



REPORT TO COUNCIL

City of Sacramento

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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

October 28, 2008

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.

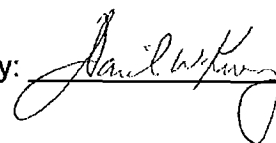
Committee/Commission Action: The Planning Commission heard the project on October 9, 2008 and unanimously recommended and forwarded a recommendation of approval for the entitlements for the Creamery project. The Design Commission approved the project design on October 15, 2008.

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.

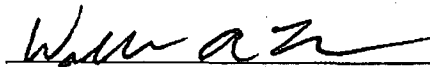
Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by:



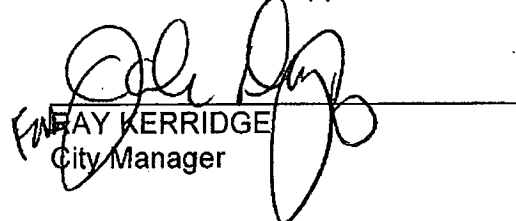
David Kwong
Planning Manager

Approved by:



William Thomas
Director of Development Services

Recommendation Approved:

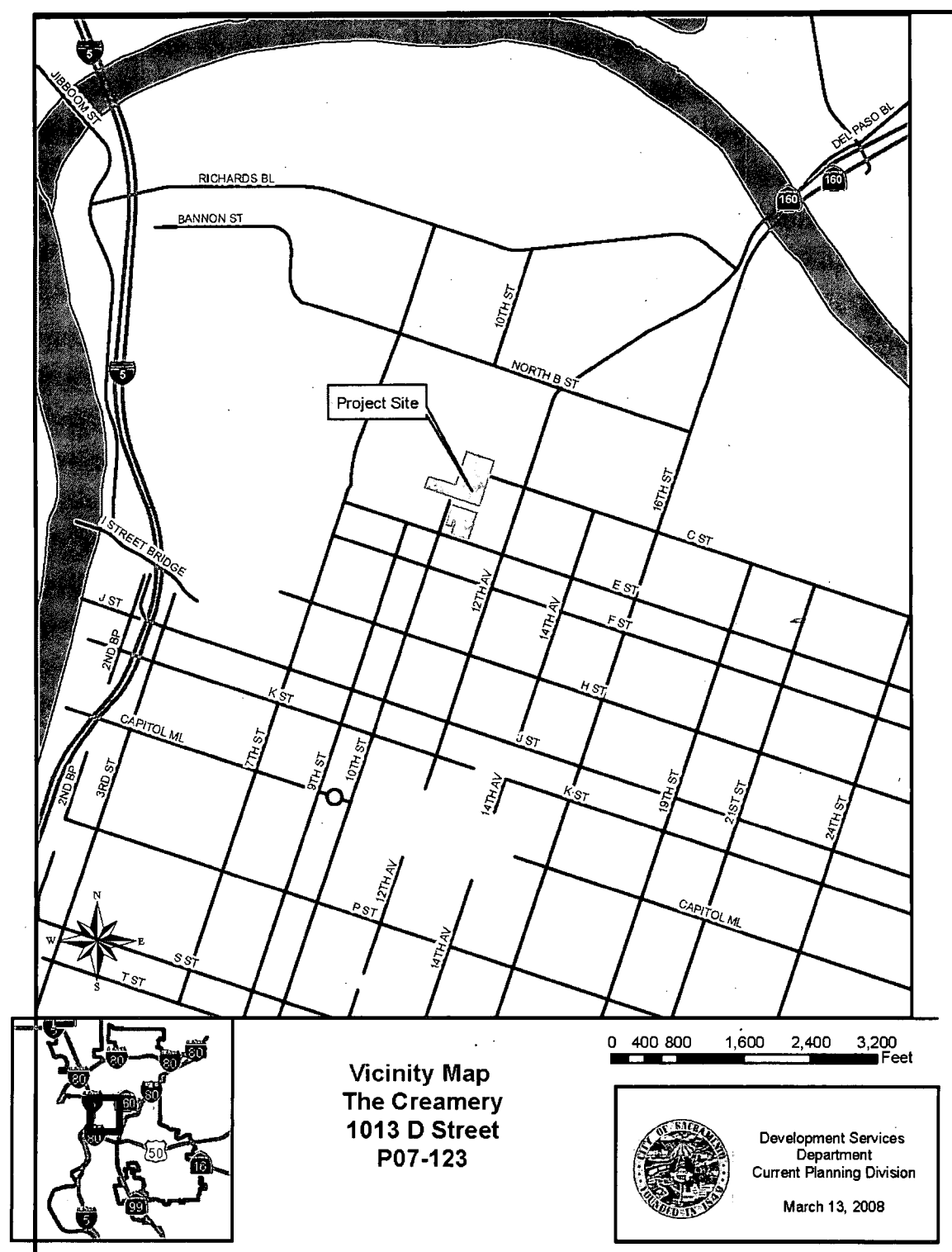


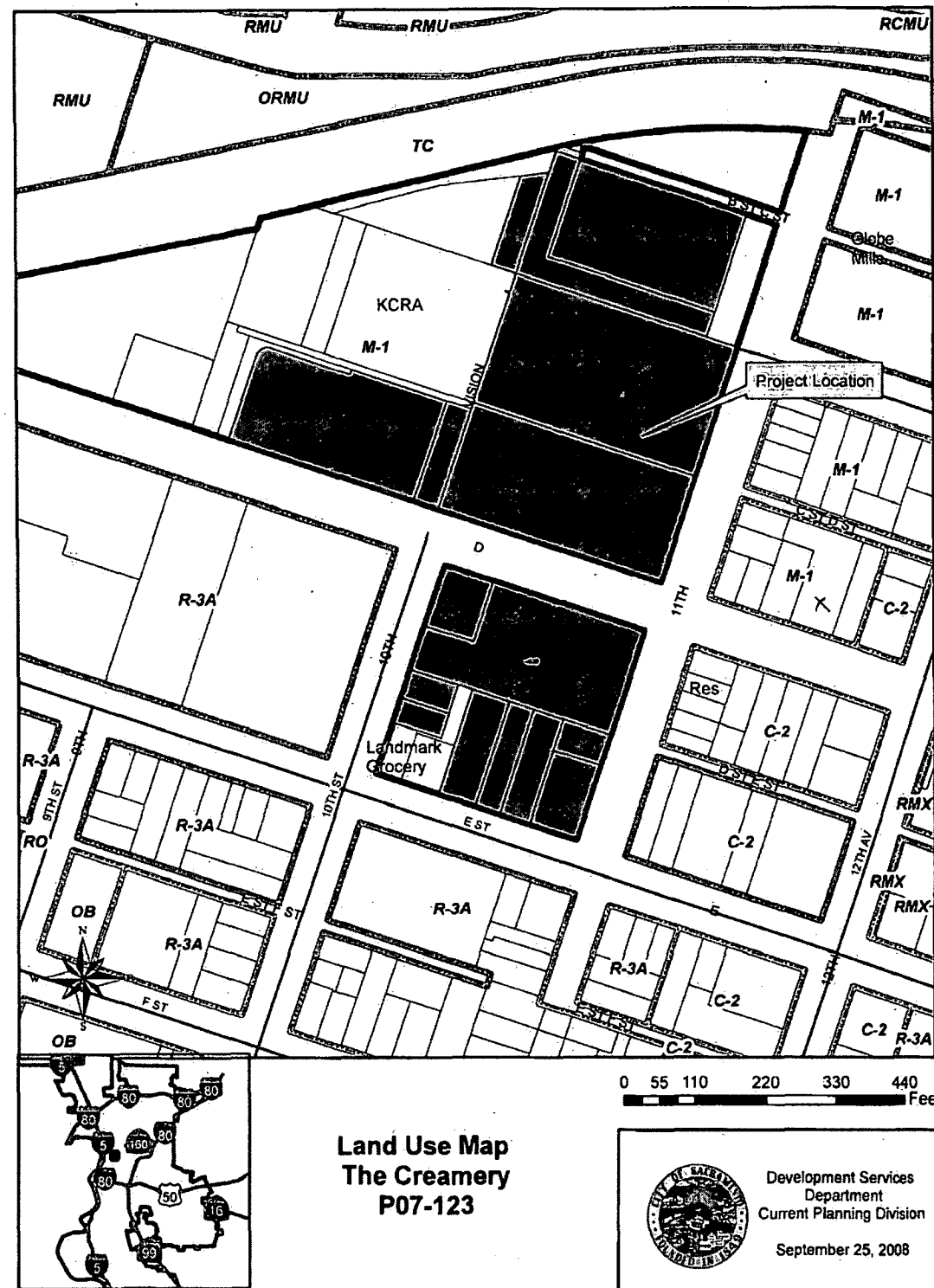
FAY KERRIDGE
City Manager

Table of Contents:

Report	Pg	1
Attachments:		
1 Vicinity Map	Pg	6
2 Land Use Map	Pg	7
3 Background	Pg	8
4 Resolution for Mitigated Negative Declaration and Mitigation Monitoring Plan	Pg	21
5 Resolution for General Plan Amendment	Pg	29
6 Resolution for Community Plan Amendment	Pg	32
7 Ordinance for Rezone	Pg	35
8 Resolution for Project Approval	Pg	37
Exhibit A Tentative Map	Pg	57
Exhibit B: Proposed Site Plan	Pg	58
Exhibit C: Proposed Phasing of Project	Pg	59
Exhibit D: Aerial of North Block	Pg	60
Exhibit E: Aerial of South Block	Pg	61
Exhibit F: Aerial Looking North	Pg	62
Exhibit G: Perspectives: North Block at 11 th and D Streets	Pg	63
Exhibit H: Perspectives: North Block at Plaza	Pg	64
Exhibit I: Perspectives: North Block at Artisans Walk	Pg	65
Exhibit J: Perspectives: North Block at 11 th and C Streets	Pg	66
Exhibit K: Perspectives: North Block at Artisans Block	Pg	67
Exhibit L: Perspectives: North Block at 10 th Street and Plaza	Pg	68
Exhibit M: Perspectives: North Block at 10 th and D Streets	Pg	69
Exhibit N: Perspectives: D Street Looking Southeast	Pg	70
Exhibit O: Perspectives: South Block at D Street	Pg	71
Exhibit P: Perspectives: South Block at Halfplex Units and Rowhouses	Pg	72
Exhibit Q: Perspectives: South Block at Open Space	Pg	73
Exhibit R: Perspectives: South Block at 10 th and E Streets	Pg	74
Exhibit S: Perspectives: South Block at 11 th and E Streets	Pg	75
Exhibit T: Perspectives: South Block at 11 th Street and Open Space	Pg	76
Exhibit U: Perspectives: South Block at D Street Looking Southwest	Pg	77
Exhibit V: North Block: Rail Yard Loft Elevations	Pg	78
Exhibit W: North Block: Rail Yard Loft Building Plans	Pg	79
Exhibit X: North Block: Rail Yard Loft Phasing Plan	Pg	80
Exhibit Y: North Block: Mills Loft Elevations	Pg	81

Exhibit Z:	North Block: Mills Loft Building Plans	Pg	82
Exhibit AA:	North Block: Mills Loft Phasing Plan	Pg	83
Exhibit BB:	North Block: Rail Yard and Mills Loft Unit Plans	Pg	84
Exhibit CC:	North Block: D Street Loft Elevations	Pg	85
Exhibit DD:	North Block: D Street Loft Building Plans	Pg	86
Exhibit EE:	North Block: Office Building I Elevation (South and East)	Pg	87
Exhibit FF:	North Block: Office Building I Elevation (North and West)	Pg	88
Exhibit GG:	North Block: Office Building I First Floor Plan	Pg	89
Exhibit HH:	North Block: Office Building I Second Floor Plan	Pg	90
Exhibit II:	North Block: Office Building I Third Floor Plan	Pg	91
Exhibit JJ:	North Block: Office Building II Elevation (West and South)	Pg	92
Exhibit KK:	North Block: Office Building II Elevation (East and North)	Pg	93
Exhibit LL:	North Block: Office Building II First Floor Plan	Pg	94
Exhibit MM:	North Block: Office Building II Second Floor Plan	Pg	95
Exhibit NN:	North Block: Office Building II Third Floor Plan	Pg	96
Exhibit OO:	North Block: Artisans Work Lofts	Pg	97
Exhibit PP:	North Block: Caretaker's and Artisans Work Lofts	Pg	98
Exhibit QQ:	South Block: Halfplex (Lot 9) Elevations (North and South)	Pg	99
Exhibit RR:	South Block: Halfplex (Lot 10) Elevations (North and South)	Pg	100
Exhibit SS:	South Block: Halfplex (Lots 9-10) Elevations (East and West)	Pg	101
Exhibit TT:	South Block: Halfplex (Lots 9-10) Ground Floor Plan	Pg	102
Exhibit UU:	South Block: Halfplex (Lots 9-10) Middle Floor Plan	Pg	103
Exhibit VV:	South Block: Halfplex (Lots 9-10) Upper Floor Plan	Pg	104
Exhibit WW:	South Block: Halfplex (Lots 9-10) Roof/Deck	Pg	105
Exhibit XX:	South Block: Rowhouses (Lots 11-45) Elevations	Pg	106
Exhibit YY:	South Block: Rowhouses (Lots 11-45) Lower Floor Plan	Pg	107
Exhibit ZZ:	South Block: Rowhouses (Lots 11-45) Middle Floor Plan w/Patio	Pg	108
Exhibit AAA:	South Block: Rowhouses (Lots 11-45) Middle Floor Plan w/Stoop	Pg	109
Exhibit BBB:	South Block: Rowhouses (Lots 11-45) Upper Floor Plan	Pg	110
Exhibit CCC:	South Block: Rowhouses (Lot 20-21) Elevation	Pg	111
Exhibit DDD:	Overall Preliminary Landscaping Plan for Project Site	Pg	112
Exhibit EEE:	North Block: Preliminary Landscape Plan	Pg	113
Exhibit FFF:	South Block: Preliminary Landscape Plan	Pg	114
9	Mitigated Negative Declaration	Pg	115
10	Letter from Sacramento Montessori School	Pg	116
11	Letter from Evan Edgar	Pg	122





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.

Table 2: Lot design standards			
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.

Table 7: Parking for the "The South Block" on Site B

	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.

Table of Contents:

Exhibit A: Mitigation Monitoring Program

The Creamery (P07-123)

October 28, 2008

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.

Creamery Project (P07-123) Mitigation Monitoring Plan

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
Transportation/Circulation:					
T-1. Prior to the approval of plans or building permits, the project proponent shall pay a fair share contribution for the City of Sacramento Traffic Operations Center to monitor and re-time the Street traffic signal to optimize flow through the intersection, when needed.	Project Applicant/ Developer	City of Sacramento Development Services Department	Verification of fair share contribution shall be provided to Development Services staff.	Prior to the approval of final building permits.	
Biological Resources:					
BR-1. Any phase of the project in an area containing a Heritage Tree shall be forwarded to the City Arborist for review and comment prior to commencement of construction activities. The plans shall be forwarded to the City Arborist early enough in the design process to assure that suggested changes can be incorporated into the final design. Suggested changes could include recommendations regarding permanent structures in relation to the driplines of heritage trees, pruning recommendations, treatment of soil within and around the dripline of heritage trees, etc.	Project Applicant/ Developer	City of Sacramento Development Services Department	Verification of fair share contribution shall be provided to Development Services staff.	Prior to the approval of grading or building permits, which ever permit comes first.	

Creamery Project (P07-123) Mitigation Monitoring Plan

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
Cultural Resources:					
<p>CR-1. The project applicant shall hire a professional archeologist to perform archaeological monitoring during ground-disturbing construction activities for the duration of the project.</p> <p>If any subsurface archeological or historical features or deposits are discovered during construction, all work within 50 meters of the resources shall be halted. Archeological test excavations shall be conducted to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.</p>	Project Applicant/ Developer	City of Sacramento Development Services Department	<p>Incorporate the protocol and procedures into grading and construction contracts.</p> <p>If any archeological or historical resources are discovered:</p> <p>a) Cease all work within 50 meters b) Contact the City and implement any additional measures recommended by the City and the consulting archeologist. c) Submit archeologist's report to the City.</p>	During grading and construction activities	

Creamery Project (P07-123) Mitigation Monitoring Plan

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>CR-2. If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</p> <p>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.</p>	Project Applicant/ Developer	City of Sacramento Development Services Department	<p>Incorporate the protocol and procedures into grading and construction contracts.</p> <p>If a Native American site is discovered:</p> <p>a) Follow protocols listed in CR-1.</p> <p>b) Contact the appropriate Native American representatives.</p> <p>c) Ensure that consulting archeologist is certified by SOPA or meets 36 CFR 61 regulations, or consult with an additional archaeologist with those qualifications.</p> <p>d) Implement any additional measures recommended by the consulting archaeologist.</p>	As needed during grading and construction activities	

Creamery Project (P07-123) Mitigation Monitoring Plan

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
CR-3. If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.	Project Applicant/ Developer	City of Sacramento Development Services Department	Incorporate the protocol and procedures into grading and construction contracts. If any human bone or bone of unknown origin is discovered: a) Cease all work in the immediate area b) Contact the Sacramento County Coroner's office c) Notify the Native American Heritage Commission as needed.	As needed during grading and construction activities	
N-1. Bedrooms along the north façade of the Rail Yard Lofts shall be fitted with windows which have an outdoor-indoor transmission loss (OITC) of 30 dBA. In addition, the windows of bedrooms along the west façade extending from the northern edge of the building to a plane which is even with the KCRA building shall be fitted with windows which have an OITC of 30 dBA.	Project Applicant/ Developer	City of Sacramento Development Services Department		Prior to the approval of building permits.	

RESOLUTION NO.

Adopted by the Sacramento City Council

**RESOLUTION AMENDING THE GENERAL PLAN LAND USE MAP TO
REDESIGNATE 6.02± ACRES FROM INDUSTRIAL TO
COMMUNITY/NEIGHBORHOOD COMMERCIAL AND OFFICES AND 2.29±
ACRES FROM INDUSTRIAL TO MEDIUM DENSITY RESIDENTIAL FOR
PROPERTY LOCATED IN THE CENTRAL CITY, SPECIFICALLY AT 1013 D
STREET, SACRAMENTO, CALIFORNIA. (P07-123) (APN: 002-0076-006, 002-
0076-007, 002-0076-014, 002-0076-016, 002-0076-018, 002-0076-019, 002-
0076-020, 002-0076-021, 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)**

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 the General Plan amendment.

B. On October 28, 2008, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Sections 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 documentary and oral evidence concerning the General Plan amendment and the Creamery project.

C. The City Council hereby finds:

1. The proposed land use amendment is compatible with the surrounding land uses;
2. The proposed site is suitable for mixed use and residential development; and
3. The proposal is consistent with the policies of the Central City Community Plan to promote a variety of housing types within neighborhoods to encourage economic diversity and housing choice and the General Plan.

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

Section 1. The City Council adopts the General Plan Land Use Amendment for the property, as described on the attached Exhibit A, in the City of Sacramento, which hereby redesignates 6.02± acres on the North Block from Industrial to Community/Neighborhood Commercial and Offices and 2.29± acres on the South Block from Industrial to Medium Density Residential. (APN: 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-

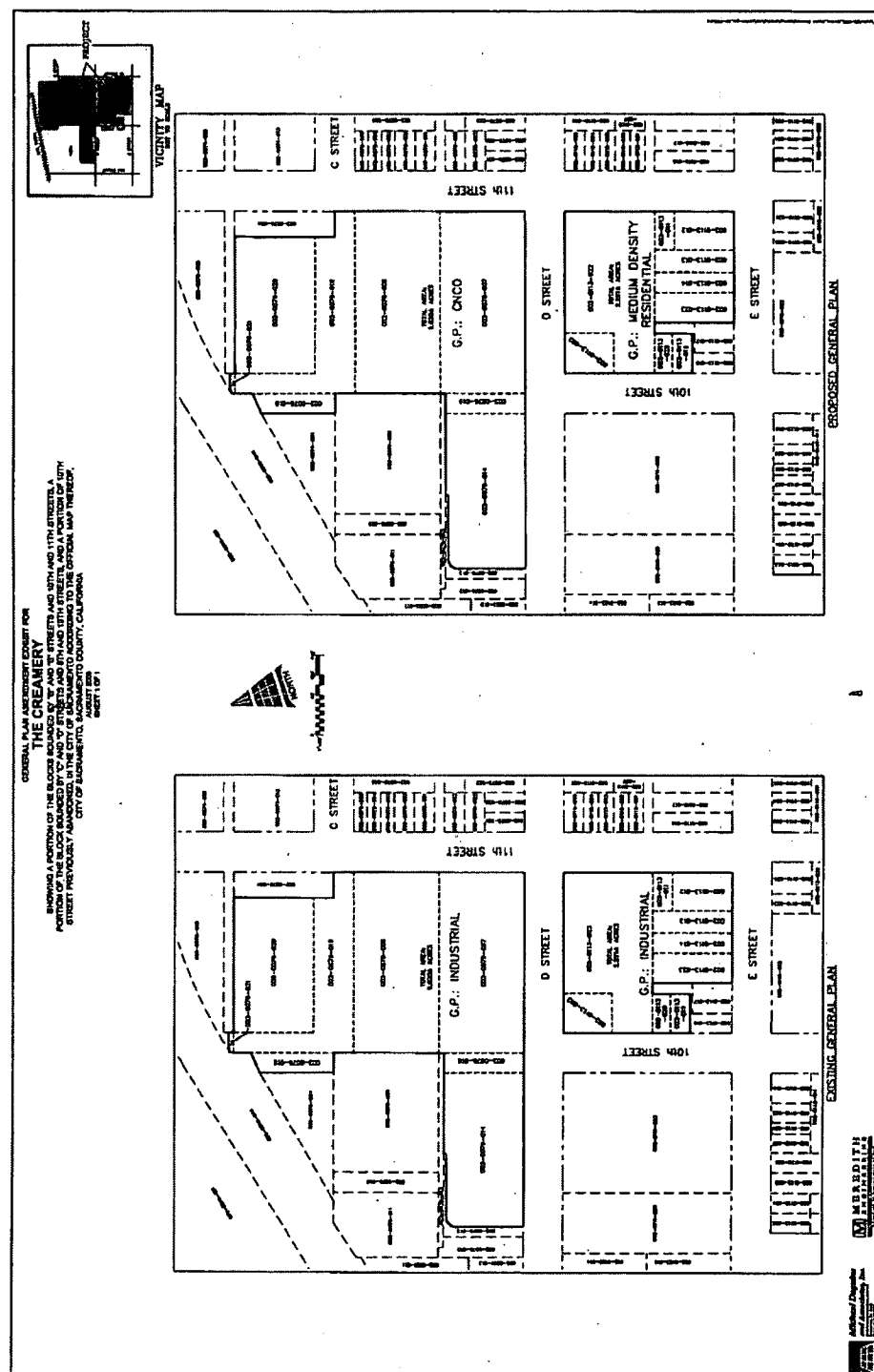
The Creamery (P07-123)

October 28, 2008

0113-020, 002-0113-022, 002-0113-023)

Table of Contents: Exhibit A: General Plan Land Use Map Amendment Exhibit – 1 page

Exhibit A: General Plan Amendment Exhibit



RESOLUTION NO.

