

P01-125 - Continental Plaza PUD Amendments

REQUEST:

- A. Environmental Determination: Addendum to previous EIR;
- B. Mitigation Monitoring
- C. PUD/ Guideline Amendment regarding timing and
- D. Special Permit to construct 100,000 sq foot office building PUD;
- E. Special Permit for proposed 810,000 sq ft
- F. Special Permit to construct child care facility Phase I office building (M-2-SPD) zone

This report does not show exhibits!

LOCATION:

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

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

SUMMARY:

The applicant has submitted to amend the Continental Plaza Planned Unit Development (PUD)

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

RECOMMENDATION:

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

PROJECT INFORMATION:

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

Surrounding Land Use and Zoning:

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

Setbacks*: Required Provided

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

*unchanged from previous Phase III and IV approvals

Property Dimensions:	Northern Lots - 565' x 751'
	Southern Lots - 265' x 565' (Phase IV)

Overall Property Area:	Northern Lots 13.5∇ gross acres 11.7∇ net acres
	Southern Lots 4.75∇ gross acres 3.45∇ net acres

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

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

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

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

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

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

Parking Ratio Continental Plaza I - IV: 1:749

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

Street Improvements: Existing and to be provided
 Utilities: Existing

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

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

BACKGROUND INFORMATION:

The project area consists of four Tax Assessor's Parcels and four recorded lots totaling 18.25 \checkmark gross acres. The subject project does not affect the configuration of any of the lots and therefore will not change the Continental Plaza Schematic Plan. However, language within the PUD Guidelines will hereafter refer APN: 001-0020-049 as Parcel A; APN: 001-0020-050 as Parcel B; and APN: 001-0020-017 and 001-0020-018 as Parcel C (see Exhibit 1B).

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

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

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

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

On February 24, 2000, the City Planning Commission approved a Special Permit Time Extensions for various entitlements with additional mitigations to the Mitigation Monitoring Plan which allowed for an additional three years from the time of original project approval for the applicant to construct the Phases III and IV buildings. Phase III was constructed in 1999;

however, Phase IV was never constructed and the Special Permits to construct the building expired on October 29, 2001. The sunset clause was added to the PUD since the current applicant at the time did not own the Phase IV site, but had an option to buy. The owner of the Phase IV site at that time was concerned that he would be burdened with the development of the Phase IV building should the current applicant, the Bruce Nott Investment Company, decide not to purchase the site.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

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

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

General Plan Goals and Policies

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

Central City Community Plan Goals and Policies

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

Richards Boulevard Area Plan Policies

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

- X ■ 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)
- X ■ 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

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

Strategic Plan

- X Promote and support economic vitality.

2. PUD Guideline Amendments

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

The applicant's request requires PUD Guideline Amendments to the Purpose and Intent, Force and Effect, Land Use Summary, and Building Standards Sections of the Continental Plaza PUD. The majority of the amendments are refining the existing project development. The applicant's request to amend the PUD Guidelines, which are also attached as Exhibit 10, with amended text in italics, are as follows:

I. PURPOSE AND INTENT

Continental Plaza is a Planned Unit Development (PUD) consisting of an approximately 4,400,500 **1,097,350** square foot office campus to be located at the northeast corner of Richards Boulevard and North 7th Street in the Richards Boulevard Planning Area of the Central City. The Continental Plaza Planned Unit Development is a four phase project, ~~two~~ **three** phases of which have already been completed.

Phase I, completed in 1986, consists of a conversion of the 160,000 square foot Continental Can Manufacturing Facility (originally constructed in 1946) from industrial to office use. In 1991, a new 67,500 square foot, two story, Phase II office building was added to the complex. **A two story, 59,850 square foot Phase III office building was constructed in 1998, resulting in a total of 287,350 developed square footage in the first three phases of the Continental Plaza PUD.** The Continental Plaza Phase I, II and ~~II~~ **III** buildings are currently occupied by the State Department of Health Services.

