nearby: Zapata Park and Neely Johnson Park. Staff supports the request to deviate from the standard lot coverage because the development provides adequate light and air and provides open space amenities for the residents.

Parking: Each residential condominium unit will have a minimum of one enclosed parking space. The garages are accessed by a private drive that runs parallel to D Street. Vehicles will access the site by either 10th or 11th Street. The private drives will also have permeable concrete. The one space guest parking requirement (1 parking space per 15 units) is not required since Lot 9 has eight units and Lot 10 has fourteen units.

Fencing: The masonry walls along the front and streetside property lines may not exceed 4 feet in height.

Table 6: Height and area standards for the Rowhouses “Lots 11-45” on the South Block			
Standard	Required	Proposed (Typical)	Deviation
Height	35 feet	31 feet 6 inches	No
Front*	20 feet (may include width of planter in meeting requirement) Exception: E Street has zero front setback because adjacent landmark has a zero foot setback.	5 feet	15 feet
Rear**	3 feet	1 foot	2 feet
Streetside	3 feet	5 feet	No
Interior	3 feet	0 foot	3 feet
Lot Coverage	60% maximum	Approximately 80%	±20%
Density for Entire South Block	36 du/na maximum	25 du/na	No

*For Lots 17-30 that front onto the interior landscaped park, the units have a zero foot front setback.

**For Lots 40-45, the rear setback is only 1 foot which abuts to the vehicular private drive. The private drive is 25 feet which provides each unit with the minimum 26 feet of maneuvering area.

Lots 11-45 will be for individual single family units. Each unit will be a 3-4 bedroom, 2.5 bath, home with approximately 1,700 square feet and a two car garage. The units will have zero lot lines and have a rowhouse appearance however each unit is on a

separate parcel. Lots 11-16 front 10th Street, Lots 17-30 do not have public street frontage, Lots 31-39 front E Street, and Lots 40-45 front 11th Street. The parcels range in size from 966 square feet to 1,288 square feet. The width of the lots vary from 21 feet to 23 feet. The depth of the lots vary from 46 feet to 57 feet. The Special Permit for alternative ownership housing provides the Planning Commission with the authority to vary the setback, lot coverage, lot size and dimension, and public street frontage and access requirements.

Private Open Space: The single family homes will each have a rear patio area with low masonry wall to provide private outdoor space. The single family homes have an option of either a stoop or patio on the rear. The option depends on the size of the lot. Larger lots will have the patio area and the smaller lots will have only a stoop.

Setbacks: The single family homes on the South Block face 10th Street, 11th Street, and E Street. There are interior units which do not have public street frontage and are accessible by a private drive. The homes are constructed with zero lot lines and from the street would appear as rowhomes. The proposal constructs the units with 11 sets of 3 units and 1 set of 2 units for a total of 35 residential units. The homes along E Street, 10th and 11th Streets have a front setback of 5 feet.

Lot Coverage: The units on Lots 11-45 will exceed the 60% lot coverage. However, the units will have access to private outdoor space including stoops and rear patio areas. There will also be public outdoor space with turf area and hardscape areas with benches. There are also public parks nearby: Zapata Park and Neely Johnson Park. Staff supports the request to deviate from the standard lot coverage because the development provides adequate light and air and provides open space amenities for the residents.

Parking: Each single family home has a minimum of one enclosed garage space which meets the Zoning Code requirement. The garages are accessed by private drives which allows a pedestrian friendly street frontage by minimizing the number of curb cuts required for new driveways. Vehicles will access the site by either 10th or 11th Street. The private drives will also have permeable concrete. The private drives will have limited opportunities for tree planting and shading because of the number and location of garage doors. Therefore, staff supports a Variance to allow for less than the required 50% tree shading for the private drive areas only.