Adopted by the Sacramento City Council

**AMENDING THE CENTRAL CITY COMMUNITY LAND PLAN USE MAP TO
REDESIGNATE 6.02± ACRES FROM INDUSTRIAL TO GENERAL
COMMERCIAL AND 2.29± ACRES FROM INDUSTRIAL TO MULTIFAMILY
FOR THE PROPERTY LOCATED IN THE CENTRAL CITY, SPECIFICALLY AT
1013 D STREET, SACRAMENTO, CALIFORNIA. (P07-123)**

**(APN: 002-0076-006, 002-0076-007, 002-0076-014, 002-0076-016, 002-0076-
018, 002-0076-019, 002-0076-020, 002-0076-021, 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)**

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 the Central City Plan amendment.
- B. On October 28, 2008, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Sections 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 documentary and oral evidence concerning the Community Plan amendment and the Creamery project.
- C. The City Council hereby finds:
1. The proposed land use amendment is consistent with the conversion of a 6.02± acre portion of this site to General Commercial and 2.29± acres to Multifamily to implement the goals and policies of the Central City Community Plan and the Housing Strategy to maintain a balance between housing and jobs and to meet future housing needs;
 2. The proposed Plan Amendment is compatible with the surrounding uses; and
 3. The proposal is consistent with the policies of the Community Plan to promote a variety of housing types within neighborhoods to encourage economic diversity and housing choice.

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

Section 1. The City Council adopts the Community Plan Amendment for the property described on the attached Exhibit A, in the City of Sacramento, which hereby redesignates the Central City Community Plan land use map for 6.02± acres on the North Block from

The Creamery (P07-123)

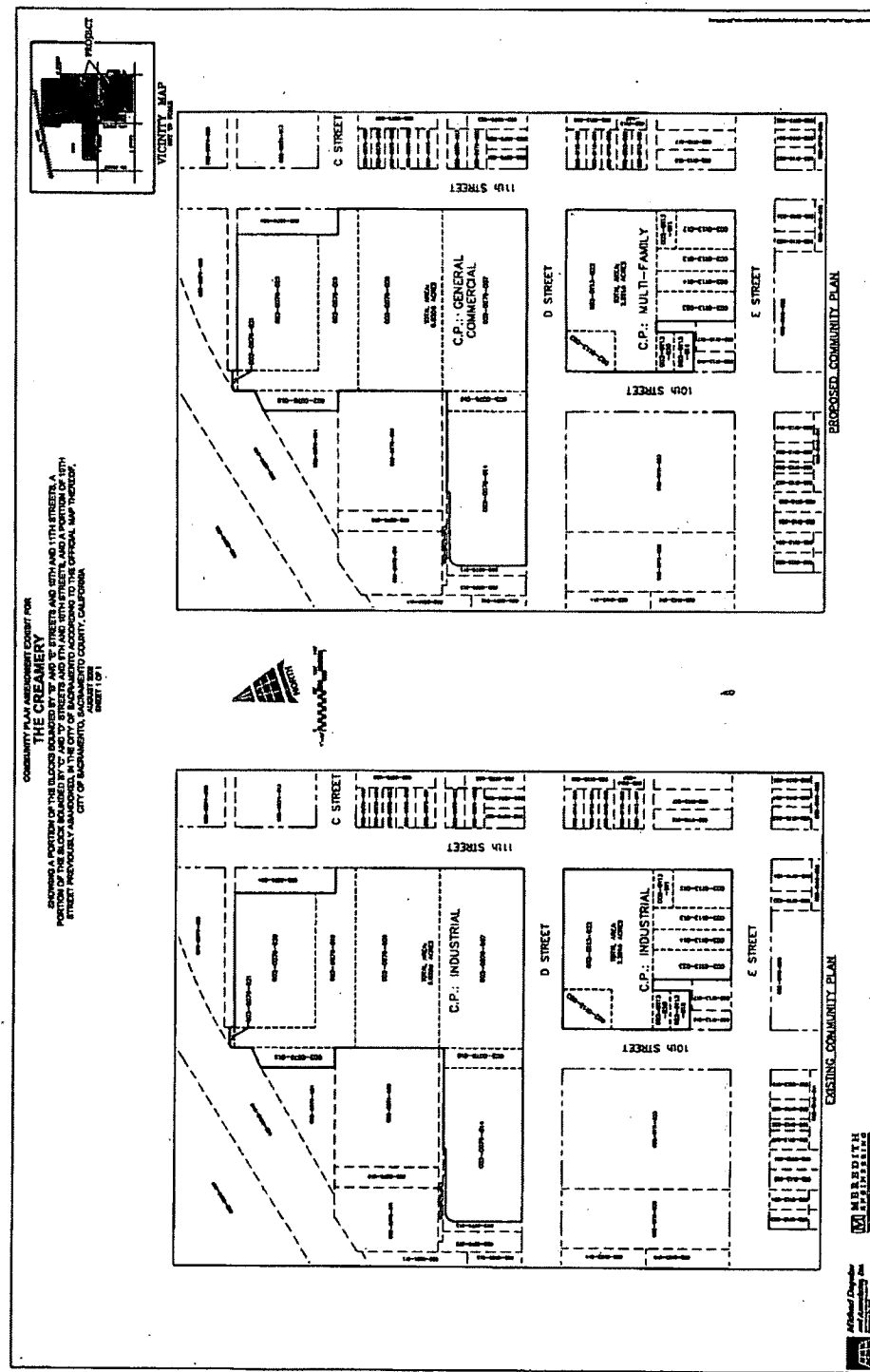
October 28, 2008

Industrial to General Commercial and 2.29± acres on the South Block from Industrial to Multifamily. (APN: 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)

Table of Contents:

Exhibit A: Community Plan Amendment – 1 page

Exhibit A: Community Plan Amendment



ORDINANCE NO.

Adopted by the Sacramento City Council

**REZONING FROM INDUSTRIAL (M-1) TO GENERAL COMMERCIAL (C-2)
AND MULTIFAMILY (R-3A) THE REAL PROPERTY LOCATED AT 1013 D
STREET (P07-123) (APN: 002-0076-006, 002-0076-007, 002-0076-014, 002-
0076-016, 002-0076-018, 002-0076-019, 002-0076-020, 002-0076-021, 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) COUNCIL DISTRICT 1**

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

SECTION 1

The properties generally described, known and referred to as APNs: 002-0076-006, 002-0076-007, 002-0076-014, 002-0076-016, 002-0076-018, 002-0076-019, 002-0076-020, 002-0076-021 which is shown on attached Exhibit A, consists of 6.02± acres and is currently in the Industrial (M-1) zone established by the Comprehensive Zoning Ordinance (Title 17 of the City Code). Said territory is hereby removed from the M-1 zone and placed in the General Commercial (C-2) zone.

The properties generally described, known and referred to as APNs: 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 which is shown on attached Exhibit A, consists of 2.29± acres and is currently in the Industrial (M-1) zone established by the Comprehensive Zoning Ordinance (Title 17 of the City Code). Said territory is hereby removed from the M-1 zone and placed in the Multifamily (R-3A) zone.

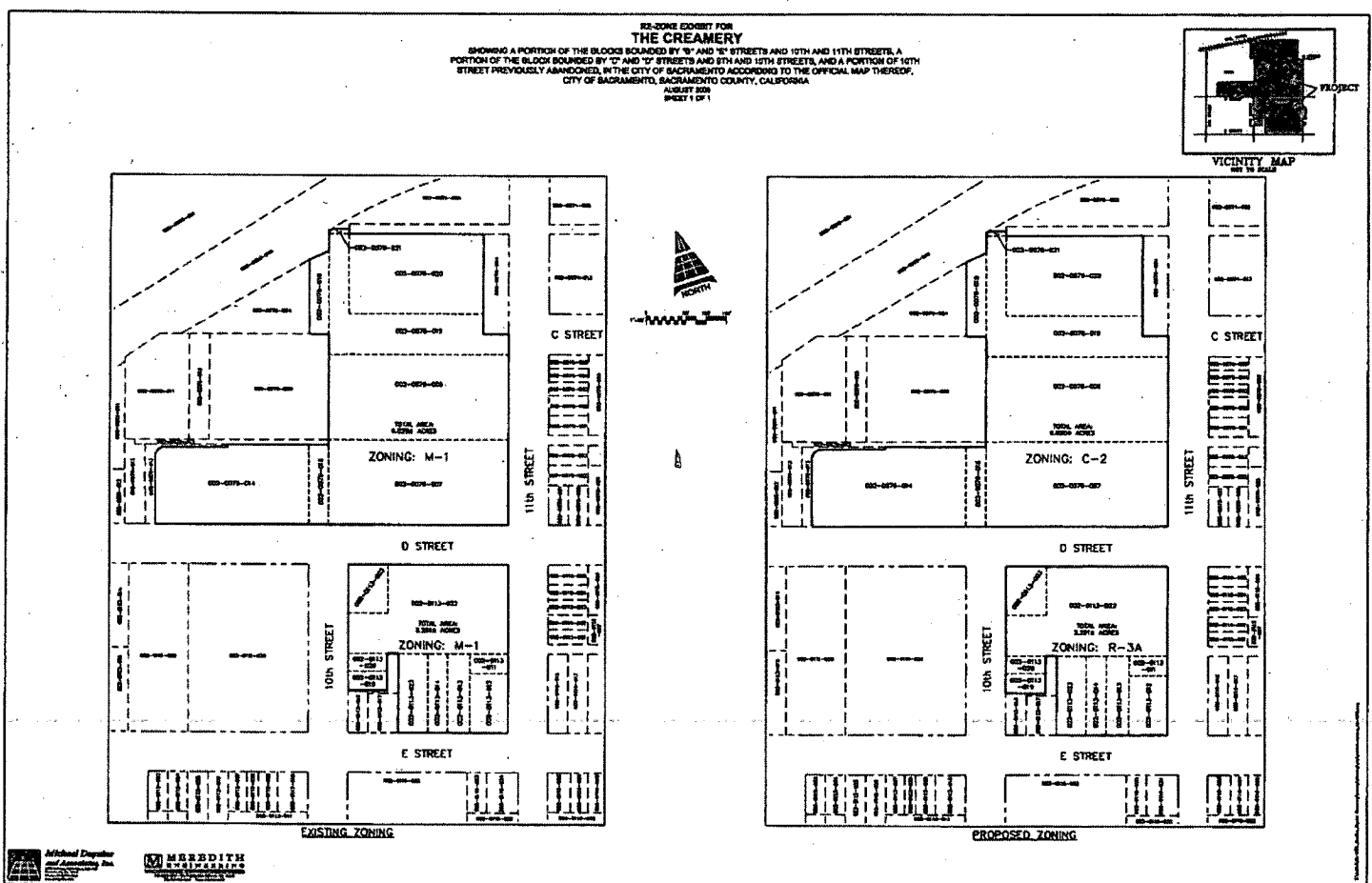
SECTION 2

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

SECTION 3

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

Table of Contents: Exhibit A: The Creamery Rezone Map – 1 Page



RESOLUTION NO.

Adopted by the Sacramento City Council

**ADOPTING FINDINGS OF FACT AND APPROVING 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. Based on the verbal and documentary evidence received at the hearing on the Creamery project, the City Council approves the Project entitlements based on the findings of fact and subject to the conditions of approval as set forth below.

Section 2. The City Council approves the Project entitlements based on the following findings of fact and conditions of approval:

A. Environmental Determination: The Resolution for the Mitigated Negative Declaration and Mitigation Monitoring Plan for the Project has been adopted by Resolution No. ____.

F. The Tentative Map to subdivide the subject property into 47 lots for condominium purposes **is approved** subject to the following Findings of Fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision as follows:

a. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, all applicable community and specific plans, and Title 16 of the City Code, which is a specific plan of the City;

- b. The site is physically suitable for the type of development proposed and suited for the proposed density;
- c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;
- d. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;
- e. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use, of, property within the proposed subdivision.

2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, the Central City Community Plan and Title 16 Subdivisions of the City Code, which is a specific plan of the City (Gov. Code §66473.5);

3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision (Gov. code §66474.6);

4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Gov. Code §66473.1);

5. The Planning Commission has considered the effect of the approval of this tentative subdivision map on the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Gov. Code §66412.3).

G. The Special Permit to allow alternative ownership housing (condominiums) in the proposed General Commercial (C-2) and Multifamily (R-3A) zones **is approved** subject to the following Findings of Fact:

- a. Granting the Special Permit is based upon sound principles of land use in that the proposed project is compatible with the surrounding area of commercial and residential and adds to the balance of housing types in the downtown neighborhood. The proposed development promotes the goals and policies of the Central City Housing Strategy to increase housing and contribute to a better jobs/housing balance.

- b. Granting the Special Permit will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the project will develop residential units that are oriented to provide eyes on the street and internal plaza areas, and provides balconies and terraces for outdoor space, and;
- c. The proposed project is consistent with the proposed Central City Community Plan designation of General Commercial and Multifamily and the proposed General Commercial (C-2) and Multifamily (R-3A) zone in which housing, office, and retail are typically allowed by special permit. The project is also consistent with the General Plan policies which encourage infill development and will promote alternative modes of transportation such as bus, bike, lightrail, and walking which helps air quality and reduces urban sprawl.

H. The Special Permit to partially waive parking for proposed commercial uses is approved subject to the following Findings of Fact:

- a. Granting the Special Permit is based upon sound principles of land use in that the proposed project is converting parallel parking spaces on the street to angled parking to increase the supply of onstreet parking spaces in the nearby vicinity;
- b. Granting the Special Permit will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the project provides parking onsite for the residential units and shared parking and onstreet parking for the office and retail uses, and;
- c. The proposed project is consistent with the Central City Community Plan and General Plan policies relating to sharing parking for uses with different peak periods and the reduction of the amount of public surface parking near light rail stations thereby encouraging transit ridership.

I.&J. The Special Permits to allow a major project over 75,000 square feet and to exceed the height requirements of 35 feet in the proposed General Commercial (C-2) zone with a proposal of 45 feet for office are approved subject to the following Findings of Fact:

- a. Granting the Special Permit is based upon sound principles of land use in that the proposed project will increase the ridership of the light rail system and the project will provide a buffer between the railway and the residential uses on the south of the subject site.
- b. Granting the Special Permit will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the project provides an open plaza area to maintain light and air between the structures, and;

- c. The proposed project is consistent with the proposed General Plan land use designation of General Commercial which allows retail, office, work lofts, and residential uses and supports intensity of development within walking distance of light rail stations.

K. The Special Permit to exceed the height requirements of 35 foot in the proposed Multifamily (R-3A) zone with a proposal of 39'3" for new residential condominium units **is approved** subject to the following Findings of Fact:

- a. Granting the Special Permit is based upon sound principles of land use in that the proposed residential use at 25 dwelling units per acre is within the allowed range of Multifamily (R-3A) which allows up to a maximum of 36 dwelling units per acre.
- b. Granting the Special Permit will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the additional height to the residential structure will allow a rooftop deck for private outdoor space for residents and provides eyes on the street for an area in transition, and;
- c. The proposed project is consistent with the proposed Central City Community Plan and General Plan Multifamily designation in that the project provides housing on the south side of D Street which completes the residential neighborhood.

L. The Variance to allow recycling and trash enclosures to be located in required setback areas **is approved** subject to the following Findings of Fact:

- a. Granting the Variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances where there is an internal plaza area with landscaping, sculptures, and other amenities and the trash enclosures would negatively impact the usability of the plaza;
- b. The project will not be detrimental to public health, safety, or welfare nor result in a nuisance in that the trash enclosures abut property lines that will not negatively impact any residential uses and the trash enclosures are located in areas not highly visible from the public street view; and
- c. The project will provide adequate capacity, number, and distribution of recycling and trash enclosures and receptacles to serve the new development.

M. The Variance to allow less than 50% tree shading for private driveways for South Block **is approved** subject to the following Findings of Fact:

- a. Granting the Variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other

property owners facing similar circumstances where garages are designed to face private streets to allow pedestrian friendly public streetscapes and the row of garage doors does not allow placement of tree planters for shading;

- b. Granting the Variance does not constitute a use variance in that alternative ownership housing is allowed in the Multifamily (R-3A) zone with the issuance of a special permit; and
- c. The project is consistent with the General Plan and Central City Community Plan relating to providing vehicular access to garages from alleys or private streets and limiting curb cuts to numbered and lettered streets.

N. The Variance to allow office buildings to deviate from required setback/stepback is **approved** subject to the following Findings of Fact:

- a. Granting the Variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances where the previously existing building on the site had a zero lot line and adjacent properties in the area similarly have reduced setbacks and stepbacks;
- b. Granting the Variance does not constitute a use variance in that offices are allowed in the proposed General Commercial (C-2) zones; and
- c. The project is consistent with the General Plan, Central City Community Plan, and Smart Growth Principles relating to providing strong urban streetwalls for commercial uses along the public streets to improve the pedestrian experience and enhance security.

Conditions Of Approval

F. The Tentative Map to subdivide the property from one parcel into one parcel for condominium purposes is **approved** subject to the following conditions of approval:

CONDITIONS: Tentative Map

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P07-123). The design of any improvement not covered by these conditions shall be to City standard.

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied at the discretion of the

Traffic Engineering Division

The City strongly encourages the applicant to thoroughly discuss the conditions of approval for the project with their Engineer/Land Surveyor consultants prior to City Council approval.

The improvements required of a Tentative Map can be costly and are completely dependent upon the condition of the existing improvements. Careful evaluation of the potential cost of the improvements required by the City will enable the applicant to ask questions of the City prior to project approval and will result in a smoother plan check process after project approval:

TRAFFIC ENGINEERING

- F1. Pursuant to City Code Section 16.40.190, indicate easements on the Final Map to allow for the placement of centralized mail delivery units. The specific locations for such easements shall be subject to review and approval of the Development Engineering Division after consultation with the U.S. Postal Service.
- F2. Private reciprocal ingress, egress, and maneuvering easements are required for future development of the area covered by this Tentative Map. The applicant shall enter into and record an Agreement For Conveyance of Easements with the City stating that a private reciprocal ingress/egress, and maneuvering easement shall be conveyed to and reserved from any appropriate parcel, at no cost, at the time of sale or other conveyance of either parcel.
- F3. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P07-123).
- F4. Multiple Final Maps may be recorded. Prior to recordation of any Final Map all infrastructure/improvements necessary for the respective Final Map must be in place to the satisfaction of the Departments of Utilities, and Transportation.
- F5. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Traffic Engineering Division. Improvements required shall be determined by the city. The City shall determine improvements required for each phase prior to recordation of each phase. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Traffic Engineering Division.
- F6. 11th Street and D Street adjacent to the project shall be provided with on-street angled parking. Angled parking will be installed with each phase of the map in which said angled parking is adjacent to.

- F7. E Street adjacent to the project shall be evaluated for on-street angled parking. If angled parking is feasible the applicant shall work with the City towards the installation of said parking.
- F8. All the improvements related to angled parking including the layout of the same shall be designed and constructed to the satisfaction of Traffic Engineering Division. The layout of angled parking on some or all of the above mentioned segments may need to be changed to back-in angled parking. The determination in this regard will be made by Traffic Engineering Division at the time of implementation of angled parking.
- F9. All intersections will be assessed and if deemed appropriate will have Bulb-outs. Bulb-outs will be installed with each phase of the map in which said Bulb-outs are adjacent to.
- F10. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Traffic Engineering Division.
- F11. Form a Homeowner's Association with CC&R's for Lot A, all private streets and the islands within the private streets to be approved by the City. CC&R's shall be recorded assuring maintenance of all private streets, lights, sewer services, drop inlets, drain leads, landscaping, irrigation and noise barriers.

