

CITY PLANNING COMMISSION

1231 I Street, Suite 200, Sacramento, CA 95814

APPLICANT	Nolte and Associates, 1730 I St., Suite 100, Sacramento, CA 95814				
OWNER	First Interstate Mortgage Co. and Sacramento Investment Company II, Ltd.				
PLANS BY	Nolte and Associates, 1730 I St., Suite 100, Sacramento, CA 95814				
FILING DATE	May 24, 1990	ENVIR. DET.	Neg Dec	REPORT BY:	SHM
ASSESSORS PCLNO	225-0230-83,84,90				

APPLICATION: Amendment of Schematic Plan for Metropolitan Center PUD

LOCATION: Southwest corner of I-5 and I-80, east of Gateway Oaks Drive

PROPOSAL: The applicant is requesting to modify the Schematic Plan for Metropolitan Center PUD in order to allocate specific square footage figures to each vacant parcel. The Planning Director determined on August 2nd, that the square footage allocation was reasonable. The Planning Director's Determination was appealed to the Planning Commission and subsequently the appellant requested a continuance. Accordingly, the entitlements sought are:

1. Appeal of Planning Director's Determination of square footage allocation;
2. Continuance of the Appeal

PROJECT INFORMATION:

General Plan Designation: Regional Commercial & Offices
Community Plan Area: South Natomas (1988 Plan)
Community Plan Designation: Office/Office Park
Existing Zoning of Site: OB-(PUD)
Existing Land Use of Site: Vacant

Surrounding Land Use and Zoning:

North: Interstate 80 & North Natomas
East: Interstate 5
South: Office (OB-PUD)
West: Multi-Family Residential (R-2B-PUD)

Property Dimensions: Irregular
Property Area: 39.2 ± acres
Topography: Flat
Street Improvements: Existing Gateway Oaks Drive to be extended
Utilities: Existing

578,728 square feet available

Divided by 39.21 acres = 14,760 SqFt/Acre

Allocation to 4.43 acres	65,385 SqFt	Sacramento Investment Co. II
Allocation to 34.78 acres	<u>513,343</u> SqFt	First Interstate Mortgage Co.
	578,728	

The applicant's calculation of square footage allocation was 513,436 square feet based on 34.8 acres. Staff's calculation of square footage allocation is 513,343 square feet based on acre figures significant to two decimal places.

The rationale for allocation of square footage on the basis of acreage is derived from authority granted by California Civil Code Section 1467 which provides:

Where several persons, holding by several titles, are subject to the burden or entitled to the benefit of a covenant running with the land, it must be apportioned among them according to the value of the property subject to and held by them respectively, if such value can be ascertained, and if not, then according to their respective interests in point of quantity.

The relative valuation of individual parcels within this property is dependent upon the allocation of square footage, which is the issue to be decided. It seems clear, therefore, that Civil Code Section 1467 would dictate an allocation based on acreage, which is precisely the methodology employed by the Planning Director.

ENVIRONMENTAL DETERMINATION: The Environmental Services Manager has determined that the project, as proposed, will not have a significant effect on the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated the attached mandatory mitigation measures into the project plans to avoid identified effects or to mitigate such effects to a point where clearly no significant effects will occur (see Exhibit C for Mitigation Measure Monitoring and Reporting and Exhibit D for Flood Related Findings).

RECOMMENDATION: Staff recommends:

- A. Request Appellant rationale for continuance of the appeal. If the rationale for continuance is valid, then grant the continuance. If the rationale for continuance is not sufficient, open the public hearing on the appeal.
- B. Request Appellant rationale for appeal. If the rationale is not sufficient, deny the appeal of the Planning Director's Determination. If the Appellant's rationale for the appeal is valid, re-examine an appropriate allocation of square footage.
- C. Ratify Negative Declaration.