	Required Parking	Proposed Parking	Difference
Condos (Lots 9-10)	22 parking spaces	22 spaces	No
SFRs (Lots 11-45)	35 parking spaces	58 spaces	
	Total: 57 spaces	Total: 80 spaces	

The floor plans indicate tandem garage spaces to provide each unit with 2 enclosed parking spaces. The Zoning Code requires each garage have a minimum interior dimension of 10 feet by 20 feet. Some proposed garage areas are 10 feet by 38 feet therefore would be considered as a one car garage with storage area and not as 2 tandem spaces according to the standards. However, each unit is only required to provide one parking space.

RESOLUTION NO. 2008-

Adopted by the Sacramento City Council

ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PROGRAM FOR THE CREAMERY PROJECT (P07-123)

BACKGROUND

A. On October 9, 2008, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Creamery project.

B. On October 28, 2008, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 16.24.097, 17.204.020(C), 17.208.020(C), 17.212.035, and 17.200.010(C)(2)(a, b, and c) (publication, posting, and mail 500'), and received and considered evidence concerning the Creamery project.

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

Section 1. The City Council finds as follows:

A. The Project initial study identified potentially significant effects of the Project. Revisions to the Project made by or agreed to by the Project applicant before the proposed mitigated negative declaration and initial study were released for public review were determined by City's Environmental Planning Services to avoid or reduce the potentially significant effects to a less than significant level, and, therefore, there was no substantial evidence that the Project as revised and conditioned would have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the Project was then completed, noticed and circulated in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures as follows:

1. On September 18, 2008, a Notice of Intent to Adopt the MND (NOI) dated September 18, was circulated for public comments for 20 days. The NOI was sent to those public agencies that have jurisdiction by law with respect to the proposed project and to other interested parties and agencies, including property owners within 500 feet of the boundaries of the proposed project. The comments of such persons and agencies were sought.

2. On September 18, 2008 the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.

Section 2. The City Council has reviewed and considered the information contained in the MND, including the initial study, the revisions and conditions incorporated into the Project, and the comments received during the public review process and the hearing on the Project. The City Council has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.

Section 3. Based on its review of the MND and on the basis of the whole record, the City Council finds that the MND reflects the City Council's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment.

Section 4. The City Council adopts the MND for the Project.

Section 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program.

Section 6. 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 section 15075 of the State EIR Guidelines adopted pursuant thereto.

Section 7. 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

Exhibit A: Mitigation Monitoring Plan

MITIGATION MONITORING PLAN

FOR:
CREAMERY PROJECT(P07-123)

PREPARED BY:
CITY OF SACRAMENTO
DEVELOPMENT SERVICES DEPARTMENT

TYPE OF ENVIRONMENTAL DOCUMENT:
MITIGATED NEGATIVE DECLARATION

ADOPTED BY:
CITY OF SACRAMENTO
CITY COUNCIL

DATE:

ATTEST:

CREAMERY (P07-123) MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Development Services Department, Environmental Planning Services, 300 Richards Blvd., Second Floor, Sacramento, CA 95811, pursuant to CEQA Guidelines Section 21081.6.

SECTION 1: PROJECT IDENTIFICATION

Project Name/File Number: Creamery (P07-123)

Owner/Developer: Cornice Development Company, Inc.
1415 L Street, Suite 250
Sacramento California, 95814

Project Location:

The proposed project is generally bounded by the Union Pacific Rail Road (UPRR) line to the north, E Street to the south, 10th Street to the west, and 11th Street to the east.

Project Description:

The proposed project consists of a total of 272 high-density residential dwelling units and 101,180 square feet (sf) of retail space on approximately 8 net acres. The project applicant has indicated that up to 81,040 sf could be used for office space with the remaining 20,140 sf for retail use.

SECTION 2: GENERAL INFORMATION

The MMP includes mitigation for Transportation/Circulation, Cultural Resources and Noise. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Initial Study for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the owner/developer identified above. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the proposed project.

The mitigation measures have been taken from the Initial Study. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions. The developer will be responsible for fully understanding and effectively implementing the mitigation measures contained with the MMP. The City of Sacramento will be responsible for ensuring compliance.