CITY UTILITIES

- F12. Only one domestic water service is required per parcel except for the commercial parcels. Any new domestic water services shall be metered. Excess domestic water services shall be abandoned to the satisfaction of the Department of Utilities (DOU).
- F13. There are existing 6" and 8" water mains located within the project property north and south of D Street. These existing water mains shall be relocated to the street to the satisfaction of the DOU. The water main alignment will be determined prior to the offsite improvement plan submittal.
- F14. All condominium parcels are required to have a separate water tap from the public water main.
- F15. Prior to or concurrent with the submittal of improvement plans, a project specific water study is required for review and approval by the Department of Utilities. The water distribution system shall be designed to satisfy the more critical of the two following conditions: (1) at maximum day peak hour demand, the operating or

"residual" pressure at all water service connections shall be a least 30 pounds per square inch and (2) at average maximum day demand plus fire flow, the operating or "residual" pressure in the area of the fire shall not be less than 20 pounds per square inch. The water study shall determine if the existing and proposed water distribution system is adequate to supply fire flow demands for the project. A water supply test is required for this project. Contact the Department of Utilities for the pressure boundary conditions to be used in the water study.

- F16. Private streets with two City maintained water, drainage or sewer facilities shall have a minimum paved AC (asphalt concrete) width of 22-feet from edge of pavement to edge of pavement. No other utilities will be allowed within this 22-foot section. Drain inlets, curb and gutter shall be constructed to City Standards for residential streets.
- F17. Per City Code section 13.04.230, no permanent structure (including without limitation trash enclosures, garages, patios, concrete slabs, tool shed and similar structures) shall be constructed or placed on top of water, sewer or drainage pipelines or anywhere within the associated utility easements, unless approved by the director upon execution of a hold harmless agreement approved by the city attorney.
- F18. Common area landscaping shall have a minimum of one (1) separate tap from the public distribution system for a metered irrigation service.
- F19. Multiple fire services are allowed per parcel and may be required for the commercial lots.
- F20. An ownership association shall be formed and C.C. & R's shall be approved by the City and recorded assuring maintenance of private water, sewer and storm drainage facilities within the project. The onsite water, sewer and storm drainage systems shall be private systems maintained by the association.
- F21. Prior to the initiation of any water, sewer or storm drainage services to the project, the owner(s) and ownership association shall enter into a Utility Service Agreement with the City to receive such utility services at points of service designated by the Department of Utilities. Such agreement shall provide, among other requirements, for payment of all charges for the project's water and storm drainage services, shall authorize discontinuance of utility services at the City's point(s) of service in the event that all or any portion of such charges are not paid when and as required, shall require compliance with all relevant utility billing and maintenance requirements of the City, the Association will sub-meter in the future if required to do so by any law or regulation, and shall be in a form approved by the City Attorney.
- F22. Residential water taps and meters shall be sized per the City's Building Department on-site plumbing requirements (water taps and meters may need to be larger than 1-inch depending on the length of the house service, number of fixture units, etc.).

- F23. Show all existing easements on the improvement plan and final map. If there are no existing easement for the public water, sewer or drainage system then a minimum of 15-feet of easement shall be dedicated to the satisfaction of the Department of Utilities.
- F24. The applicant shall enter into and record an Agreement for Conveyance of Easements with the City, in a form acceptable to the City Attorney, requiring that private easements be granted, as needed, for water, drainage and sewer at no cost at the time of sale or other conveyance of any parcel. A note stating the following shall be placed on the Final Map: "The lots created by this map shall be developed in accordance with recorded agreement for conveyance of easements in Book____, O.R. Page____."
- F25. This project is served by the Combined Sewer System (CSS). Therefore, the developer/property owner will be required to pay the Combined Sewer System Development Fee (per City Council Resolution 2005-162) prior to the issuance of any building permit. The impact to the CSS due to the Equivalent Single-Family Dwelling (ESD) unit is estimated to be 208 ESD. The Combined Sewer System fee at time of building permit is estimated to be \$488,992 plus any increases to the fee due to inflation and credit for existing sanitary sewer flows from the site. The fee will be used for improvements to the CSS.
- F26. There are existing combined sewer mains located within the project property north of D Street. The applicant is required to abandon the existing system and relocate the combined sewer system to the street to the satisfaction of the DOU. The sewer main alignment will be determined prior to the offsite improvement plan submittal.
- F27. The existing combined sewer mains may be at capacity. The applicant is required to do a sewer study to determine if the existing system has enough capacity for this project. If there is no capacity, then the applicant will be required to construct a sewer main extension within the public street to the closest trunk line (sewer main 18" or larger). The closest sewer trunk line is located in 13th Street.
- F28. Onsite sewer and drainage mains shall be a separate system.
- F29. A drainage study and shed map as described in Section 11.7 of the City Design and Procedures Manual may be required. This study and shed map shall be approved by the Department of Utilities. The 10-year and 100-year HGL's shall be shown on the improvement plans. Finished floor elevations shall be a minimum of 1.5 feet above the 100-year HGL and 1.7 feet above local controlling overland flow release elevation, whichever is higher. Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff. The drainage study shall include an overland flow release map for the proposed project. Based on the drainage study, onsite storage may be required.
- F30. Per City Code, the Subdivider may not develop the project in any way that obstructs,

impedes, or interferes with the natural flow of existing off-site drainage that crosses the property. The project shall construct the required public and/or private infrastructure to handle off-site runoff to the satisfaction of the Department of Utilities. If private infrastructure is constructed to handle off-site runoff, the applicant shall dedicate the required private easements and/or, at the discretion of the DOU, the applicant shall enter into and record an Agreement for Maintenance of Drainage with the City, in a form acceptable to the City Attorney.

- F31. The existing public utility running parallel and north of D Street shall be abandoned to the satisfaction of the Department of Utilities. The existing drainage and sewer main shall become private mains and be maintained by the property owner.
- F32. All lots shall be graded so that drainage does not cross property lines or private drainage easements shall be granted.
- F33. An onsite surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. All onsite systems shall be designed to the standard for private storm drainage systems (per Section 11.12 of the Design and Procedures Manual).
- F34. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. At a minimum, one-foot off-site contours within 100' of the project boundary are required (per Plate 2, page 3-7) of the City Design and Procedures Manual). No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.
- F35. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance will require the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.
- F36. This project will disturb greater than 1 acre of property, therefore the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained at www.swrcb.ca.gov/stormwtr/construction.html. The SWPPP will be reviewed by the Department of Utilities prior to issuing a grading permit or approval of improvement plans to assure that the following items are included: 1) vicinity map, 2) site map, 3) list of potential pollutant sources, 4) type and location of erosion and sediment BMPs, 5) name and phone number of person responsible for SWPPP, 6) signed certification page by property owner or authorized representative.

- F37. 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 this project is in the combined sewer system area, only source control measures are required for this project. Refer to the "Guidance Manual for On Site Stormwater Quality Design Manual" dated May 2007 for appropriate source control measures

SPECIAL DISTRICTS: Assessment Districts

- F38. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments.

PPDD: Parks

- F39. **Payment of In-lieu Park Fee:** Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall pay to City an in-lieu park fee in the amount determined under SCC §§16.64.040 and 16.64.050 equal to the value of land prescribed for dedication under 16.64.030 and not satisfied by dedication. (See Advisory Note)
- F40. **Maintenance District:** The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annex the project into an existing parks maintenance district. The applicant shall pay all city fees for formation of or annexation to a parks maintenance district. (Contact the Project Manager in the Special Districts Division of the Planning Department). In assessment districts, the cost of neighborhood park maintenance is equitably spread on the basis of special benefit. In special tax districts, the cost of neighborhood park maintenance is spread based upon the hearing report, which specifies the tax rate and method of apportionment.
- F41. **Private Facility Credits:** According to the Site Plan dated August 2008, the North Block (Lot A) and South Block (Lot B) is labeled as Private Plaza Space. City Code Chapter 16.64, Sections 16.64.100, 110 and 120 address granting of private recreation facility credits. The City may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned developments as defined in Section 11003 of the Business and Professions Code, condominiums as defined in Section 783 of the Civil Code, and other common interest developments. Such credit, if granted in acres, or comparable in lieu fees, shall not exceed twenty-five (25) percent of the dedication or fees, or both, otherwise required under this chapter and no more than five percent per category of open space or recreational facilities described in this Chapter under 16.64.100. Should the applicant elect to request City consideration of private facility credits, such request shall be made in writing and shall occur before recordation of the final map.

FIRE

- F42. All turning radii for fire access shall be designed as 35' inside and 55' outside.
- F43. Roads used for Fire Department access shall have an unobstructed width of not less than 20' and unobstructed vertical clearance of 13'6" or more.
- F44. Fire Apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. CFC 503.2.3
- F45. Provide the required fire hydrants in accordance with CFC 508 and Appendix C, Section C105.

G. The Special Permit to allow alternative ownership housing (condominiums) in the proposed General Commercial (C-2) and Multifamily (R-3A) zones **is approved** subject to the following conditions of approval:

- G1. The project shall comply with design review conditions of approval (DR07-283).
- G2. The project shall conform to the plans submitted. Any changes shall require additional review by Planning staff.
- G3. A photocell light fixture shall be provided on the building façade with the garage door. The fixture shall be of a type that automatically comes on at dusk and goes off at dawn. The fixture is subject to the review of Design Review staff.
- G4. A Homeowner's Association shall be established. A copy of the CC&Rs shall be provided to Planning staff, prior to occupancy. The CC&Rs shall require trash cans and recycling containers to be stored within the garage, rear yard, or courtyard and not lining the private streets. The CC&Rs will also indicate the Homeowner's Association is responsible for maintaining the operation of previously mentioned photocell lights along the private drives.
- G5. Air conditioning and mechanical equipment shall be appropriately screened to not be visible from any street view.
- G6. The interior garage space shall be usable by a vehicle.
- G7. The developer will provide current transit information with sales materials to buyers.
- G8. Historic Acorn lighting shall be provided along the subject site frontage. A minimum of three street lights per street frontage shall be provided or a minimum number to the satisfaction of the Electrical Services Division in the Department of Transportation.

FIRE

- G9. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.
- G10. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4
- G11. The furthest projection of the exterior wall of a building shall be accessible from within 150 ft of an approved Fire Department access road and water supply as measured by an unobstructed route around the exterior of the building. (North & East sides of the Artisans between the Railyard and Mills loft isn't meeting the requirement). (CFC 503.1.1)
- G12. Provide appropriate Knox access for site
- G13. Roads used for Fire Department access that are less than 28 feet in width shall be marked "No Parking Fire Lane" on both sides; roads less than 36 feet in width shall be marked on one side.
- G14. An automatic fire sprinkler system shall be installed in any portion of a building when the floor area of the building exceeds 3,599 square feet.
- G15. Locate and identify Fire Department Connections (FDCs) on address side of building no further than 50 feet and no closer than 15 feet from a fire hydrant.
- G16. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Fire control rooms shall be located within the building at a location approved by the Chief, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room. CFC 903.8
- G17. Provide at least 5' setback for second story bedroom windows to allow for fire ladder rescue operations. Provide clear access to buildings openings, free to landscaping and other obstructions. Exterior doors and openings required by this code or the Building Code shall be maintained readily accessible for emergency access by the Fire Department. CFC 504.1

REGIONAL TRANSIT

- G18. Transit information shall be displayed in a prominent location in the residential sales/rental office, through a homeowner's association, or with real estate transactions, for employees and customers. Please contact Devra Selenis, Marketing Department at 916-556-0112 for more information.

G19. The applicant shall join the Sacramento Transportation Management Association.

I.&J. The **Special Permits** to allow a major project over 75,000 square feet and to exceed the height requirements of 35 feet in the proposed General Commercial (C-2) zone with a proposal of 45 feet for office **are approved** subject to the following conditions of approval:

DEVELOPMENT ENGINEERING

- IJ1. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Traffic Engineering Division. Improvements required shall be determined by the City. The City shall determine improvements required for each phase prior to Issuance of Building Permit for each phase. Any public improvement not specifically noted in these conditions shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Traffic Engineering Division.
- IJ2. 11th Street and D Street adjacent to the project shall be provided with on-street angled parking. Angled parking will be installed with each phase of the project in which said angled parking is adjacent to.
- IJ3. E Street adjacent to the project shall be evaluated for on-street angled parking. If angled parking is feasible the applicant shall work with the City towards the installation of said parking.
- IJ4. The project applicant shall install on-street angled parking at the following off-site locations to the satisfaction of the Traffic Engineering Division of the DOT:
 - a C Street between 11th Street and 12th Street
 - b D Street between 11th Street and 12th Street
 - c E Street between 11th Street and 12th Street

The installation of angled parking on these blocks shall be coordinated with phasing of onsite construction, i.e. installing angled parking on one block with each phase of the on-site construction. In the event the onsite construction is to be completed in less than three phases, the angled parking on all these three blocks shall be completed by no later than the last phase of the onsite construction.

If the City has already installed angled parking at these locations before the applicant has submitted the improvement plans then the applicant shall reimburse the City the costs for the installation of the said angled parking at \$6,000 per block (total \$18,000). The subject reimbursement shall be made prior to building permit

for each phase of the on-site construction.

The determination regarding timing and need for implementation of the subject angled parking by the City will be made by Traffic Engineering Division depending on the extent of potential delay in development of the proposed project and the parking need within the area.

- IJ5. All the improvements related to angled parking including the layout of the same shall be designed and constructed to the satisfaction of Traffic Engineering Division. The layout of angled parking on some or all of the above mentioned segments may need to be changed to back-in angled parking. The determination in this regard will be made by Traffic Engineering Division at the time of implementation of angled parking.
- IJ6. All intersections will be assessed and if deemed appropriate will have Bulb-outs. Bulb-outs will be installed with each phase of the map in which said Bulb-outs are adjacent to.
- IJ7. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Traffic Engineering Division
- IJ8. The minimum throat distance for all site driveways shall be 20' (throat distance is that distance a vehicle can move from the public right-of-way into a given site before encountering a conflict with parking stalls, aisles, etc).
- IJ9. The site plan shall conform to A.D.A. requirements in all respects.
- IJ10. The applicant shall record the Final Map, which creates the lot pattern shown on the proposed site plan prior to obtaining any Building Permits.
- IJ11. The design of walls fences and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Traffic Engineering Division.

DEPARTMENT OF TRANSPORTATION

- IJ12. The City is participating in a multi-agency committee that is developing a regional development impact fee for the I-5 corridor. The City will require the project, at the time building permits are obtained, to participate in the I-5 fee program that is in effect at the time building permits are approved.

ENVIRONMENTAL PLANNING

- IJ13. The project applicant/developer shall provide a plan for approval by the City, in consultation with SMAQMD, demonstrating that the heavy-duty (>50 horsepower), off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at the time of construction. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps, engine retrofit technology, after-treatment products, and/or such other options as become available.
- IJ14. The project applicant/developer shall submit to the City and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp, that will be used an aggregate of 40 or more hours during any portion of the project. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction operations occur. At least 48 hours before subject heavy-duty off-road equipment is used, the project representative shall provide the SMAQMD with the anticipated construction timeline including start date, and the name and phone number of the project manager and on-site foreman.
- IJ15. The project applicant/developer shall ensure that emissions from off-road, diesel-powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour, as determined by an on-site inspector trained in visual emissions assessment. Any equipment found to exceed 40 percent capacity (or Ringlemann 2.0) shall be repaired immediately, and the SMAQMD shall be notified of non-compliant equipment within 48 hours of identification. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of visual survey results shall be submitted throughout the duration of the construction project, except that the monthly summary shall not be required for any 30-day period in which no construction operations occur. The monthly summary shall include the quantity and type of vehicles surveyed, as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance.
- IJ16. The project applicant/developer shall, prior to occupancy, implement the measures identified in the Air Quality Management Plan submitted to SMAQMD on September 8, 2008 and endorsed by SMAQMD via a letter dated September 16, 2008.

K. The Special Permit to exceed the height requirements of 35 foot in the proposed Multifamily (R-3A) zone with a proposal of 39'3" for new residential condominium units **is approved** subject to the following conditions of approval:

- K1. The new condominium units on Lots 9-10 shall not exceed 40 feet (measured to the plate line) in height.

L. The Variance to allow recycling and trash enclosures to be located in required

setback areas **is approved** subject to the following conditions of approval:

- L1. The Solid Waste Manager shall approve a statement of recycling information for new development prior to the issuance of an occupancy permit. The applicant shall work with Solid Waste to determine the amount of recycling volume required, collection operations, and how to encourage recycling with users of the development.

M. The Variance to allow less than 50% tree shading for private driveways for the North and South Block **is approved** subject to the following conditions of approval:

- M1. The variance shall apply to the private driveway areas only. The parking lots and other areas of the site shall meet the tree shading requirement as required by the City Code.

URBAN FOREST SERVICES

- M2. The applicant shall install chain link protection fencing around all street trees not proposed for removal prior to any construction activity with a minimum enclosure per tree of 7 feet by 10 feet.
- M3. All proposed edge of driveway excavation inside the drip line of City or heritage trees is to be performed by hand or with a hydro vacuum under the direction of the project arborist.
- M4. During construction (including sidewalk replacement) no roots greater than 2" are to be cut prior to UFS inspection. Inspections can be scheduled by calling (916) 808-6345.
- M5. The applicant shall restore irrigation of street trees. Declining street trees which have been impacted by irrigation cut off should be removed and replaced and provided with an automated irrigation system per City standards. UFS will identify trees to be removed and replaced on a submitted plan that accurately depicts existing street tree locations.
- M6. The applicant shall work with Urban Forest Services to maximize large canopy tree planting where space is available. The applicant shall select species to the satisfaction of Urban Forest Services.
- M7. All trees shall be irrigated on a non-turf station by a minimum of two pop-up heads w/4' radius nozzles installed 40" to 50" from center trunk line. Other irrigation designs may be approved pending City Landscape Architecture department and UFS review.
- M8. All trees are to be planted in a gradual mound 2" to 3" above the surrounding grade and mulched with wood chips (playground fiber or coarser) to a depth of approximately 3". No turf, groundcover or shrubs will be planted within 4' of any tree trunk.

N. The Variance to allow office buildings to deviate from required setback/stepback is **approved** subject to the following conditions of approval:

URBAN FOREST SERVICES

- N1. The applicant shall be required to contract with an independent arborist to monitor construction activity and ensure compliance with City code as it pertains to tree protection. During building demolition several roots greater than 2" in diameter were torn off inside the drip line of a 36" diameter heritage tree. The applicant will be required to contract with an independent arborist to hand excavate the demolished area inside the drip line to inventory and cleanly cut damaged roots. All future demolition or excavation inside the drip line of City or heritage trees shall be carried out per UFS and project arborist direction.
- N2. The applicant shall work with UFS to provide proposed building wall cross sections to identify all pruning required to clear proposed building walls by 5 feet.
- N3. Underground tank removal and soil remediation along the north side of D Street will require the removal of two large street trees. The offsite landscape plan shall show two replacement trees installed per City standards.

ADVISORY NOTES:

The following advisory notes are informational in nature and are not a requirement of this project:

- A. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition.
- B. Prior Special consideration should be given during the design phase of a development project to address the benefits derived from the urban forest by installing, whenever possible, large shade trees and thereby increasing the shade canopy cover on residential lots and streets. Trees in the urban environment reduce air and noise pollution, furnish habitat for wildlife, provide energy saving shade and cooling, enhance aesthetics and property values, and contribute to community image and quality of life.
- C. The Developer shall be responsible for maintenance (weed abatement) of IOD Lot(s) until the time that the City records acceptance of the IOD.
- D. Many projects within the City of Sacramento require on-site booster pumps for fire suppression and domestic water systems. During the early planning stages of the project and prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure

and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site fire suppression system.

- E. The proposed project is located in the Flood zone designated as Shaded **X** zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the Shaded X zone, there are no requirements to elevate or flood proof.
- F. Employers should offer employees subsidized transit passes at 50% or greater discount.
- G. Develop a program to offer transit passes at a 50% or greater discount to new homeowners for a period of six months or more. Program shall be reviewed and approved by RT.
- H. Special consideration should be given during the design phase of a development project to address the benefits derived from the urban forest by installing, whenever possible, large shade trees and thereby increasing the shade canopy cover on residential lots and streets. Trees in the urban environment reduce air and noise pollution, furnish habitat for wildlife, provide energy saving shade and cooling, enhance aesthetics and property values, and contribute to community image and quality of life.
- I. The applicant is required to obtain City UFS tree permits before any City or Heritage trees are pruned or destroyed. Permit applications can be obtained by calling (916) 808-6345.
- J. The existing overhead lines north of D Street should be undergrounded. The applicant has indicated that these lines are off site and outside the scope of the project. UFS recommends undergrounding of these lines to help mitigate reduced tree canopy potential in other sections of the project.
- K. As per City Code, the applicant will be responsible to meet his/her obligations regarding:
 - a. Title 16, 16.64 Park Dedication / In Lieu (Quimby) Fees, due prior to approval of the final map. The Quimby requirement for this project is estimated at 2.0438 (net) acres, or **\$613,140** in in-lieu fee, or some combination of the two. This is based on 22 half-plex units and 195 multi-family residential units and an average land value of \$250,000 per acre for the Central City Planning Area. When an in-lieu fee is paid, the City adds an additional 20% for off-site park infrastructure improvements. The final fee is calculated using factors at the time of payment.

b. Title 18, 18.44 Park Development Impact Fee (PIF), due at the time of issuance of building permit. The Park Development Impact Fee due for this project is estimated at **\$698,077**. This is based on 22 half-plex units at \$3,667 per unit, 195 multi-family residential units at \$2,868 per unit; 24,274 square feet of retail, commercial space at \$0.34 per square foot, and 88,890 square feet of office space at the rate of \$0.46 per square foot. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit.

c. Community Facilities District 2002-02, Neighborhood Park Maintenance CFD Annexation

Police Advisories

- L. All handicapped, compact loading/unloading, and delivery parking spaces shall be clearly marked with pavement markings and appropriate signs.
- M. All exterior doors shall be adequately illuminated at all hours with their own light source.
- N. The perimeter of the site shall be fenced during construction.
- O. All alarm plans shall be approved by The Sacramento Police Department's Alarm Unit.
- P. Entry into the structure should be controlled by some type of card or digital access system with a restriction on the ability of a card or number code to, be reused until the original user's vehicle exits the structure.
- Q. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.
- R. All dumpsters must be kept locked.
- S. The applicant shall agree to a "good neighbor policy." The "good neighbor policy" shall require that if any significant problems arise and 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.