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FOR CONTINUATION SEE MAP 31

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SACRAMENTO CO

FOR CONTINUATION SEE MAP 30

SACRAMENTO CO

SACRAMENTO

2,130,

2,133,

FOR CONTINUATION SEE MAP 51

2,142,

2,145,

FOR CONTINUATION SEE MAP 34

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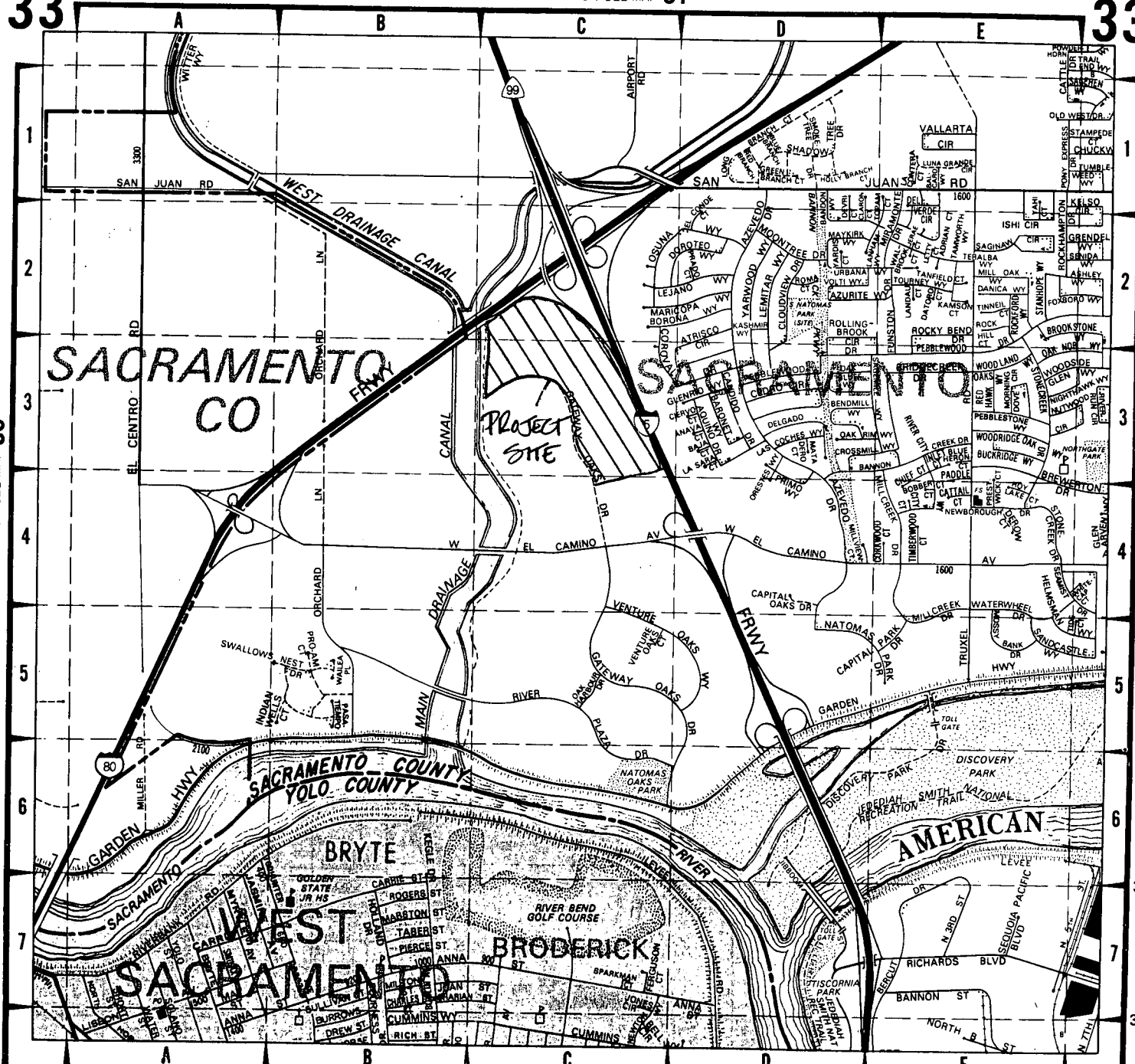
