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

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

1. To allow for the expansion of the existing Department of Health Services use to accommodate additional requirements of this State agency or other State agencies;
2. To accommodate the State's plans for consolidation of State-occupied office space at a location that has been targeted by the City for such use;
3. To house office users seeking the efficiency, flexibility and cost-effectiveness of large floor plate designs in an attractive back-office setting;
4. To contribute to and enhance the operational efficiency and functional qualities

of the existing Continental Plaza Phase I, II *and III* facilities (which already includes a 9,100 square foot cafeteria, a centralized mail facility, a 200 seat auditorium, two large classroom/training facilities, and an existing shuttle system linking Continental Plaza with the Central Business District and Capitol Area);

5. To provide a signature building to anchor the 7th Street corridor to the north and establish a design standard for the 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 Intermodal Terminal *transportation facilities*);
7. To provide a logical extension of downtown employment activity, commerce and trade; ~~and~~
8. To reinforce the use of major transit improvements planned for the area (including Intermodal Terminal *transportation facilities* to be located at 7th Street and North B Street in the Railyards Specific Plan area and the LRT Station to be located west of the Continental Plaza site on Richards Boulevard); *and*
9. *To provide the catalyst for the redevelopment of the Richards Boulevard area (now known as the Capitol Station District), the land owners of which have formed a Property Owners Business Development District for their mutual benefit.*

II. FORCE AND EFFECT

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

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

V. Land Use Summary

The Continental Plaza site will *consists* of ~~two~~ *three* parcels. The existing Phase I and Phase II buildings are located on a ~~13.23~~ *an 11.92* gross acre parcel fronting 7th

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

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

**TABLE 1
Land Use Summary**

Phase I (existing)		160,000 v
	SF	
Phase II (existing)		67,500 v
	SF	
Phase III (to be constructed existing)	60,000	59,850v SF
Phase IV (to be constructed)		810,000 v SF
Office (including 14,000+ SF of ground floor retail)		
Parking Structure (approximately 1,238 spaces)		
 Total square footage (net of parking structure)	1,097,500v	1,097,350v SF

VI. Building Standards

C. Height:

The following is the maximum height

1. M-2 zone (~~Parcel A~~ **Parcels A and B**) - 75 feet (measured to top of plate line)
2. OB zone (~~Parcel B~~ **Parcel C**) - 180 feet (measured to top of plate line)
 - 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 (Parcel-A **Parcels A and B**) of the PUD. In order to assure parking will remain available for Phase IV office building, an easement, deed restriction, or other instrument satisfactory to the City Attorney shall be recorded that provides access to the parking for the perpetuity of the office building. ***In addition, the owner/ operator of the parking garage should encourage reciprocal parking and access of Continental Plaza with other developments in the Richards Boulevard area during off-peak hours.***

3. Off-Site Parking

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

4. Childcare Center

The applicant proposes to operate a 100 student, 4,300 square foot, Childcare Center within the existing 159,316 square foot Phase I building. A Childcare Center is allowed with in a Zoning Administrator's Special Permit in the Heavy Industrial (M-2) zone contingent upon meeting the following criteria, as required by Section 17.24.050.52 of the Sacramento City Code:

1. Parking

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

2. Fences

If the proposed center abuts a zone or use other than residential, the fence height and type shall be determined by the Zoning Administrator or Planning Commission. In all instances, play areas shall be adequately

fenced. For the proposed project, the entire play area for the Childcare Center will be bordered by a 6 foot high masonry wall which satisfies this requirement.

3. Outdoor Play Area

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

4. Noise

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

5. Site Design and Neighborhood Compatibility

The proposed Childcare Center shall be designed in a manner to be compatible with adjacent land uses and the surrounding area. With the provision of the 6 foot masonry wall, and the approximately 136 foot play area setback from the proposed northern property line, the Childcare Center will be sufficiently designed to be separated from the adjacent properties.

5. Site Plan Design/Zoning Requirements

1. Parking/Circulation

Within the Development Guidelines for the Continental Plaza Planned Unit Development, Phases I to IV offices allow a maximum of 1,828 parking spaces (1:600 ratio) and require a minimum of 1,082 spaces (1:1,000). Parking for Phase IV will be located on Parcel A. The Childcare Center, proposed to be located in the existing Phase I building, requires one parking space for every 8 children. With 100 children, the Childcare Center requires 13 parking spaces, all of which are to be provided in a parking area located along the north side of the

Phase I building. The project is conditioned to require 13 designated parking spaces for Childcare use only. The applicant proposes to provide 1,450 parking spaces (1,437 spaces for offices at a ratio of 1:753), which falls within the parking range allowed in the PUD. Therefore, staff believes that the proposed number of parking spaces are appropriate.