Exhibit A: Tentative Map

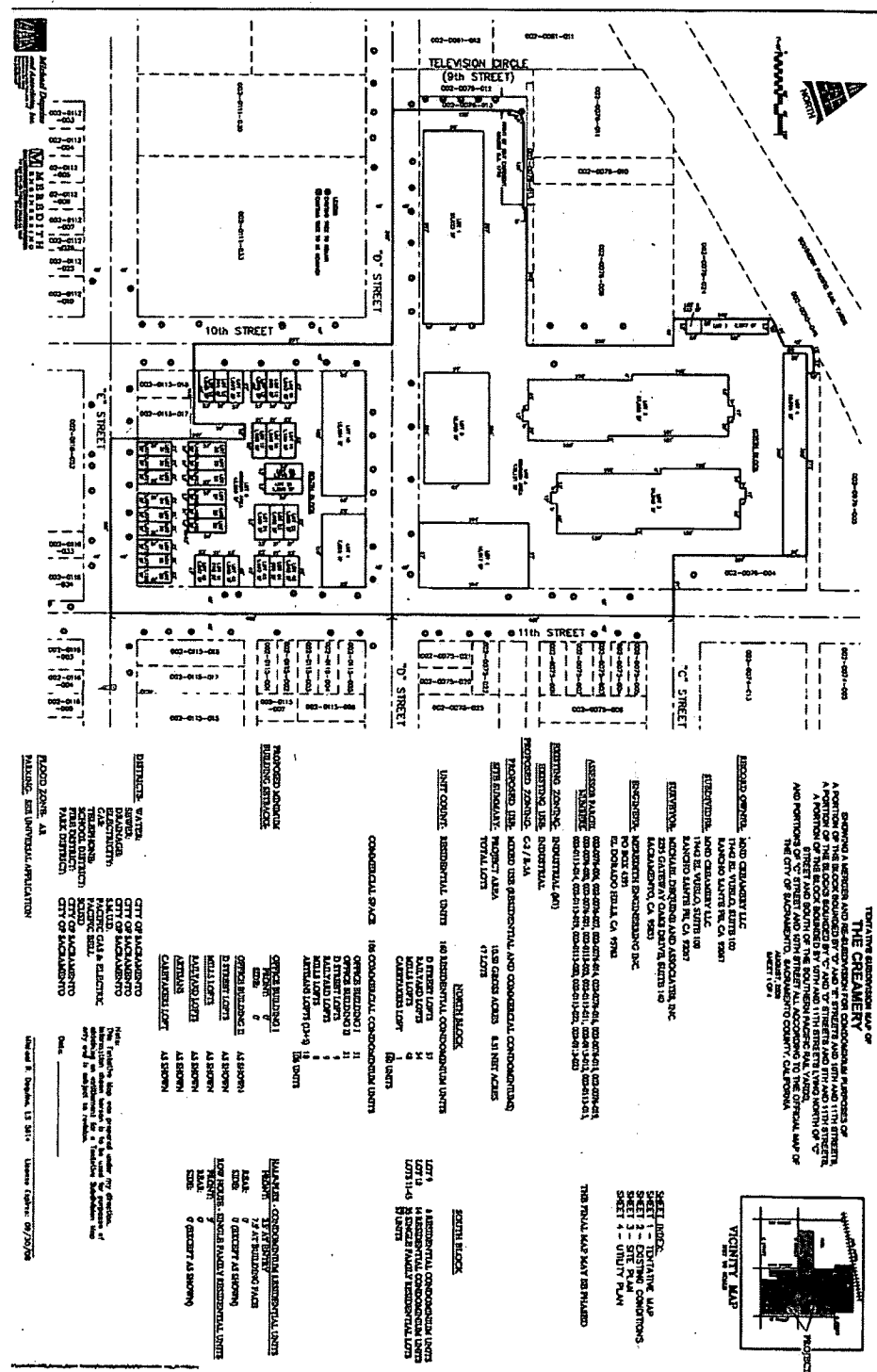


Exhibit B: Proposed Site Plan

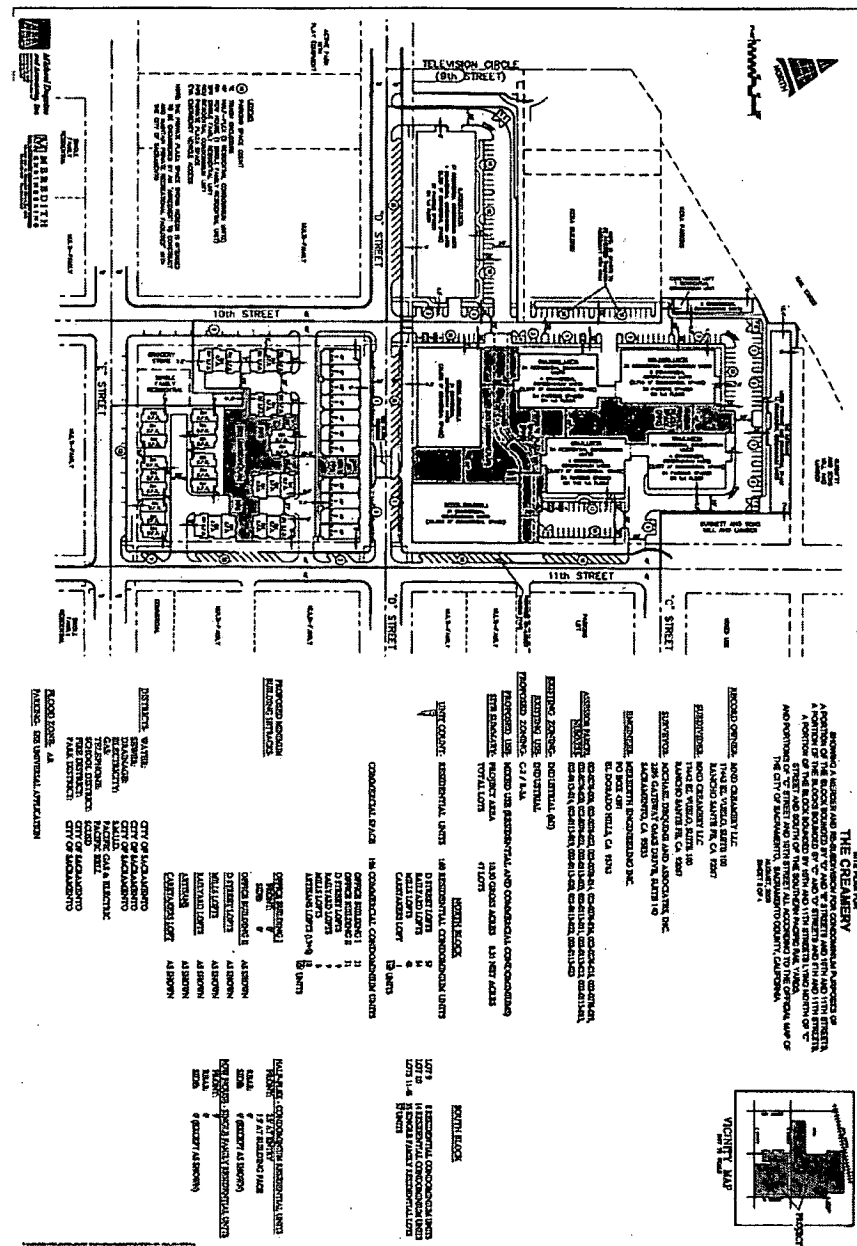


Exhibit C: Proposed Phasing of Project

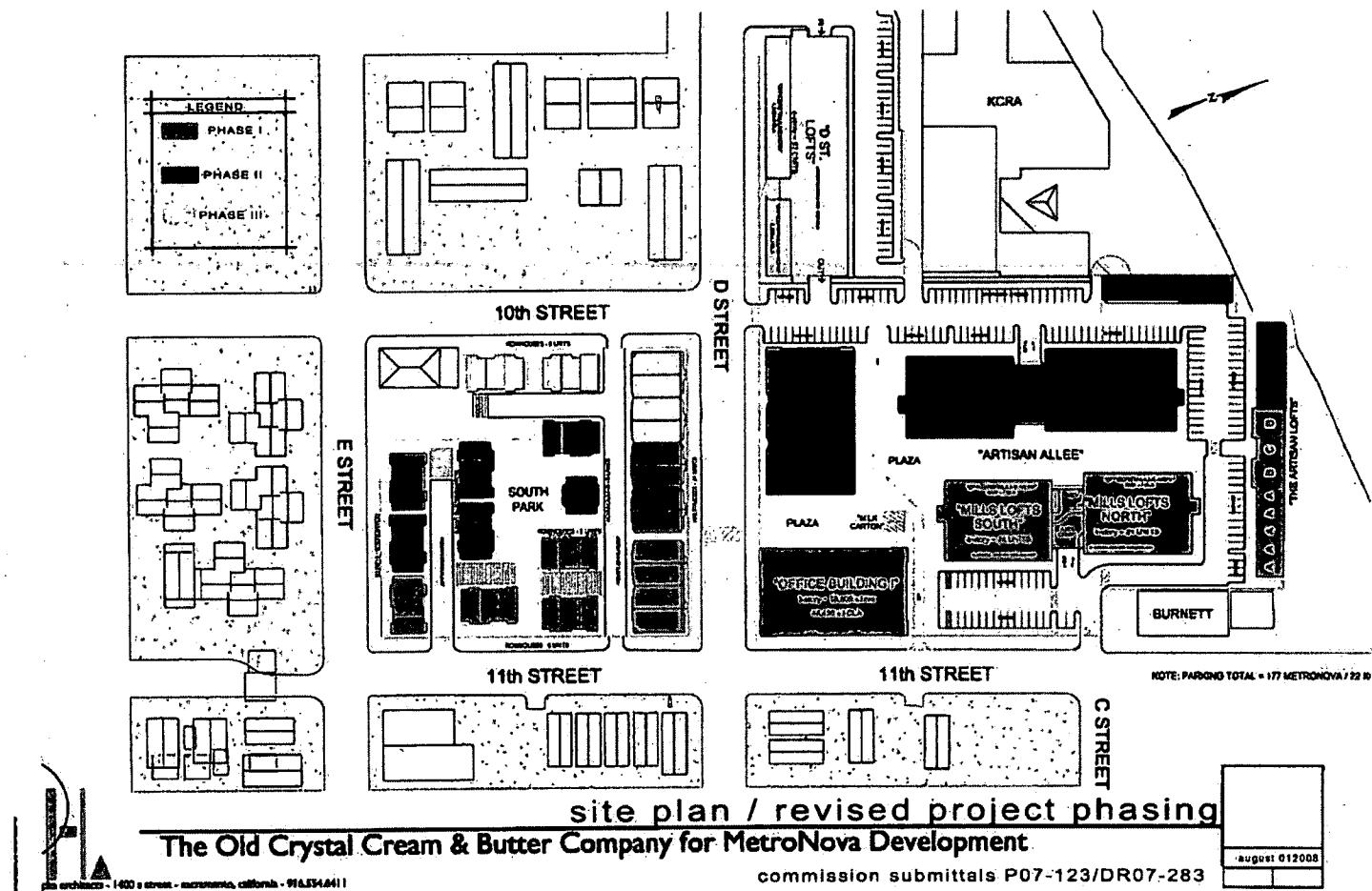
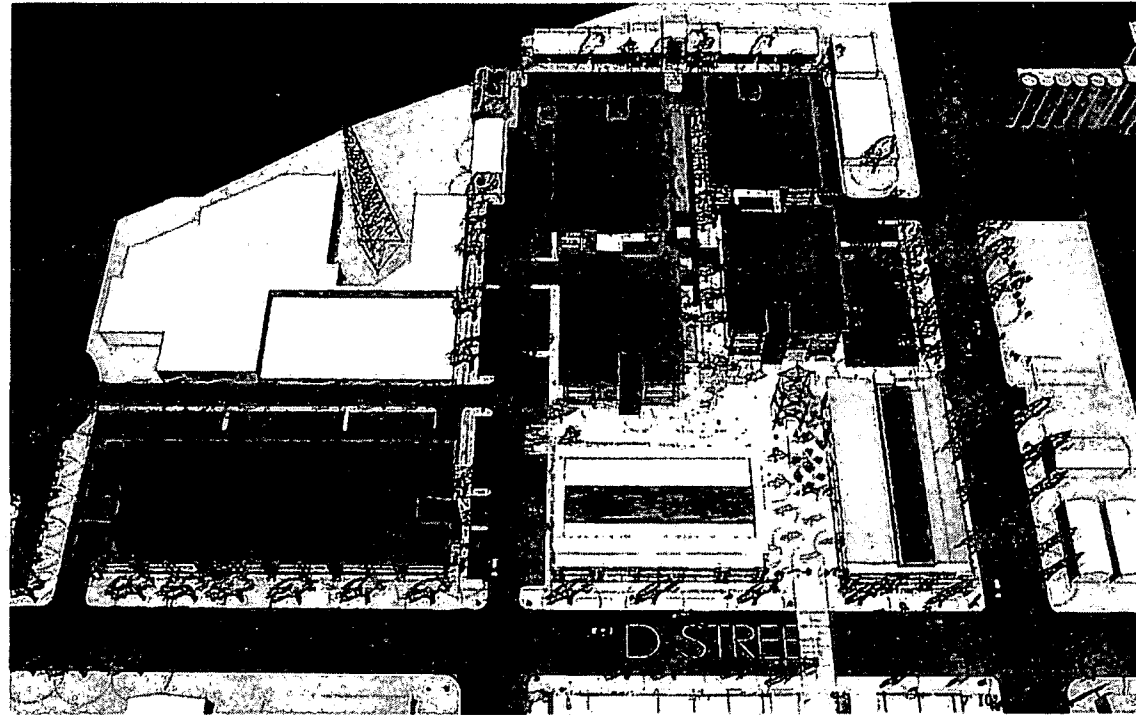


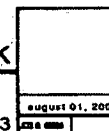
Exhibit D: Aerial of North Block



The Old Crystal Cream & Butter Company for MetroNova Development

aerial- north block

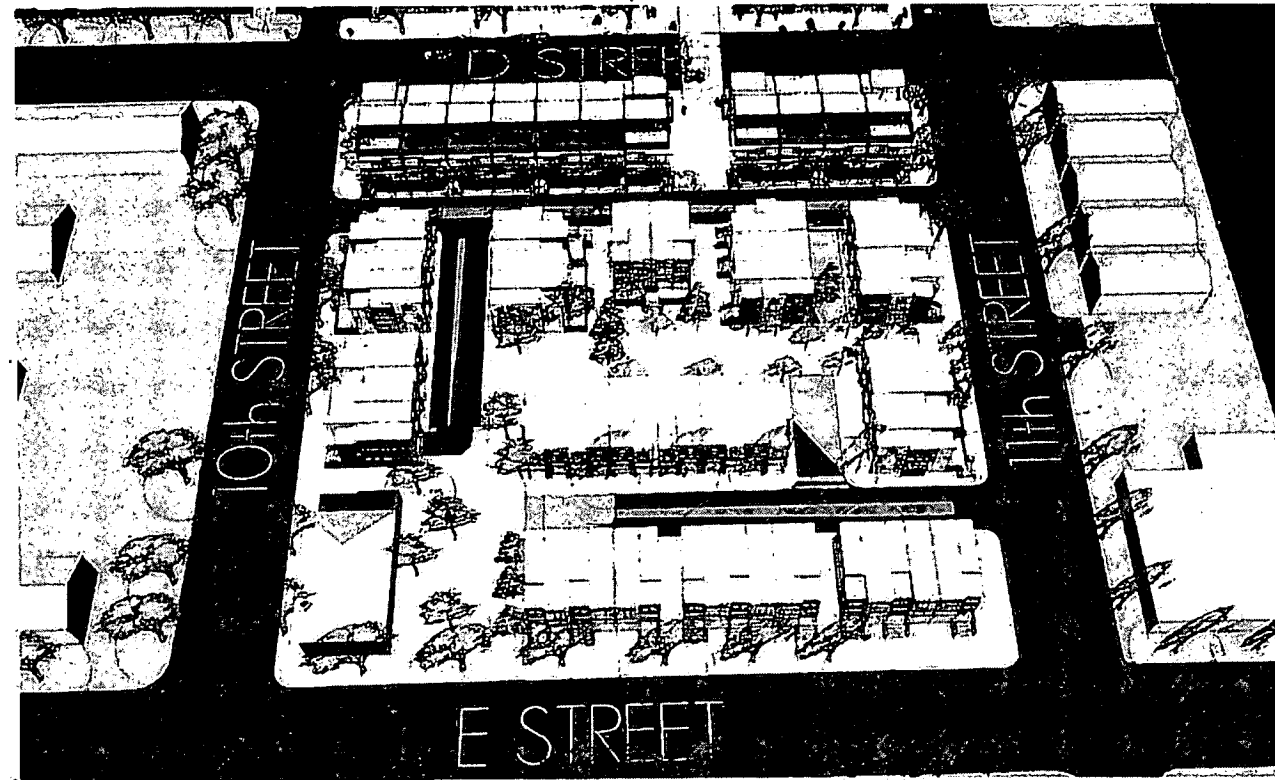
commission submittals P07-123/DR07-283



The Creamery (P07-123)

October 28, 2008

Exhibit E: Aerial of South Block

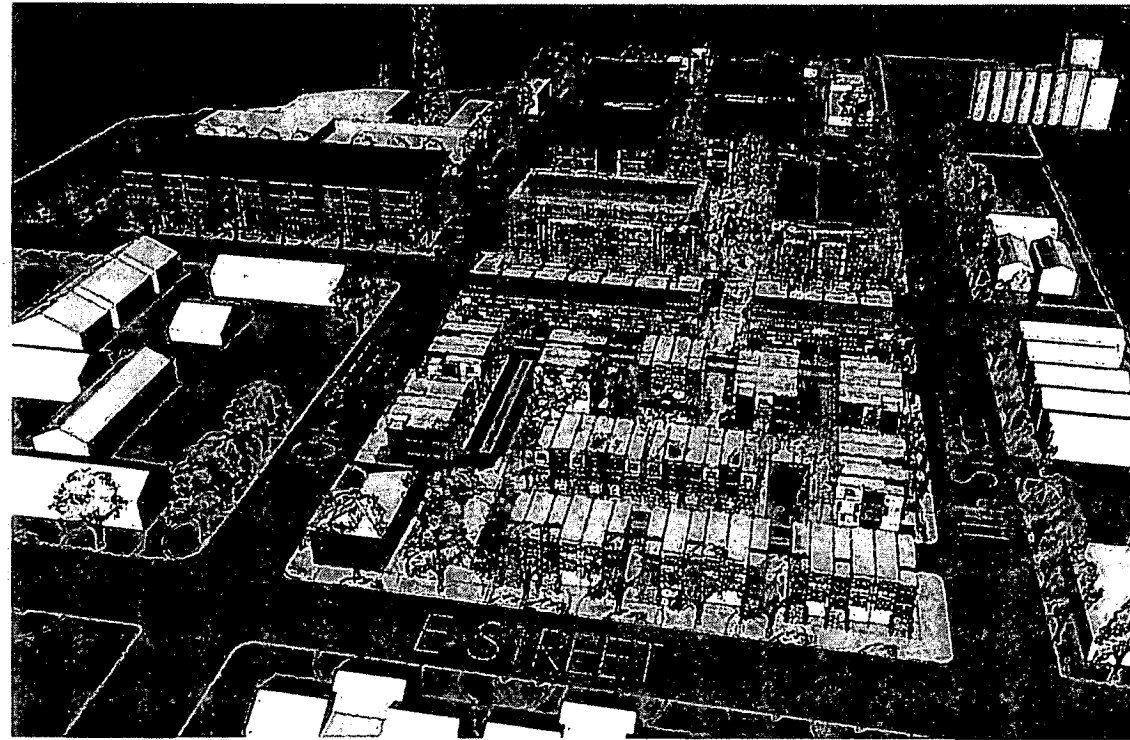


 **The Old Crystal Cream & Butter Company for MetroNova Development**
commission submittals P07-123/DR07-283

aerial south block

AUGUST 01, 2008	
CSA 000	

Exhibit F: Aerial Looking North



the creamery - 1400 s street - colorado, colorado - 815544411

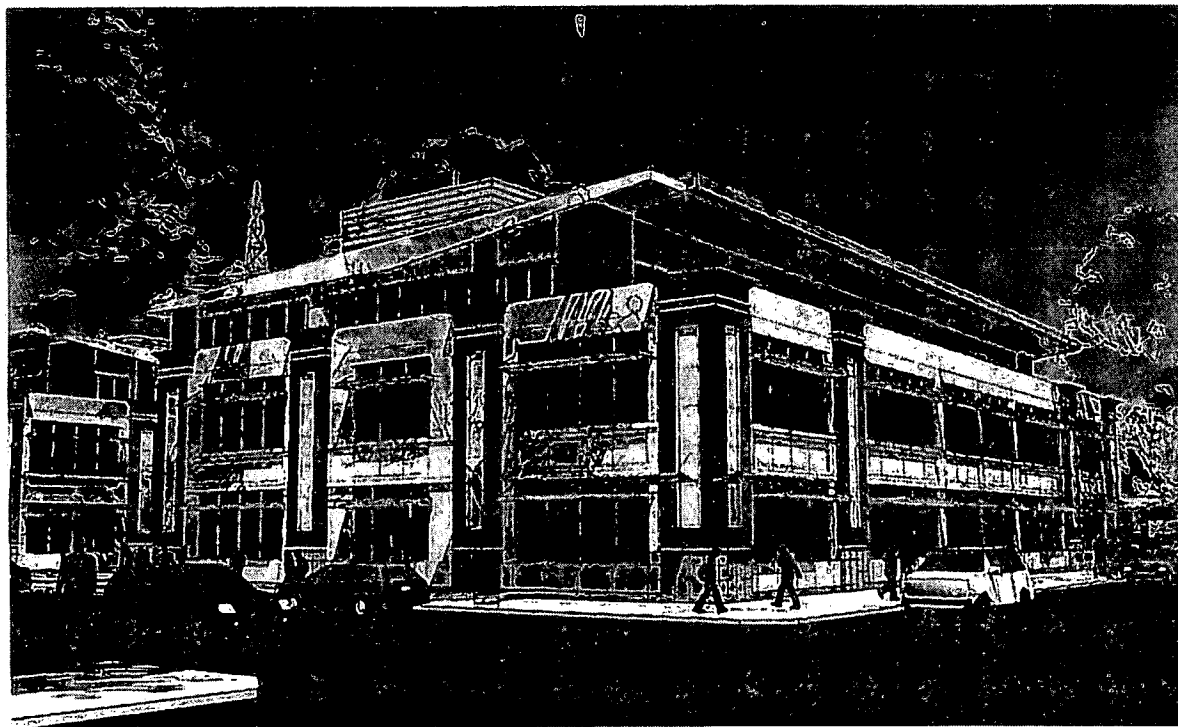
The Old Crystal Cream & Butter Company for MetroNova Development

aerial looking north

commission submittals P07-123/DR07-283

August 01, 2008	
DR 07-283	

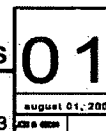
Exhibit G: Perspectives: North Block at 11th and D Streets



perspectives-north block @ 11th & D streets
The Old Crystal Cream & Butter Company for MetroNova Development

architects - 1400 S Street - Sacramento, California - 95834-4111

commission submittals P07-123/DR07-283



The Creamery (P07-123)