EXHIBIT 1

COMMERCIAL & OFFICES

SOUTH NATOMAS COMMUNITY

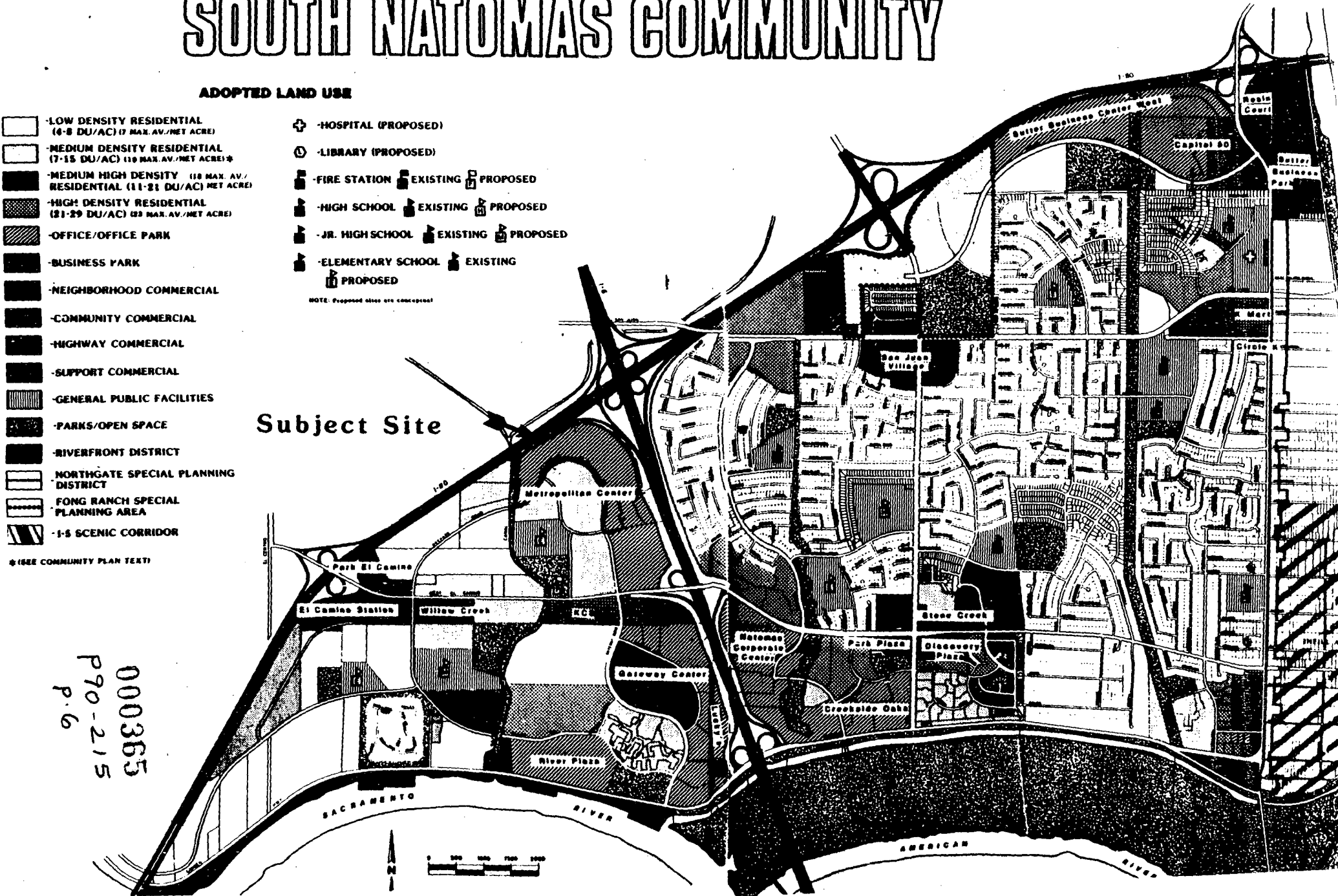
ADOPTED LAND USE

-  LOW DENSITY RESIDENTIAL (4-8 DU/AC) (7 MAX. AV./NET ACRE)
-  MEDIUM DENSITY RESIDENTIAL (7-15 DU/AC) (10 MAX. AV./NET ACRE)*
-  MEDIUM HIGH DENSITY RESIDENTIAL (11-21 DU/AC) (16 MAX. AV./NET ACRE)
-  HIGH DENSITY RESIDENTIAL (21-29 DU/AC) (23 MAX. AV./NET ACRE)
-  OFFICE/OFFICE PARK
-  BUSINESS PARK
-  NEIGHBORHOOD COMMERCIAL
-  COMMUNITY COMMERCIAL
-  HIGHWAY COMMERCIAL
-  SUPPORT COMMERCIAL
-  GENERAL PUBLIC FACILITIES
-  PARKS/OPEN SPACE
-  RIVERFRONT DISTRICT