Building Design

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

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

Open Space

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

REVIEW PROCESS:

Environmental Determination

On October 29, 1996, the Planning Commission certified the Environmental Impact Report for the Continental Plaza III and IV project (P92-309/ P94-126). Potentially significant environmental issues regarding Land Use & Planning, Transportation/ Circulation and Parking, Traffic - Related Air Quality, Traffic-Related and Operational Noise, and Storm Drainage/ Combined Sewer System were discussed and mitigated in this document. The proposed project was analyzed in this previous environmental document. No new issues or new information is known that would trigger additional environmental analysis.

Section 15162 of the Guidelines for Implementation of the California Environmental Quality Act Public Resources Code provides that an additional Environmental Impact Report need not be prepared unless subsequent changes are proposed in the project, substantial changes occur with respect to the project circumstances, or new information of substantial importance to the project becomes known or available. The Mitigation Monitoring Plan that has been prepared for the mitigation measures that were identified in the previous Environmental Impact Report are applicable to the proposed project.

Public/Neighborhood/Business Association Comments

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

Summary of Agency Comments

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

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

RECOMMENDATION:

It is recommended that the Planning Commission take the following actions:

- A. Ratify the Addendum to the Continental Plaza III & IV EIR;
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Mitigation Monitoring Plan;
- C. Adopt the attached Notice of Decision and Findings of Fact approving the PUD/ Guidelines Amendment to modify text regarding timing and development on 4.75 acres in the Office Planned Unit Development Special Planning District (OB-PUD-SPD) zone;
- D. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to construct a 810,000 square foot office building in the Continental Plaza PUD;
- E. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit for off-site parking for the proposed 810,000 square foot office building; and

- F. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to operate a 4,300 square foot child care facility within the existing 159,316 SF Phase I office building in the Heavy Industrial (M-2-SPD) zone.

pared By,

Report Reviewed By,

. Associate Planner

Jeanne Corcoran, Senior Planner

is

- t 1 Notice of Decision & Findings of Fact
 - Mitigation Monitoring Plan
 - Parcel Layout Summary
 - Site Plan
 - PUD Schematic Plan with future right-of-way
 - Landscaping Plan
 - North and East Elevations
 - South and West Elevations
 - Ground Level Plan
 - 2nd, 3rd, and 4th Level Plan
 - 5th Level Plan
 - 6th to 10th Level Plan
 - 11th and 12th Level Plan
 - Parking Garage Elevations
 - Parking Garage Floor Plans
 - Amended PUD Guidelines
- t 2 Vicinity Map
- t 3 Land Use & Zoning Map

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

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

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

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

FINDINGS OF FACT

- A. Addendum to the EIR: The Addendum is ratified based upon the following findings:
 - 1. The Addendum was prepared for the above-identified project pursuant to the requirements of CEQA; and
 - 2. Based upon the Initial Study, there is no substantial evidence that the project will have a significant effect on the environment.

- B. Mitigation Monitoring Plan: The Mitigation Monitoring Plan is approved based upon the following findings of fact:
1. One or more mitigation measures have been added to the above-identified project;
 2. A Mitigation Monitoring Plan has been prepared to ensure compliance and implementation of the mitigation measures for the above-identified project, a copy of which is attached as Exhibit 1A;
 3. The Mitigation Monitoring Plan meets the requirements of Public Resources Code Sec. 21081.6.
 4. The Mitigation Monitoring Plan is approved, and the mitigation measures shall be implemented and monitored as set forth in the Plan.
3. PUD/ Guideline Amendments to modify text regarding timing and development on a total of 18.25 \checkmark 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 Plans 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:

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

- D/E/F11. Prior to the issuance of occupancy permit, design and construct North 7th Street to a 40 foot half street to the satisfaction of Public Works.
- D/E/F12. Prior to the issuance of a building permit to construct the office building property owner shall execute and record an agreement with the City to design and construct "new street" to the satisfaction of Public Works, at the sole cost to the property owner/developer, upon written demand by the City. The agreement shall specify the manner in which the City may make its demand, the timing of design and construction of new street after such demand is made; and shall further provide that the City may proceed with design and construction of "new street" if property owner/developer fails to proceed with such design and construction as provided in the agreement, and thereafter obtain reimbursement. The street shall be constructed per the Facility Element of the Railyards Specific Plan (RSP) and Richards Boulevard Area Plan (RBAP). In lieu of a performance bond, deposit or other financial security, the agreement shall establish the property as security for performance of the obligations to design and construct "new street".
- D/E/F13. Prior to the issuance of a building permit to construct the office building property owner shall execute and record an agreement with the City to design and construct southerly one-half of Vine Street to the satisfaction of the Department of Public Works, at the sole cost to the property owner/developer, upon written demand by the City. The agreement shall specify the manner in which the City may make its demand, the timing of design and construction of the southerly one-half of Vine Street after such demand is made; may allow the property owner/developer to be reimbursed for overwidth pavement per the Overwidth Pavement Reimbursement Policy; and shall further provide that the City may proceed with design and construction of the southerly one-half of Vine Street if property owner/developer fails to proceed with such design and construction as provided in the agreement, and thereafter obtain reimbursement. The street shall be constructed per the Facility Element of the RSP and RBAP. In lieu of a performance bond, deposit or other financial security, the agreement shall establish the property as security for performance of the obligations to design and construct the southerly one-half of Vine Street".
- D/E/F14. Upon dedication and construction of "new street", Vine Street and North 7th Street, all areas adjacent to these streets shall be developed in accordance with the PUD Guidelines, RSP/RBAP Facility Element and to the satisfaction of Planning and Community Development and Public Works Departments. Prior to issuance of building permit to construct the office building, the applicant shall submit a new site plan for review and approval of Planning and Development and Public Works demonstrating how areas adjacent to the proposed new rights-of-way shall interface with the new roadways (e.g. landscaping, driveway, pedestrian access, parking).
- D/E/F15. Property owner shall be responsible for maintenance of all IOD areas until

the City formally accepts dedication.

D/E/F16. Upon dedication and construction of 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:

1. Dedicated to the City, at no cost to the City, 22,400+ square feet of open space in an off-site location within the Richards Boulevard Planning Area satisfactory to the City; or
2. Paid an in-lieu fee to the City, in the amount specified below. The in-lieu fee shall be calculated pursuant to the formula and procedure set forth in Subdivision Regulations (City Code Title 16, Section

16.64.050) (i.e., the fair market value of the land, plus twenty percent (20%) for off-site improvements such as utility line extensions, curb, gutter and pavement and street lights); provided that the appraisal required by Section 16.64.050 shall be based upon the appraised fair market value of the property with the entitlements granted by this approval, including the approvals by the Council or the requested rezone(s) and plan amendments. The appraisal shall be made not more than 90 days prior to the date of application for building permit.

D/E/F24. Prior to issuance of building permit, the applicant shall submit revised plans incorporating additional open space elements into the open space area designated along Richards Boulevard (RT alignment), to the satisfaction of the Planning and Community Development Department.

Utilities

D/E/F25. This project is served by the Combined Sewer System (CSS). Without mitigation the project will have an impact to the CSS. Therefore, impact from the project to the CSS must be mitigated to the satisfaction of the Department of Utilities. If mitigation of impacts is not practical, the developer may enter into an impact fee agreement with the City or pay a fee based upon the projects' estimated sanitary sewer flows prior to the issuance of a building permit. The fee will be used for improvements to the CSS.

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

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

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

D/E/F29. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Since the project is not served by a regional water quality control facility and is greater than 1 acre, both source controls are required for (1) commercial/ industrial material storage, (2) commercial/ industrial outdoor loading/ unloading of materials, (3) commercial/ industrial vehicle and equipment fueling, (4) commercial/ industrial vehicle and equipment maintenance, repair, and washing, (5) commercial/ industrial outdoor process equipment operations and maintenance, and (6) commercial/ industrial waste handling. Storm drain message is required at all drain inlets. On-site treatment

control measures are also required and may affect site design and site configuration and therefore, should be considered during the early planning stages. Improvement plans must include the source controls and on-site treatment control measures selected for the site. Refer to the "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 EIR

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.

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 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 \surd 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 \surd gross acre parcel fronting Vine Street (Parcel B). The Phase IV office building will be developed on 4.75 \surd 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.

Attachment 2
Vicinity Map

Attachment 3
Land Use & Zoning Map

Comment [BJS1]: Land use & Zoning Map