October 28, 2008

Exhibit H: Perspectives: North Block at Plaza



The Old Cream & Butter Company for MetroNova Development

architects - 1400 s street - sacramento, california - 916.54.6411

perspectives north block @ plaza

commission submittals P07-123/DR07-283

02
August 01, 2008
C&B 000

Exhibit I: Perspectives: North Block at Artisans Walk



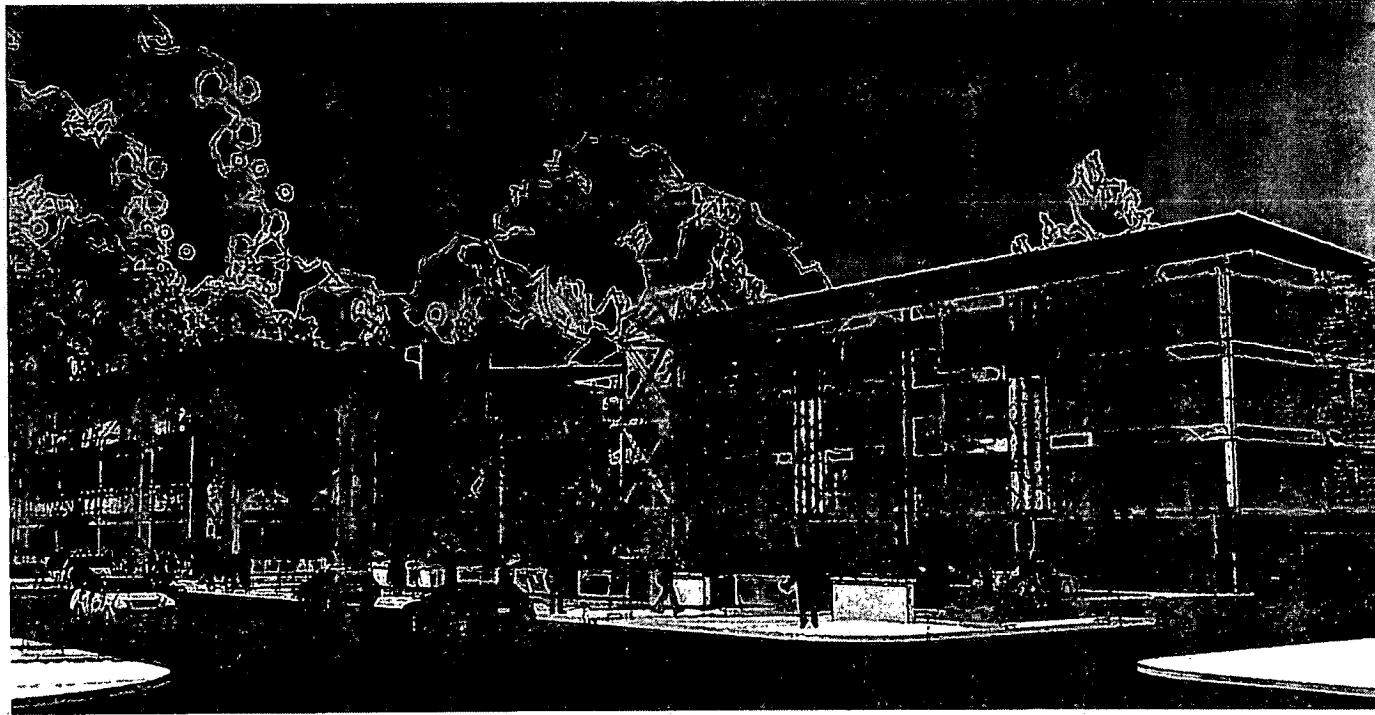
perspectives north block @ artisans walk
The Old Crystal Cream & Butter Company for MetroNova Development

for architects - 1-800-8-CREAM - creamery, cdb@creamery.com - 916.554.6411

commission submittals P07-123/DR07-283

03
August 01, 2008
CDB & CREM

Exhibit J: Perspectives: North Block at 11th and C Streets



perspectives north block @ C & 11th streets
The Old Crystal Cream & Butter Company for MetroNova Development

commission submittals P07-123/DR07-283

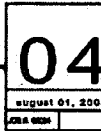


Exhibit K: Perspectives: North Block at Artisans Block



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perspectives north block @ artisans lofts

The Old Crystal Cream & Butter Company for MetroNova Development

commission submittals P07-123/DR07-283

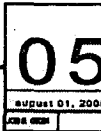


Exhibit L: Perspectives: North Block at 10th Street and Plaza



perspectives north block @ plaza & 10th street
The Old Crystal Cream & Butter Company for MetroNova Development

1400 N. 10th St. - Minneapolis, MN 55411

commission submittals P07-123/DR07-283

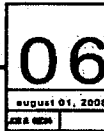
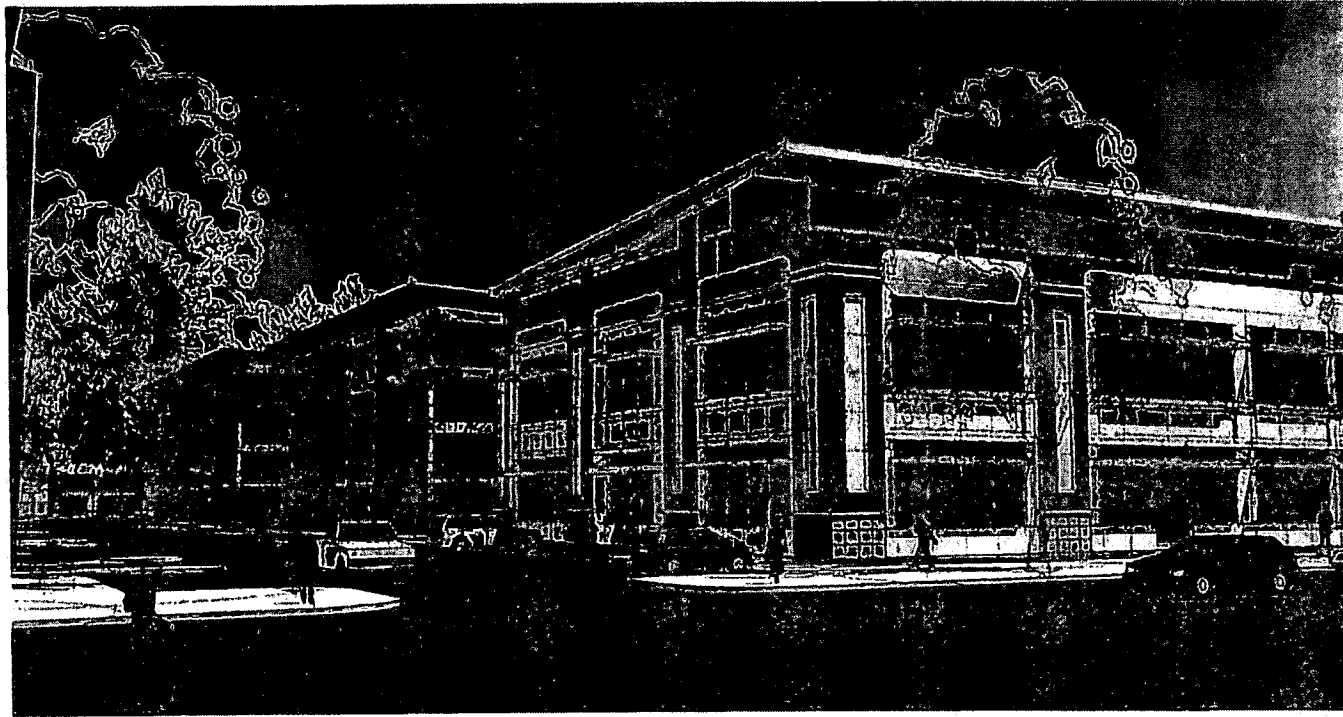


Exhibit M: Perspectives: North Block at 10th and D Streets



perspectives north block @ D & 10th streets
The Old Crystal Cream & Butter Company for MetroNova Development

1400 S. 10th St. - Sacramento, California - 95834-6411

commission submittals P07-123/DR07-283

07
August 01, 2008
JON A. HORN

Exhibit N: Perspectives: D Street Looking Southeast



perspectives-D street @ halfplex units
The Old Crystal Cream & Butter Company for MetroNova Development

the old crystal - 1400 s street - sacramento, california - 95834-6411

commission submittals P07-123/DR07-283

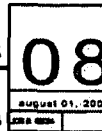


Exhibit O: Perspectives: South Block at D Street



perspectives-D street @ halfplex units
The Old Crystal Cream & Butter Company for MetroNova Development

for architect - 1400 S Street - Sacramento, California - 916.554.6411

commission submittals P07-123/DR07-283

08_a
August 01, 2008
C&B & C&B

Exhibit P: Perspectives: South Block at Halfplex Units and Rowhouses

The Old Crystal Cream & Butter Company for MetroNova Development
commission submittals P07-123/DR07-283

perspectives-D street @ halfplex units

08
August 01, 2008

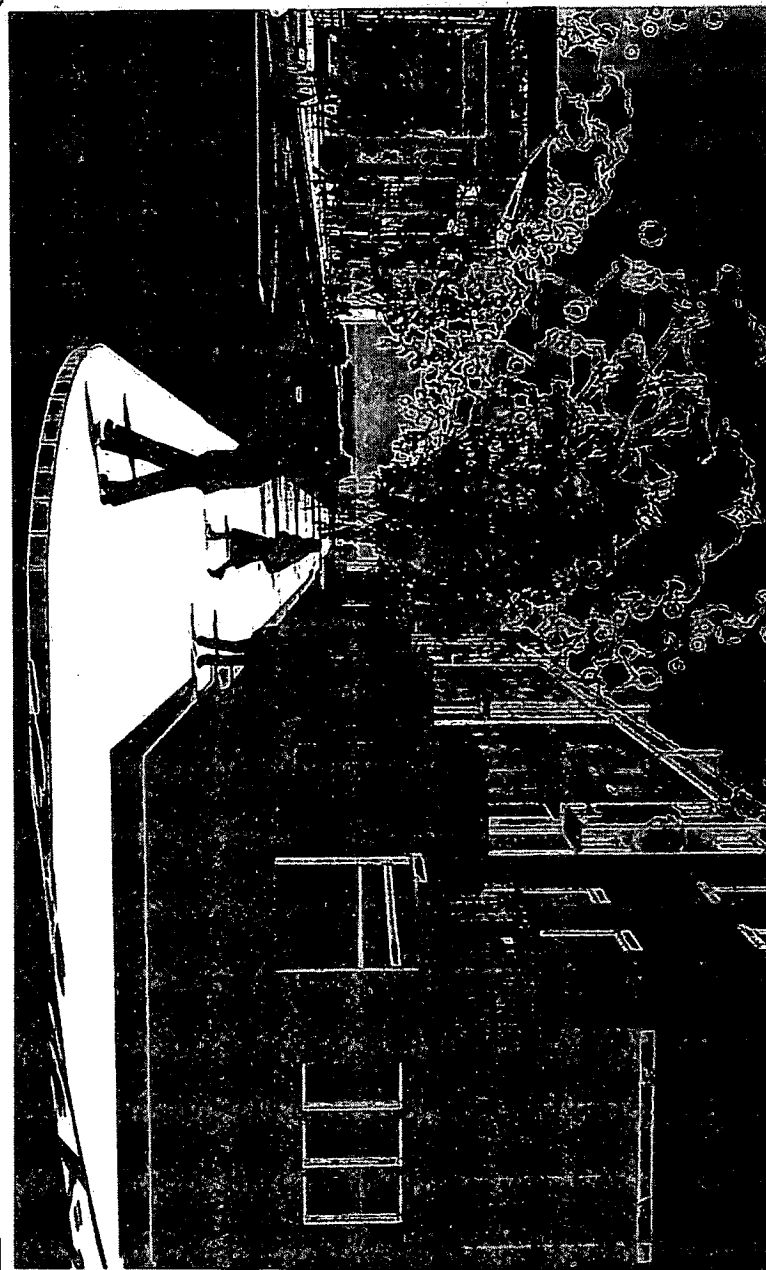


Exhibit Q: Perspectives: South Block at Open Space



perspectives south block @ halfplex units & rowhouses
The Old Crystal Cream & Butter Company for MetroNova Development

1400 a street - northside, north - 916.554.6111

commission submittals P07-123/DR07-283

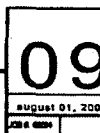


Exhibit R: Perspectives: South Block at 10th and E Streets



perspectives south block @ park space
The Old Crystal Cream & Butter Company for MetroNova Development

the architects - 1400 17th Ave - Sacramento, CA 95811 - 916.551.6111

commission submittals P07-123/DR07-283

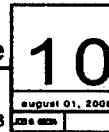
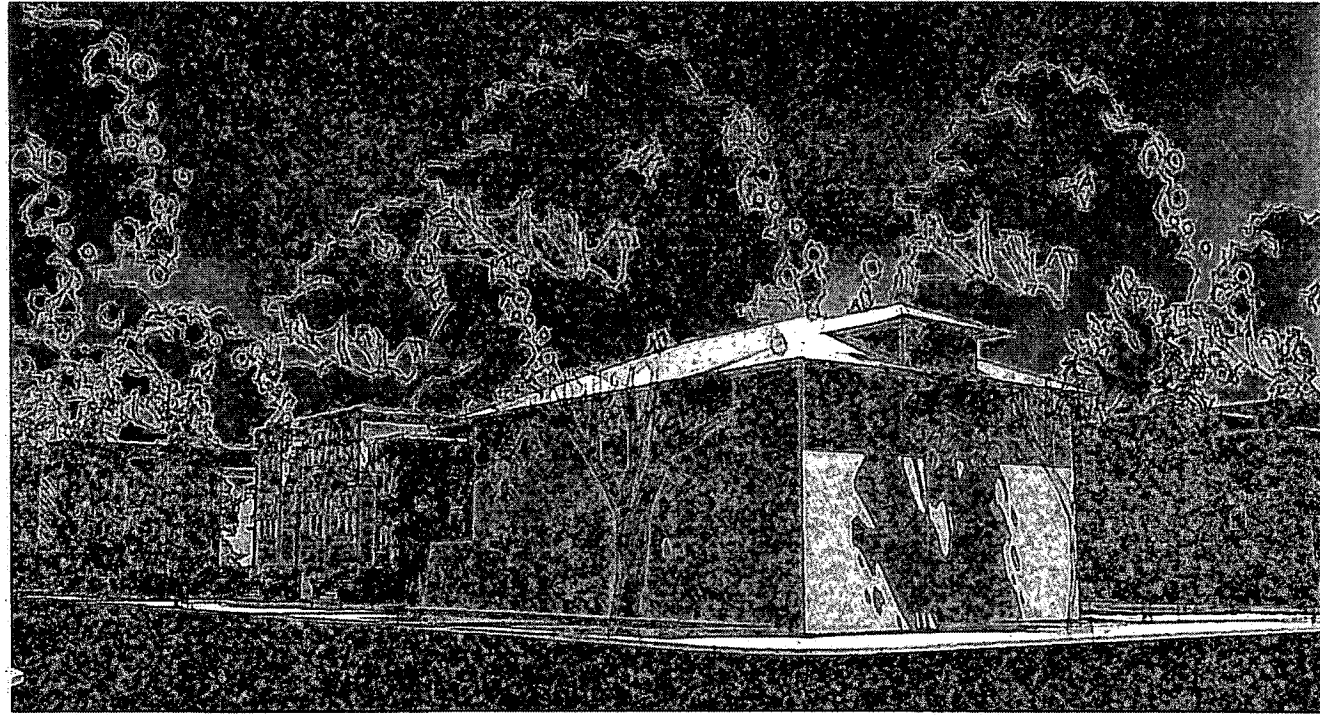