-  NORTHGATE SPECIAL PLANNING DISTRICT
-  FONG RANCH SPECIAL PLANNING AREA
-  I-5 SCENIC CORRIDOR

-  HOSPITAL (PROPOSED)
-  LIBRARY (PROPOSED)
-  FIRE STATION  EXISTING  PROPOSED
-  HIGH SCHOOL  EXISTING  PROPOSED
-  JR. HIGH SCHOOL  EXISTING  PROPOSED
-  ELEMENTARY SCHOOL  EXISTING  PROPOSED

NOTE: Proposed sites are conceptual

Subject Site



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EXHIBIT 2

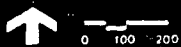
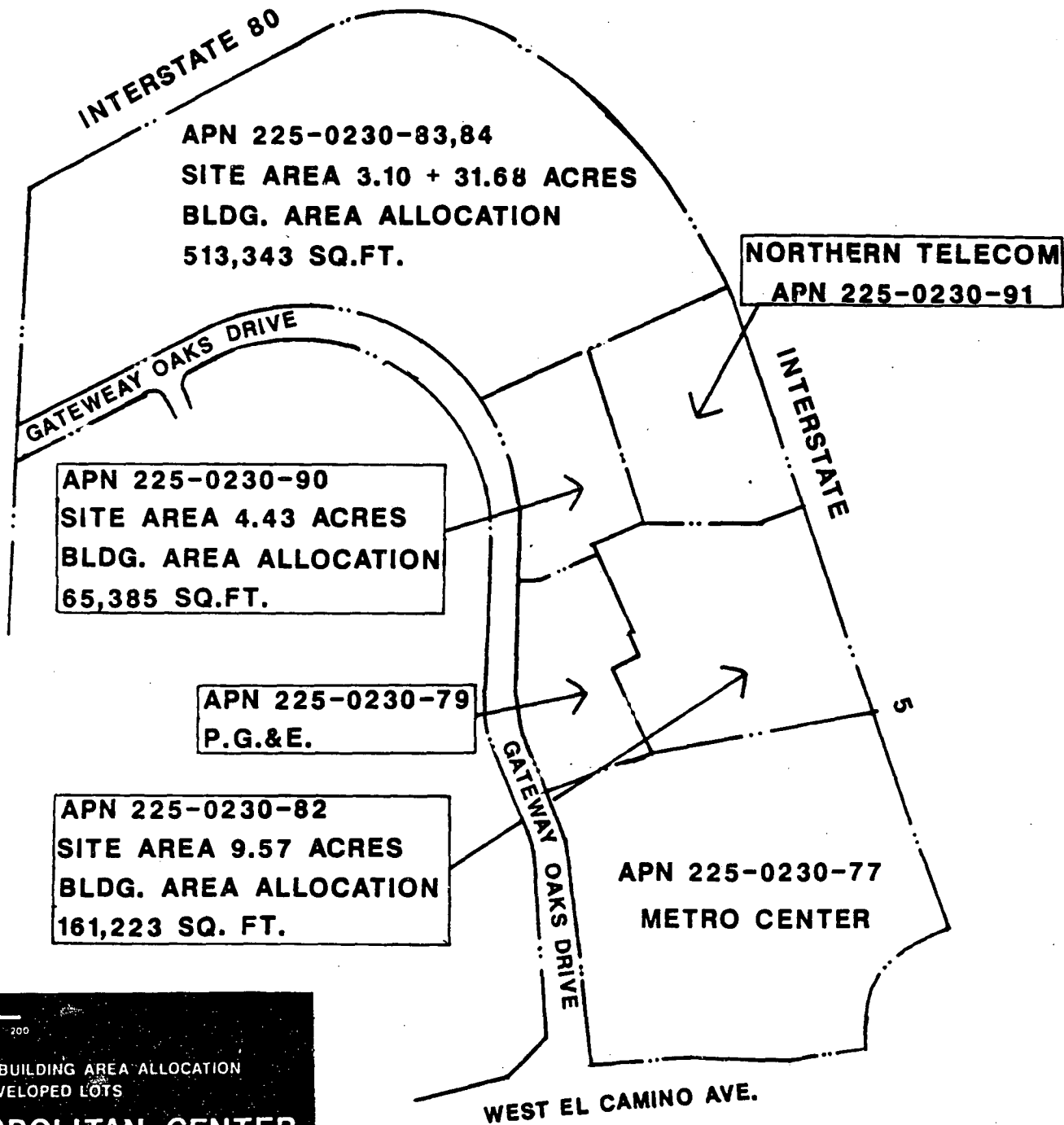
Filename: MetroCtr.Wk1 (METROPOLITAN CENTER PUD)
 Disk: SNAT-PUDS
 Analyst: Scot Mende
 Date last modified: August 1, 1990

Project #	Bldg. Tenants	Address	APN	Acres	SP SqFt	SP Approved	Stories	Bldg Permit Approved	Gross SqFt	Net SqFt
Constructed Office Projects										
P85-108	A Multi	2700 G.O. Dr.	225-230-077	20.6	116,594	04/25/85	3	May 1985	116,594	110,070
"	B Multi	2720 G.O. Dr.	"		57,750	04/25/85	3	June 1985	57,750	54,487
"	C Multi	2710 G.O. Dr.	"		91,792	04/25/85	2	July 1985	91,792	86,281
P86-054	D PG&E	2730 G.O. Dr.	225-230-079	4.1	48,977	03/13/86	4	June 1986	48,978	46,423
P88-365	H No. Telecom	2800 G.O. Dr.	225-230-081	6.6	75,000	09/29/88	2	Feb 1989	75,024	70,000
Subtotal Constructed				31.3	390,113				390,138	367,260
Office Projects with Building Permits										
Subtotal Unbuilt Projects w/ Bldg. Permits				0	0					
Office Projects with special permits										
P88-179	E,F	2780 G.O. Dr.	225-230-082	9.57	161,223	03/14/89	6		161,223	
Subtotal Unbuilt projects w/ Special Permits				9.57	161,223					
TOTAL APPROVED OFFICE PROJECTS				40.9	551,336				538,483	
MAXIMUM ALLOWABLE IN METRO CENTER PUD									1,107,211	
RESIDUAL ALLOWABLE SUBJECT TO SPECIAL PERMITS				39.21					578,728	
Allocation to Fan + Wedge (First Interstate Mortgage Co.)				34.78					513,343	
Allocation to Residual from No. Telecom (SIC II, Ltd.)				4.43					65,385	

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EXHIBIT 3




ALLOWABLE BUILDING AREA ALLOCATION
FOR UNDEVELOPED LOTS

METROPOLITAN CENTER

SACRAMENTO, CALIFORNIA

FIRST INTERSTATE BANCORP
FIMSA WEST

 SITE and ASSOCIATES

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Attachment 1

LAW OFFICES OF
GROSSFELD, DOUGHERTY & GROSSFELD
601 UNIVERSITY AVENUE

SHELDON H. GROSSFELD*
JOHN A. DOUGHERTY
KENNETH B. GROSSFELD
BRIAN M. ENGLUND
KAREN L. PATTERSON
JAMES M. MEIER
ROCHELLE WILSON
ERIC R. GARNER
LAURA A. REIMCHE
KATHRYN ALLEN
FREDRICK S. COHEN

SUITE 274
SACRAMENTO, CALIFORNIA 95825-6706

TELEPHONE
(916) 925-2700
FAX
(916) 922-2352

August 24, 1990

*RETIRED JUDGE-SUPERIOR COURT

HAND DELIVERED

Mr. Scot Mende, Sr. Planner
Department of Planning & Development
City of Sacramento
1231 I Street, Room 200
Sacramento, CA 95814-2998

Re: Appeal of Planning Director's Determination
Granting an Amendment to the Schematic Plan
of the Metro Center PUD

Dear Mr. Mende:

This letter shall confirm your telephone conference of August 23, 1990, with Rochelle Wilson wherein you confirmed that Sacramento Investment Company II, Ltd.'s ("SIC II") Appeal of the Planning Director's August 2, 1990 Decision to Amend the Schematic Plan for the Metro Center PUD (Project No. P90-215) has been set for hearing before the Planning Commission on September 13, 1990.