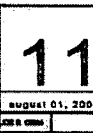
Exhibit S: Perspectives: South Block at 11th and E Streets



perspectives south block @ 10th & E streets
The Old Crystal Cream & Butter Company for MetroNova Development

architect: HKS + Kohn + Associates, LLC 914.554.4411

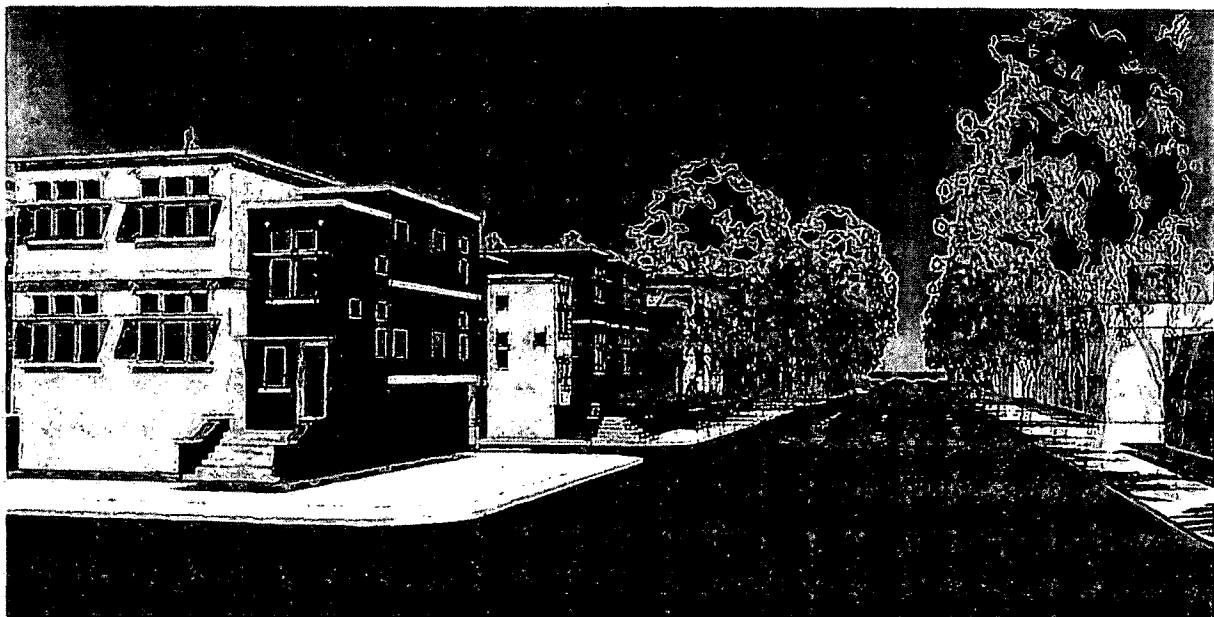
commission: submittals P07-123/DR07-283



11

August 01, 2008

Exhibit T: Perspectives: South Block at 11th Street and Open Space



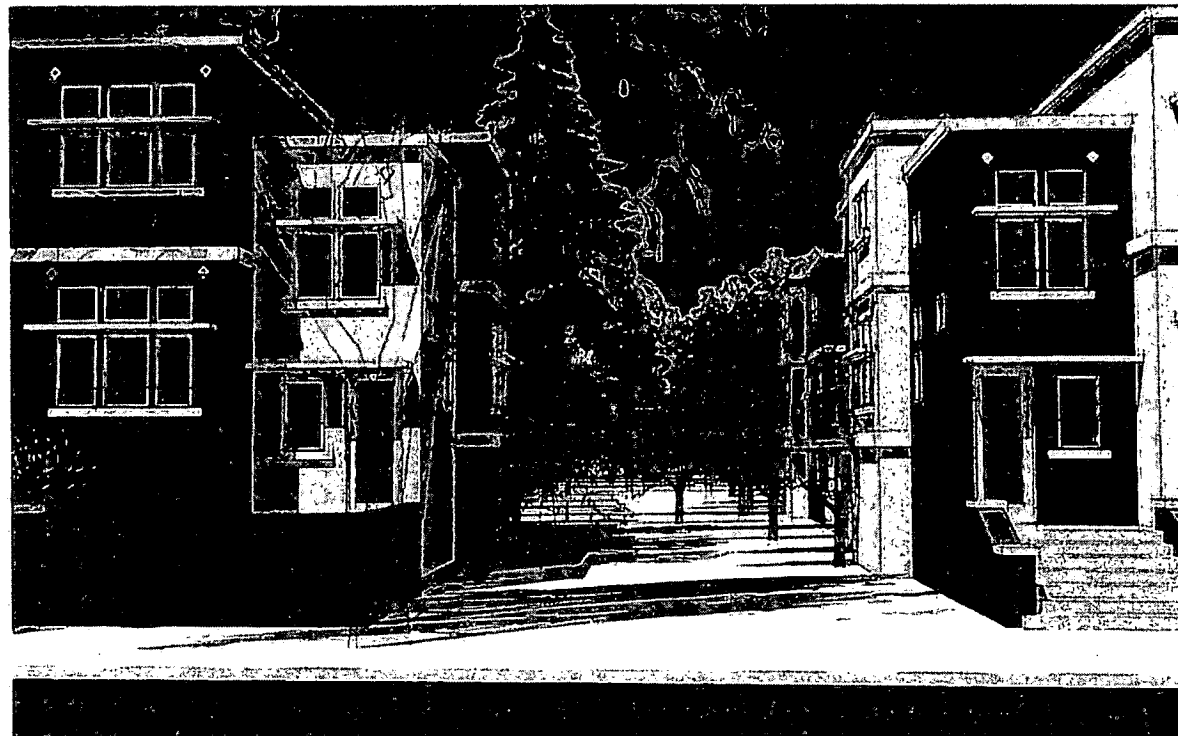
perspectives south block @ 11th & E streets
The Old Crystal Cream & Butter Company for MetroNova Development

THE ARCHITECTS - 1400 S. GAVIN - SACRAMENTO, CALIFORNIA - 9165546411

commission submittals P07-123/DR07-283

12
August 01, 2008
DRG 0001

Exhibit U: Perspectives: South Block at D Street Looking Southwest



perspectives south block @ 11th street & park space
The Old Crystal Cream & Butter Company for MetroNova Development

1400 S Street - Sacramento, California - 95834-4411

commission submittals P07-123/DR07-283

13
August 01, 2008
P07-123

The Creamery (P07-123)

October 28, 2008

Exhibit V: North Block: Rail Yard Loft Elevations



perspectives-D street @ halfplex units
The Old Crystal Cream & Butter Company for MetroNova Development

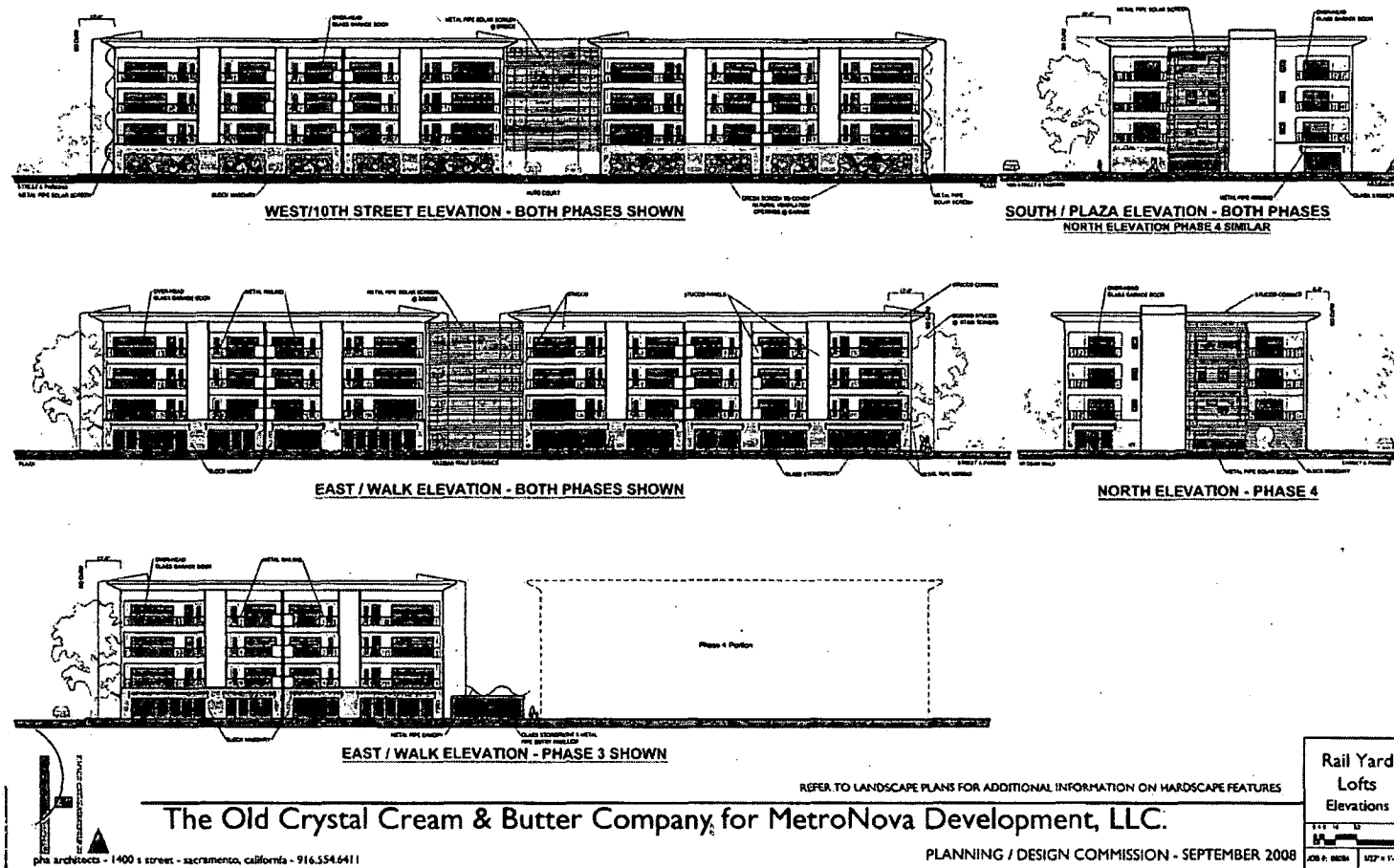
commission submittals P07-123/DR07-283

14
AUGUST 01, 2008

October 28, 2008

Exhibit W: North Block: Rail Yard Loft Building Plans

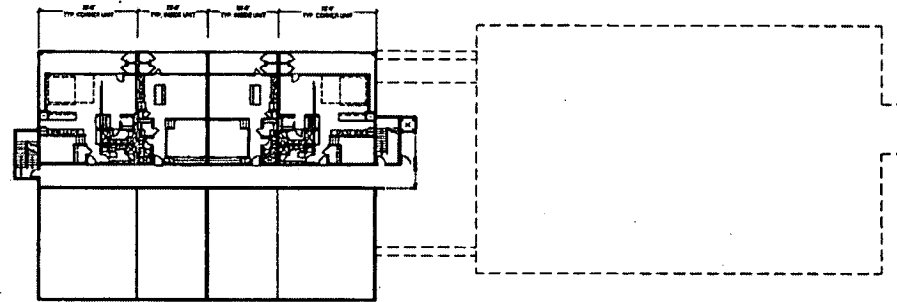
The Creamery (P07-123)



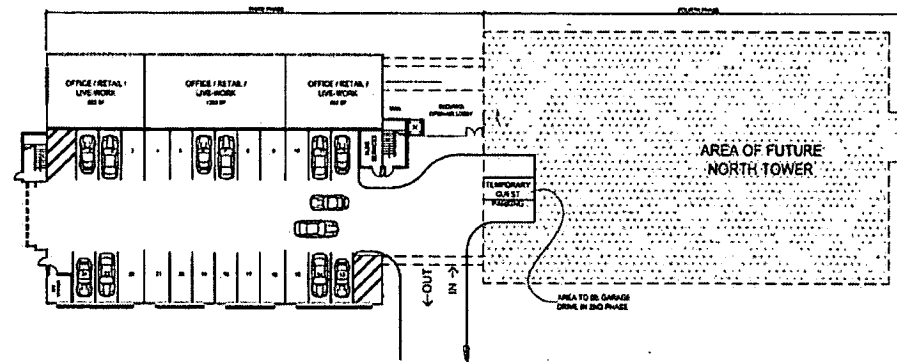
October 28, 2008

Exhibit X: North Block: Rail Yard Loft Phasing Plan

The Creamery (P07-123)



2nd - 4th FLOOR PLANS



GROUND FLOOR PLAN

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

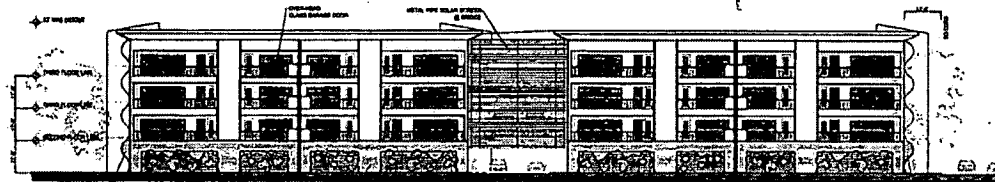
The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

PLANNING / DESIGN COMMISSION - SEPTEMBER 2008

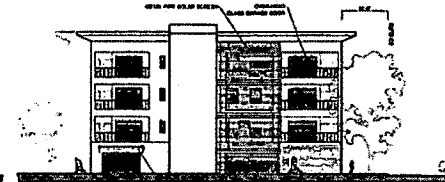


October 28, 2008

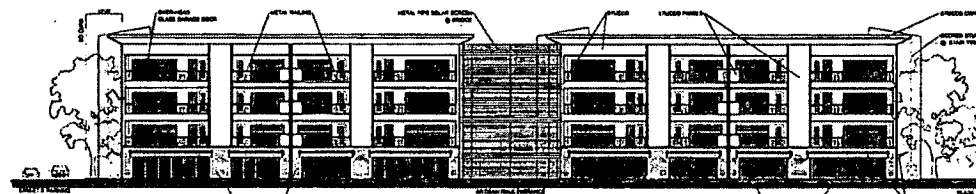
Exhibit Y: North Block: Mills Loft Elevations



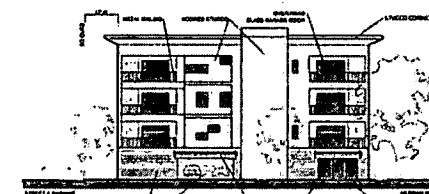
EAST/10TH STREET ELEVATION - BOTH PHASES SHOWN



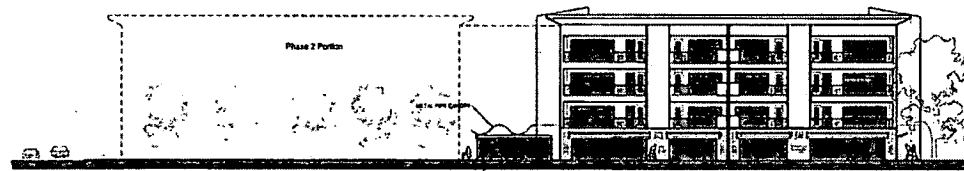
SOUTH/PLAZA ELEVATION - BOTH PHASES
NORTH ELEVATION PHASE 2 SIMILAR



WEST/WALK ELEVATION - BOTH PHASES SHOWN



NORTH ELEVATION - PHASE 1



WEST/WALK ELEVATION - PHASE 1 SHOWN



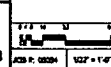
pha architects - 1400 s street - sacramento, california - 916.554.6411

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

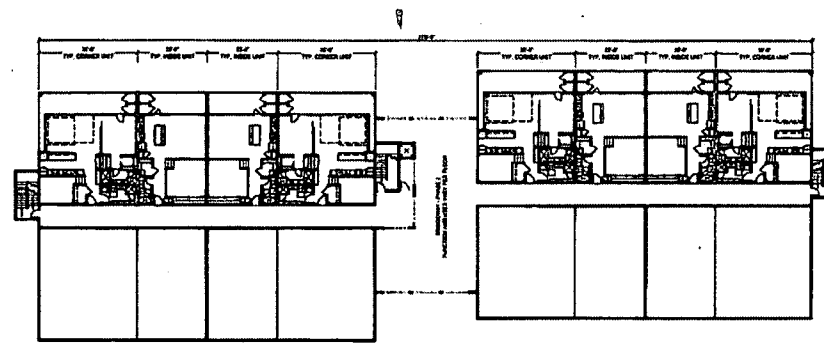
PLANNING / DESIGN COMMISSION - SEPTEMBER 2008

Mills Lofts
Elevations

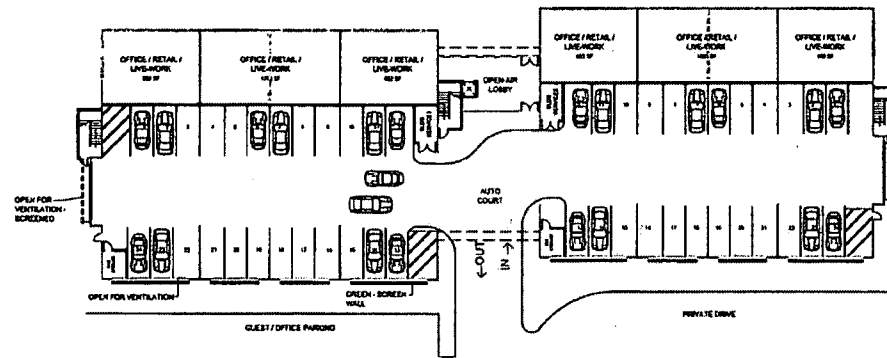


The Creamery (P07-123)

Exhibit Z: North Block: Mills Loft Building Plans



2nd - 4th FLOOR PLANS



GROUND FLOOR PLAN

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

PLANNING / DESIGN COMMISSION - SEPTEMBER 2008



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Exhibit AA: North Block: Mills Loft Phasing Plan

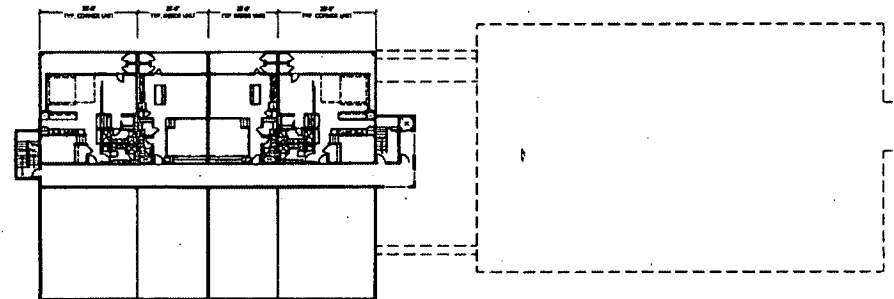


phs architects - 1400 s street - sacramento, california - 916.554.6411

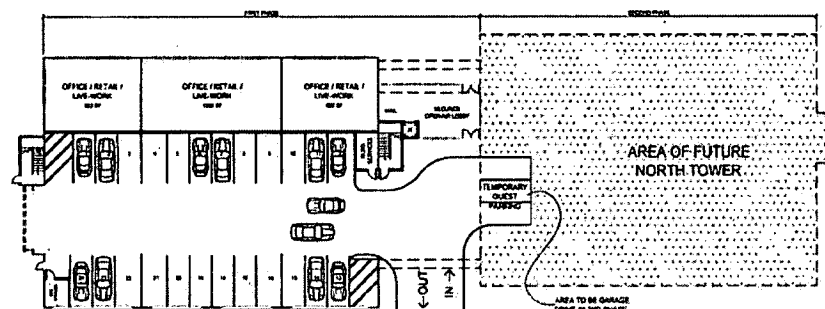
The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

PLANNING / DESIGN COMMISSION - SEPTEMBER 2008



2nd - 4th FLOOR PLANS



GROUND FLOOR PLAN

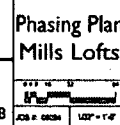
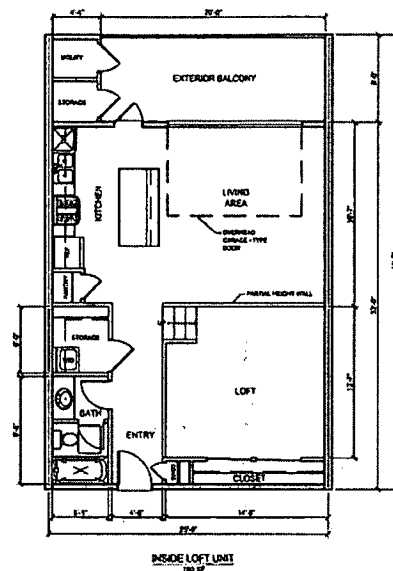
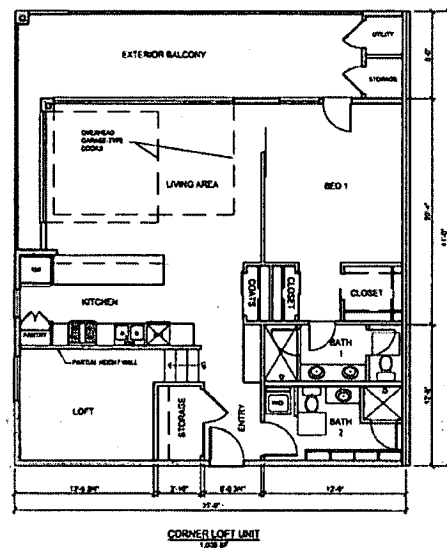


Exhibit BB: North Block: Rail Yard and Mills Loft Unit Plans



pha architects - 1400 s street - sacramento, california - 916.554.6411

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

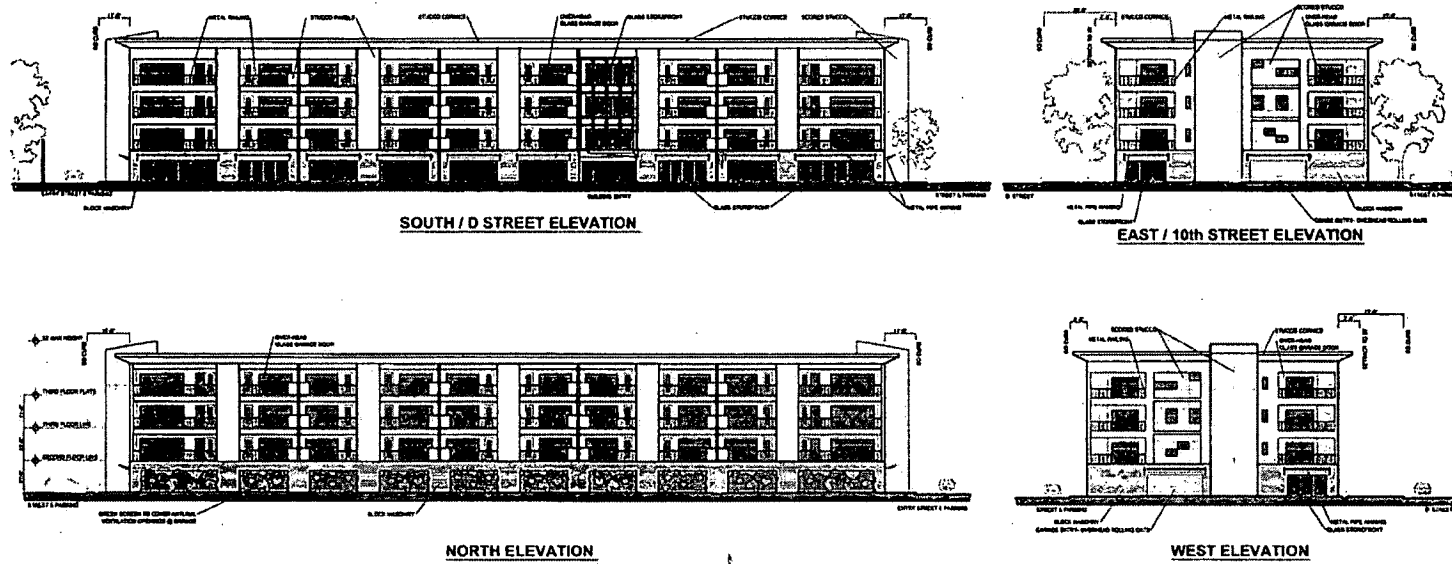
PLANNING / DESIGN COMMISSION - SEPTEMBER 2008



October 28, 2008

Exhibit CC: North Block: D Street Loft Elevations

The Creamery (P07-123)



pha architects - 1400 s street - sacramento, california - 916.554.6411

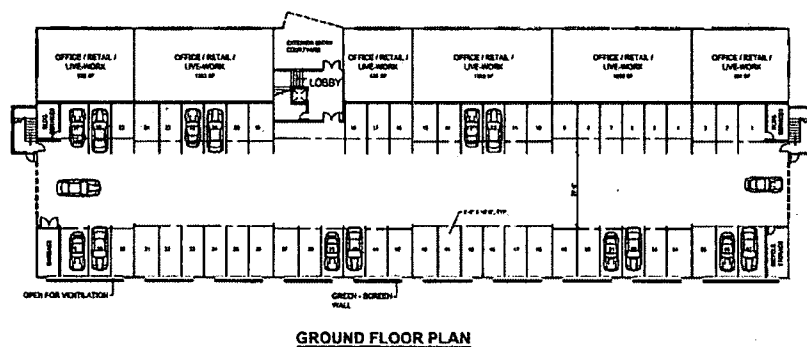
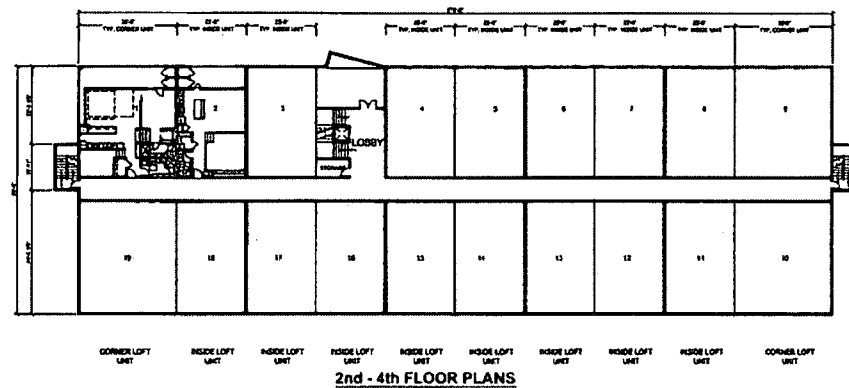
The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

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Exhibit DD: North Block: D Street Loft Building Plans



REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

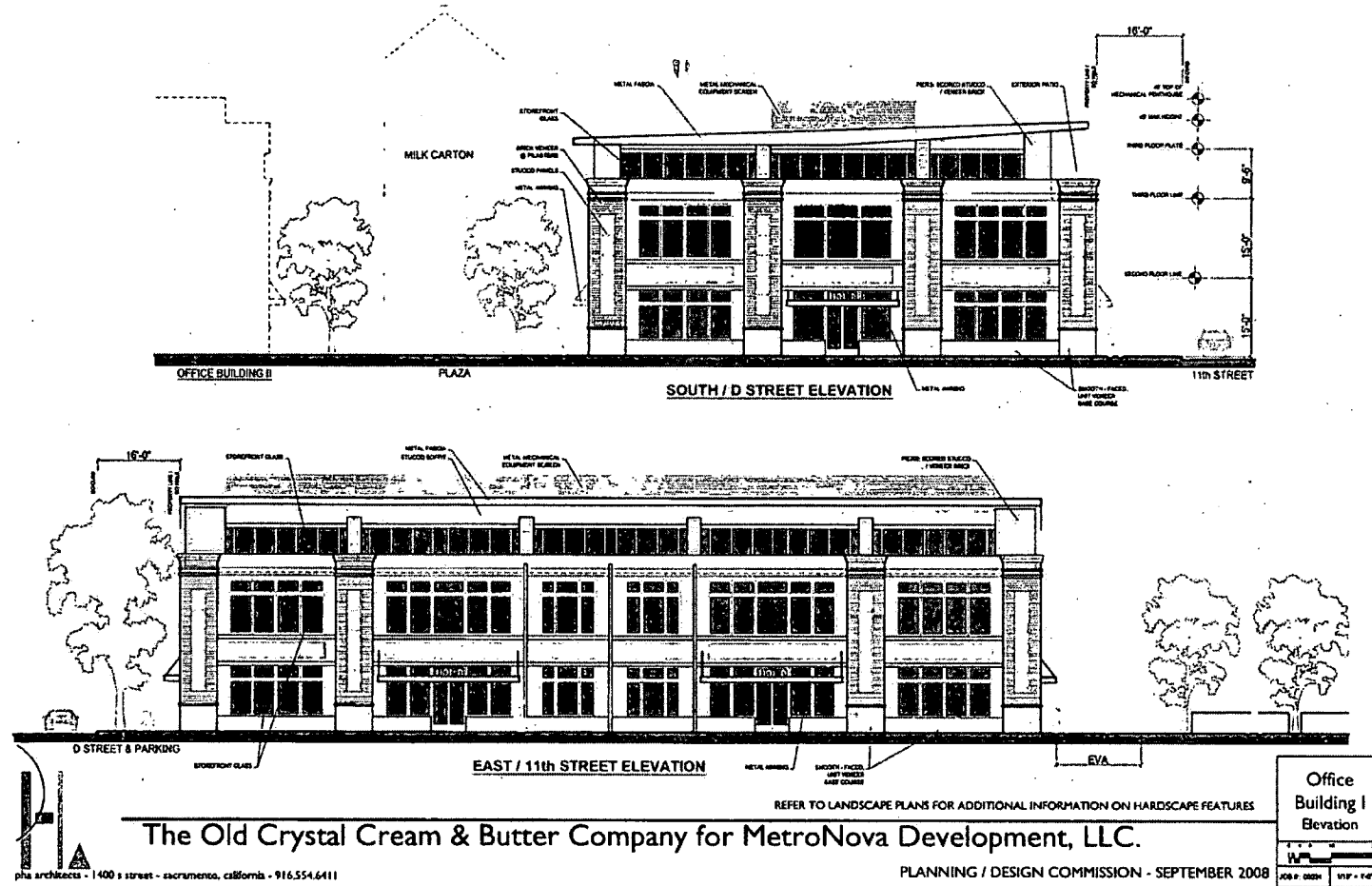
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1400 s street - sacramento, california - 916.554.6411

Exhibit EE: North Block: Office Building I Elevation (South and East)



October 28, 2008

The Creamery (P07-123)

Exhibit FF: North Block: Office Building I Elevation (North and West)

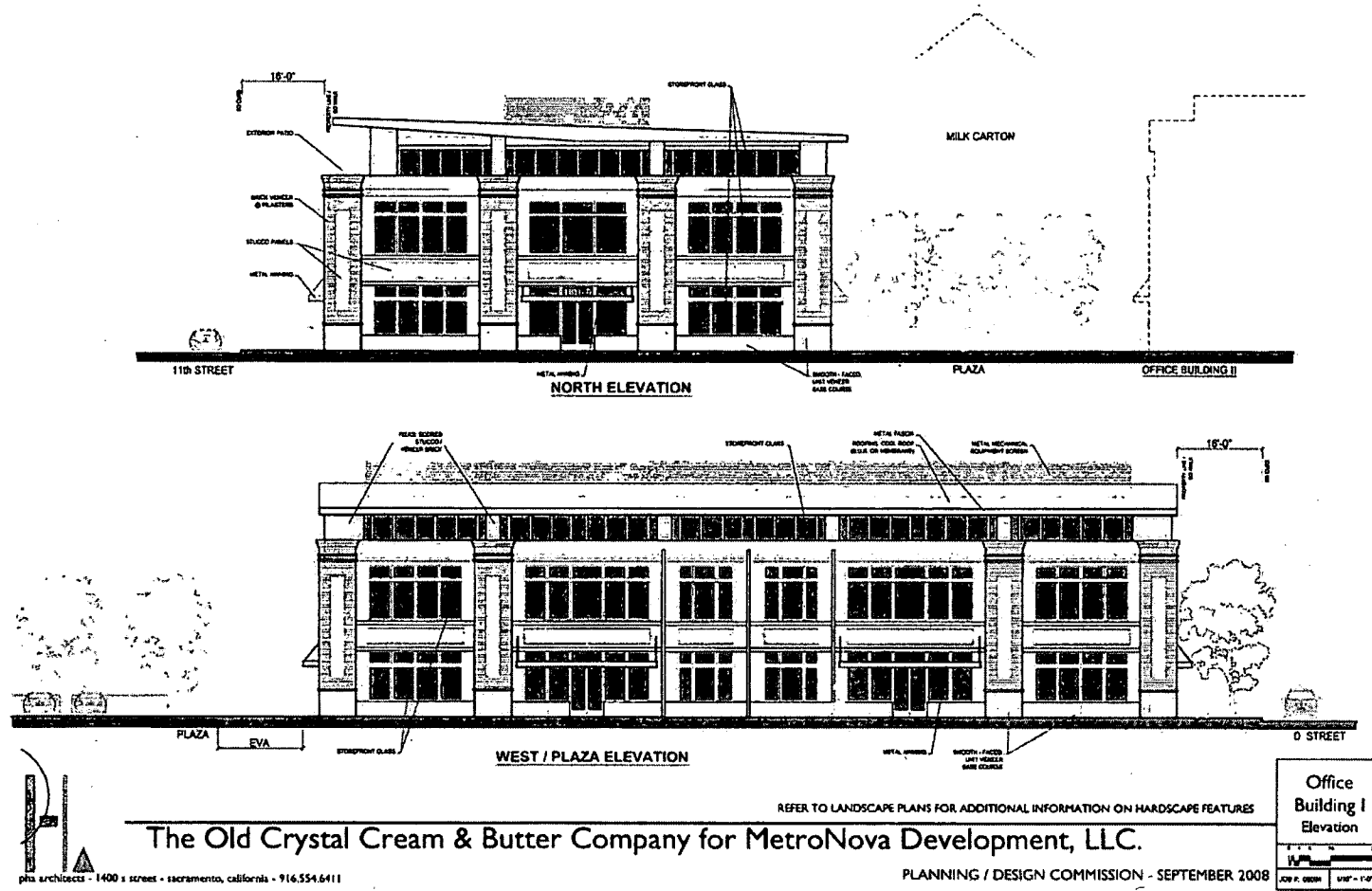


Exhibit GG: North Block: Office Building I First Floor Plan



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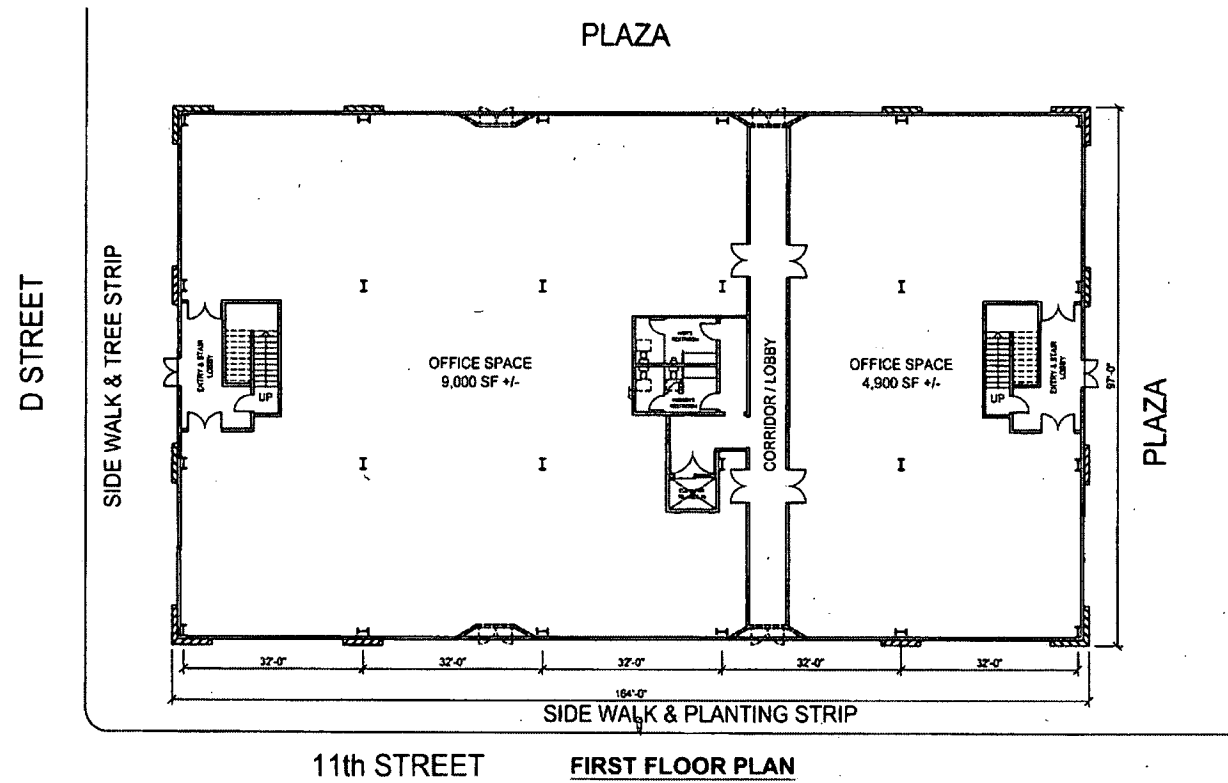
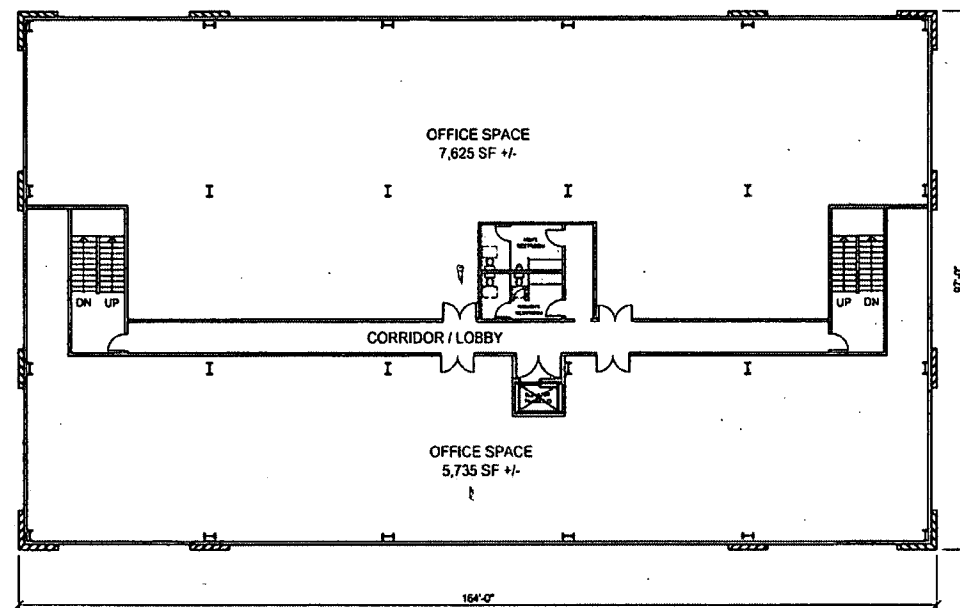


Exhibit HH: North Block: Office Building I Second Floor Plan



SECOND FLOOR PLAN



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Exhibit II: North Block: Office Building I Third Floor Plan

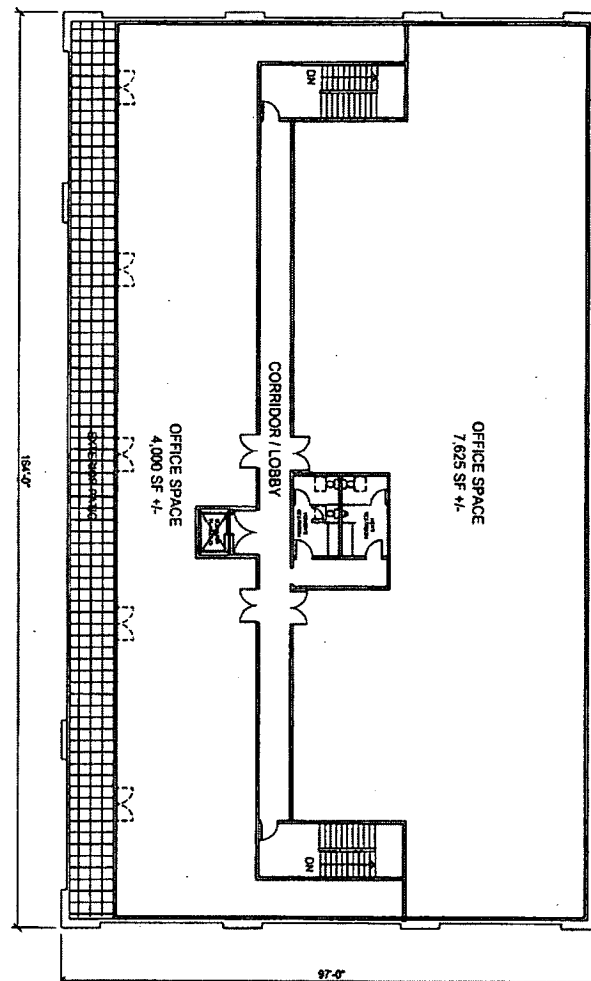


The Old Crystal Cream & Butter Company for MetroNova Development, LLC.
 CONTACT: info@metro-nova.com 916.554.6111
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Office
Building 1
3rd Floor

THIRD FLOOR PLAN



The Creamery (P07-123)

Exhibit JJ: North Block: Office Building II Elevation (West and South)



October 28, 2008

The Creamery (P07-123)

Exhibit KK: North Block: Office Building II Elevation (East and North)

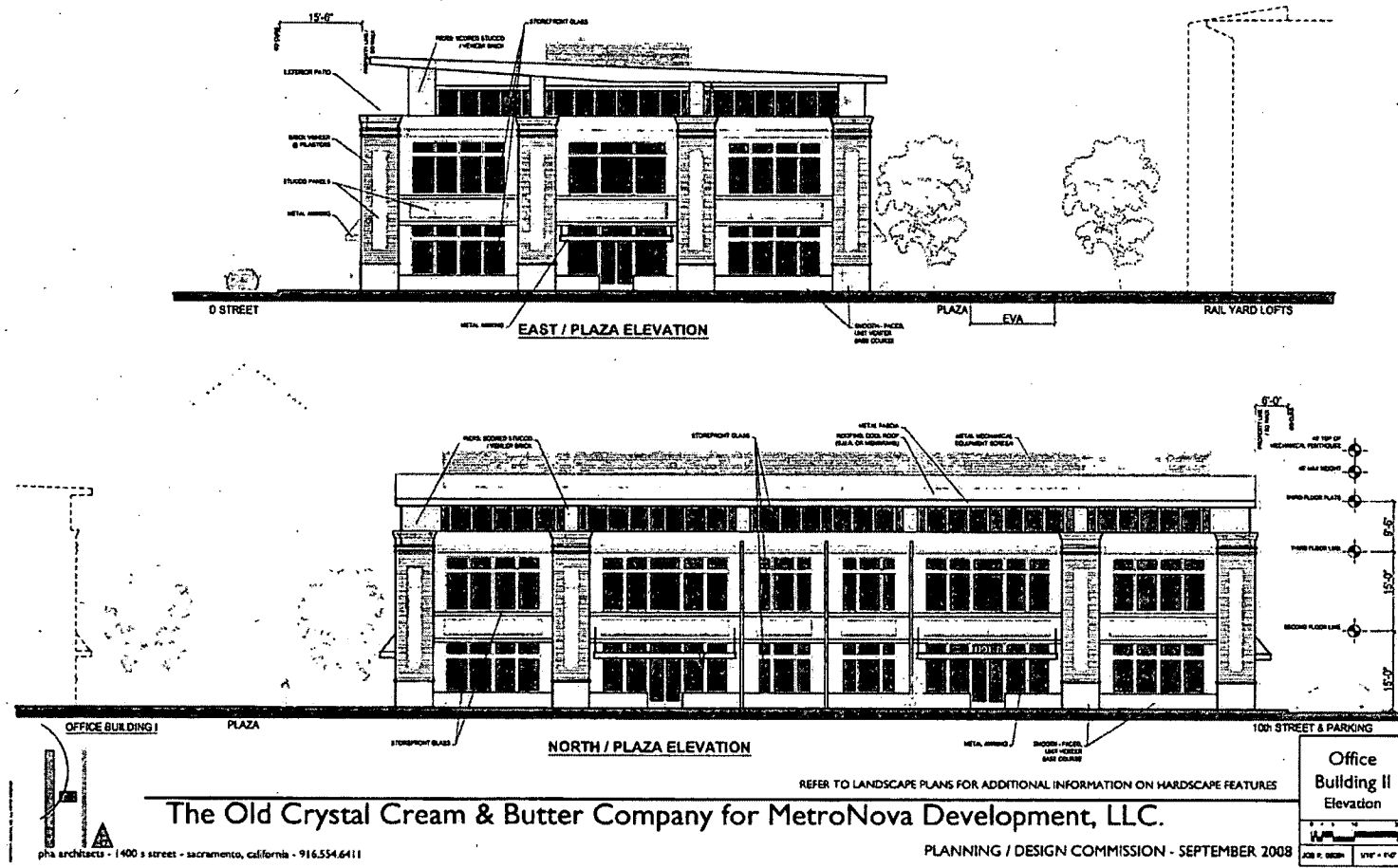
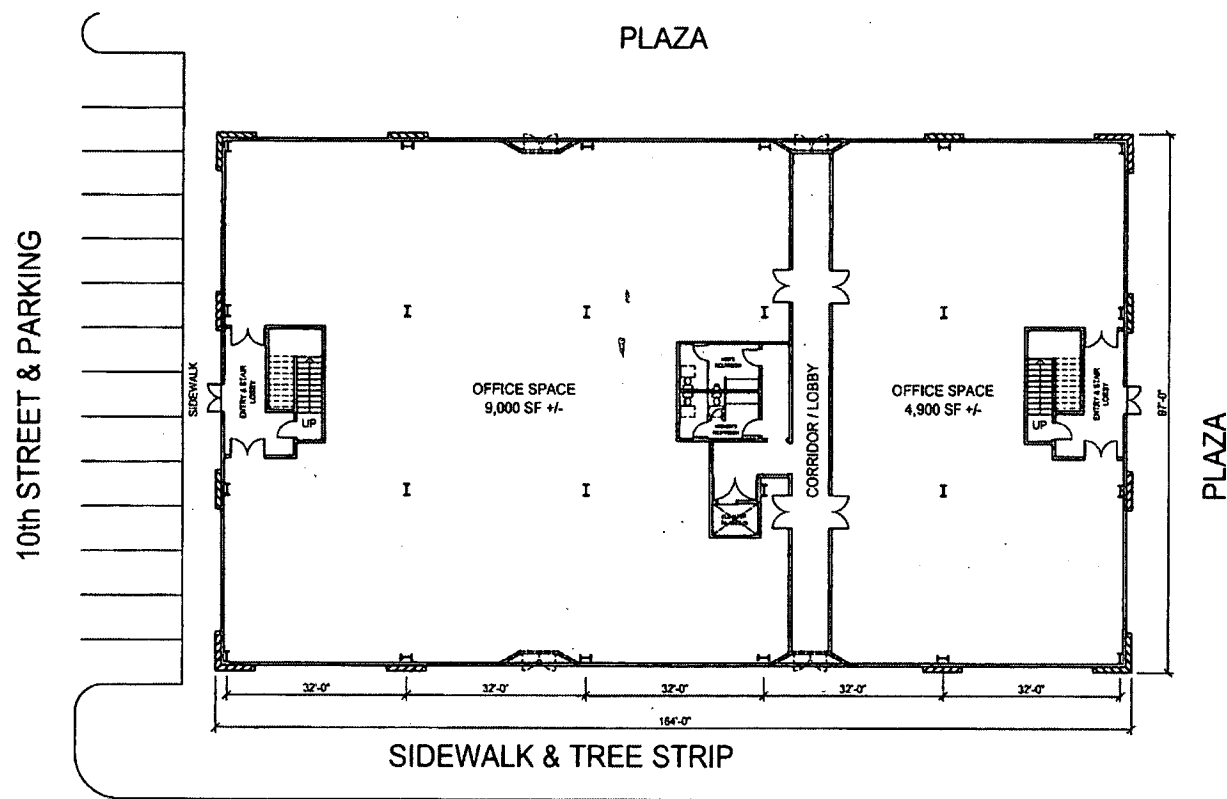