This letter shall also confirm that SIC II requested that the September 13, 1990 hearing be continued to any available date subsequent to September 16, 1990. As Ms. Wilson indicated, SIC II was not consulted prior to selection of the hearing date and the attorney who is handling this matter is out of the country until September 16, 1990. Given the above and that our request will not prejudice any other party to this proceeding, we ask that you grant the continuance. Your prompt consideration will be greatly appreciated.

With regard to preparation for the hearing, SIC II requests a copy of all information submitted in opposition to the subject Appeal and/or prepared by the Planning Department (i.e. Staff Report and related documents) no later than five (5) days prior to the hearing date.


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If you have any questions regarding the above, or need any further information, feel free to contact the undersigned.

Very truly yours,

GROSSFELD, DOUGHERTY & GROSSFELD



Kenneth B. Grossfeld

KBG:mlp

cc: Marty Van Duyn, Planning Director
Secretary, Sacramento City Planning Commission
Christopher Steele

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Attachment 2

LAW OFFICES

MILLER, STARR & REGALIA

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

151 UNION STREET
ICE HOUSE TWO
SUITE 300
SAN FRANCISCO, CALIFORNIA 94111
TELEPHONE (415) 982-3838

101 YGNACIO VALLEY ROAD
SUITE 401
WALNUT CREEK, CALIFORNIA 94596
FACSIMILE (415) 933-4126
TELEPHONE (415) 935-9400

ONE KAISER PLAZA
ORDWAY BUILDING, SUITE 1600
OAKLAND, CALIFORNIA 94612
FACSIMILE (415) 465-1202
TELEPHONE (415) 463-3800

KARL E. GEIER

August 30, 1990

CITY PLANNING DIVISION

AUG 31 1990

VIA TELECOPY: (916) 449-1221

RECEIVED

Mr. Scott Mende
Associate Planner
Department of Planning and Development
City of Sacramento
1231 I Street, Suite 300
Sacramento, CA 95814-2904

Re: Appeal of Planning Director's Determination
Granting an Amendment to the Community Plan of
the Metric Center P.D.

Dear Mr. Mende:

This letter will confirm receipt of a copy of the letter from Kenneth B. Grossfeld on behalf of Sacramento Investment Company II, hereafter ("SIC II") requesting a continuance of the September 13, 1990 hearing date on the appeal filed by SIC II.

You are advised that First Interstate Mortgage Company does not consent to a continuance of the hearing. We will request a decision on the appeal on September 13, 1990. Mr. Grossfeld's letter states that the granting of a continuance will not prejudice any other party to the proceeding. We disagree, First Interstate has business transactions and decisions pending which potentially would be prejudiced by the continuance, if granted.

We would also appreciate receiving a copy of any information submitted in support of the appeal (whether by SIC II or any other party) and any staff report or other information prepared by the Planning Department in connection with the appeal by telephonic facsimile (415) 933-4126 as soon as it is available. If you require reimbursement for the cost of faxing any such matters, please advise and we will do so.

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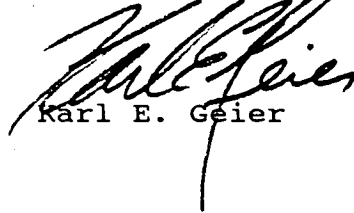
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Mr. Scott Mende
August 30, 1990
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If you have any questions, please do not hesitate to
call me.

Very truly yours,

MILLER, STARR & REGALIA



Karl E. Geier

KEG:fzs

cc: Secretary,
Sacramento City Planning Commission
(Via Federal Express)
Mr. Greg Friel
George Nolte & Associates
Mr. Brian McLaughlin,
First Interstate Mortgage Company

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