Exhibit LL: North Block: Office Building II First Floor Plan



D STREET

FIRST FLOOR PLAN

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

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Exhibit MM: North Block: Office Building II Second Floor Plan

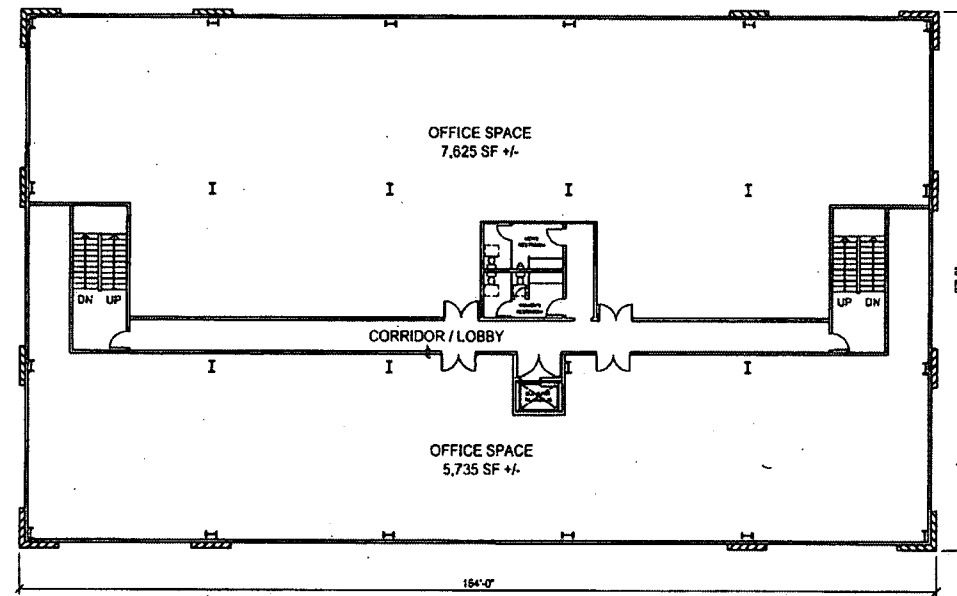


pta architects - 1400 s street - sacramento, california - 916.554.6411

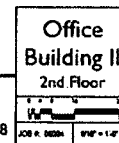
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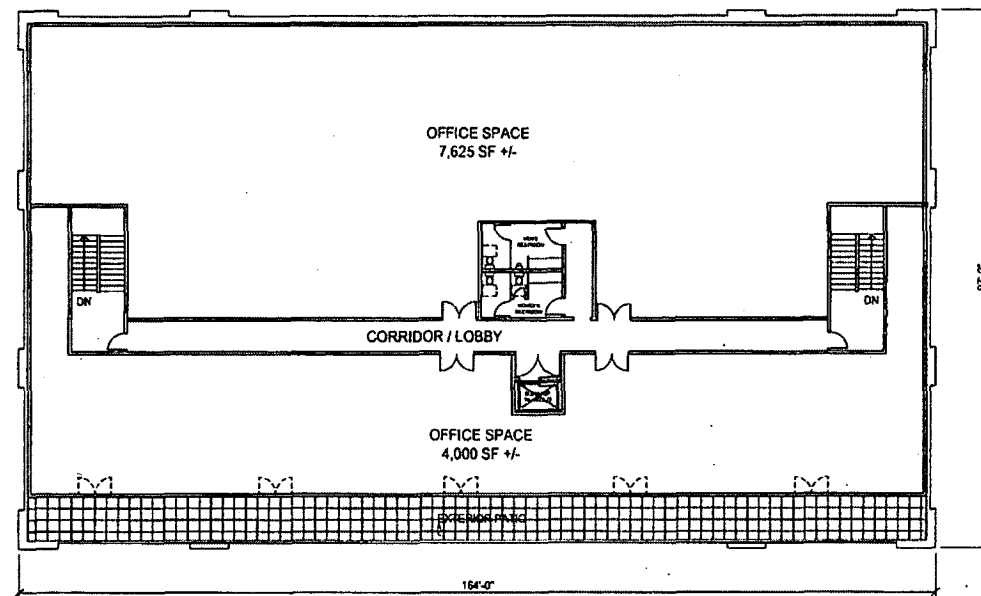
SECOND FLOOR PLAN



October 28, 2008

Exhibit NN: North Block: Office Building II Third Floor Plan

The Creamery (P07-123)



THIRD FLOOR PLAN



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Exhibit OO: North Block: Artisans Work Lofts

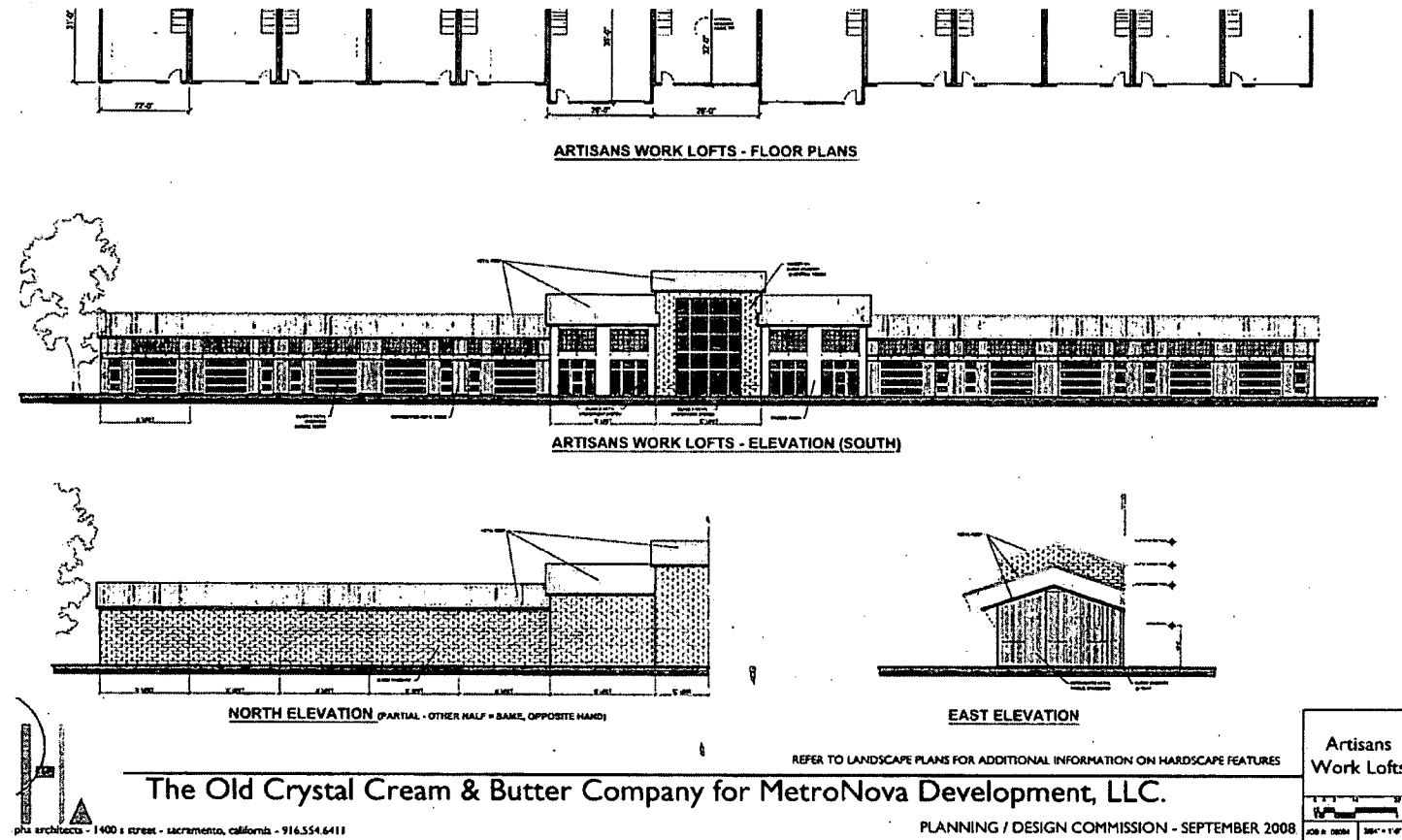
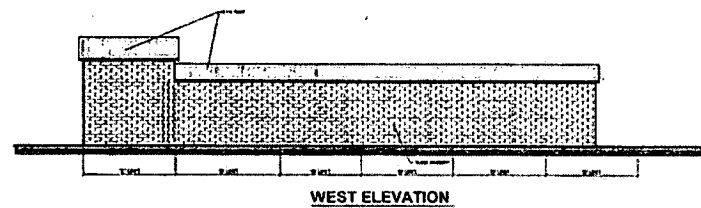


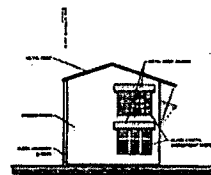
Exhibit PP: North Block: Caretaker's and Artisans Work Lofts



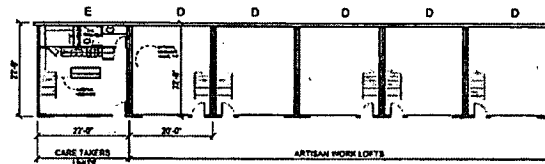
pha architects - 1400 s street - sacramento, california - 916.554.6411



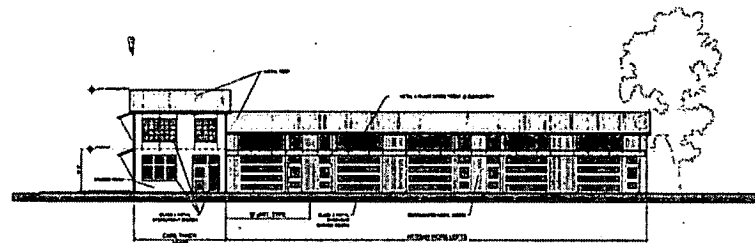
WEST ELEVATION



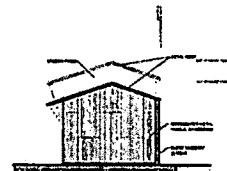
SOUTH ELEVATION



FLOOR PLAN



EAST ELEVATION

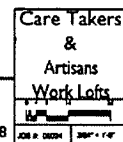


NORTH ELEVATION

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

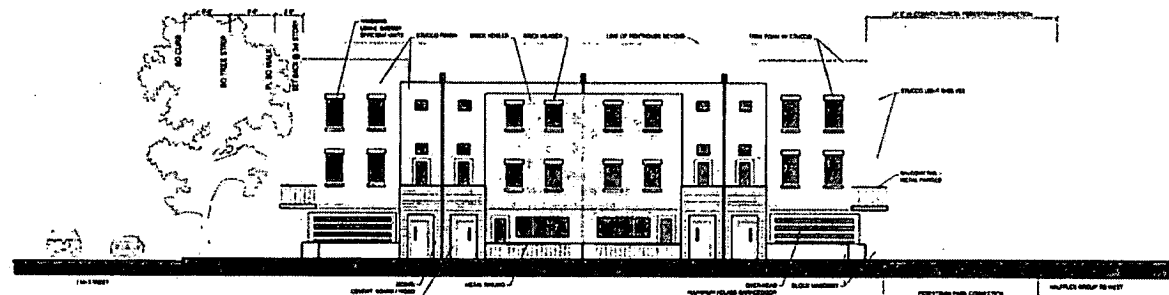
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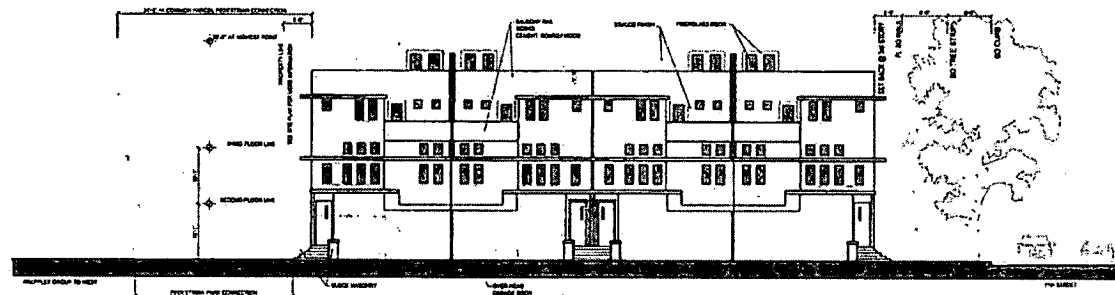
October 28, 2008

The Creamery (P07-123)

Exhibit QQ: South Block: Halfplex (Lot 9) Elevations (North and South)



NORTH 'D' STREET ELEVATION



SOUTH @ PRIVATE DRIVE

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The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

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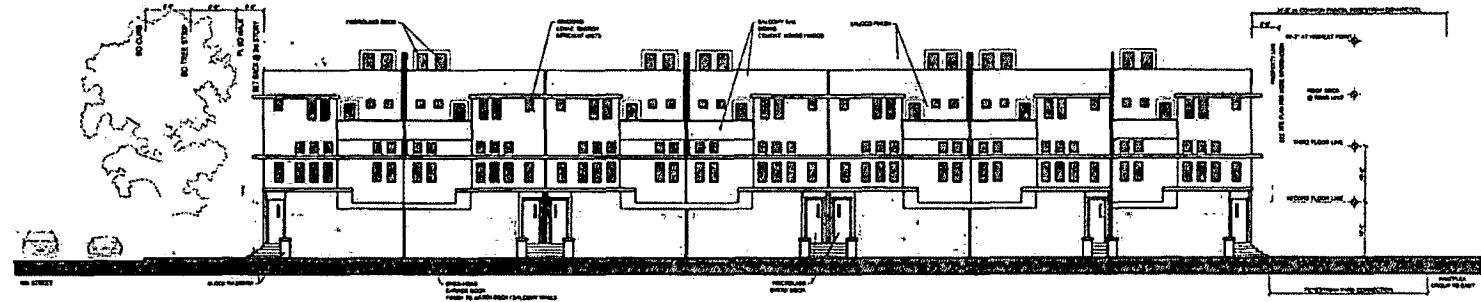
phu architects - 1400 s street - sacramento, california - 916.554.6411

Halfplex
Elevation
1/8" = 1'-0"

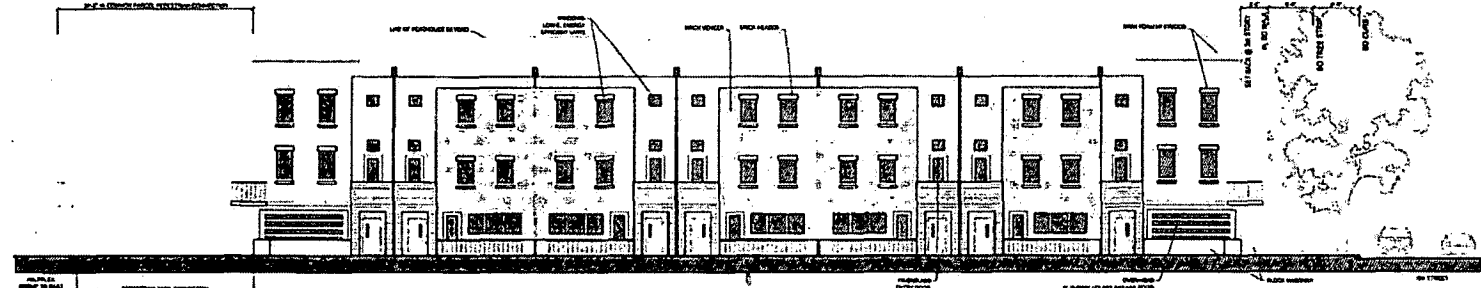
October 28, 2008

The Creamery (P07-123)

Exhibit RR: South Block: Halfplex (Lot 10) Elevations (North and South)



SOUTH @ PRIVATE DRIVE



NORTH @ D' STREET ELEVATION



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The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

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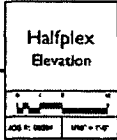
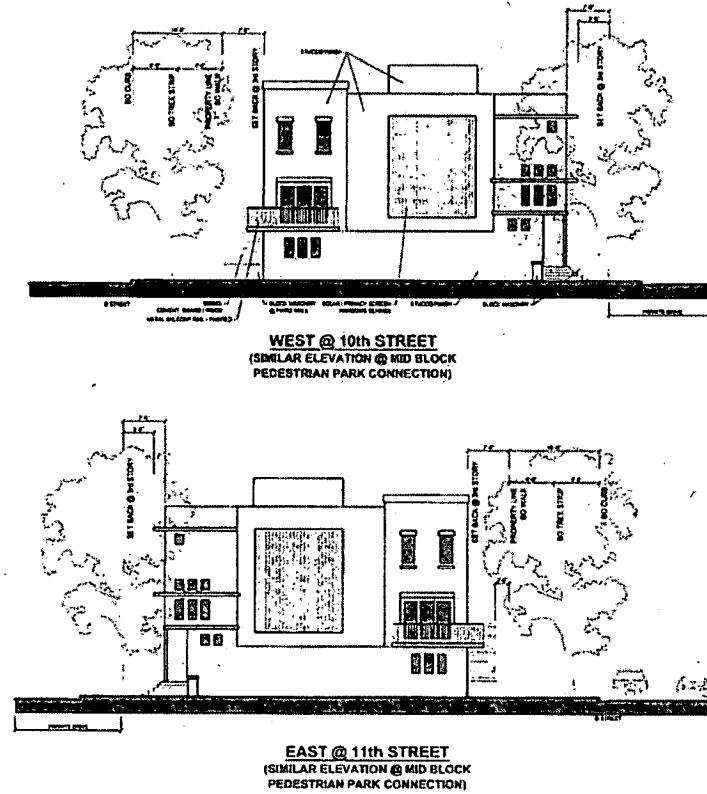


Exhibit SS: South Block: Halfplex (Lots 9-10) Elevations (East and West)



PVA ARCHITECTS - 1400 S STREET - SACRAMENTO, CALIFORNIA - 916.554.6411

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

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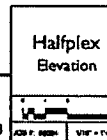


Exhibit TT: South Block: Halfplex (Lots 9-10) Ground Floor Plan

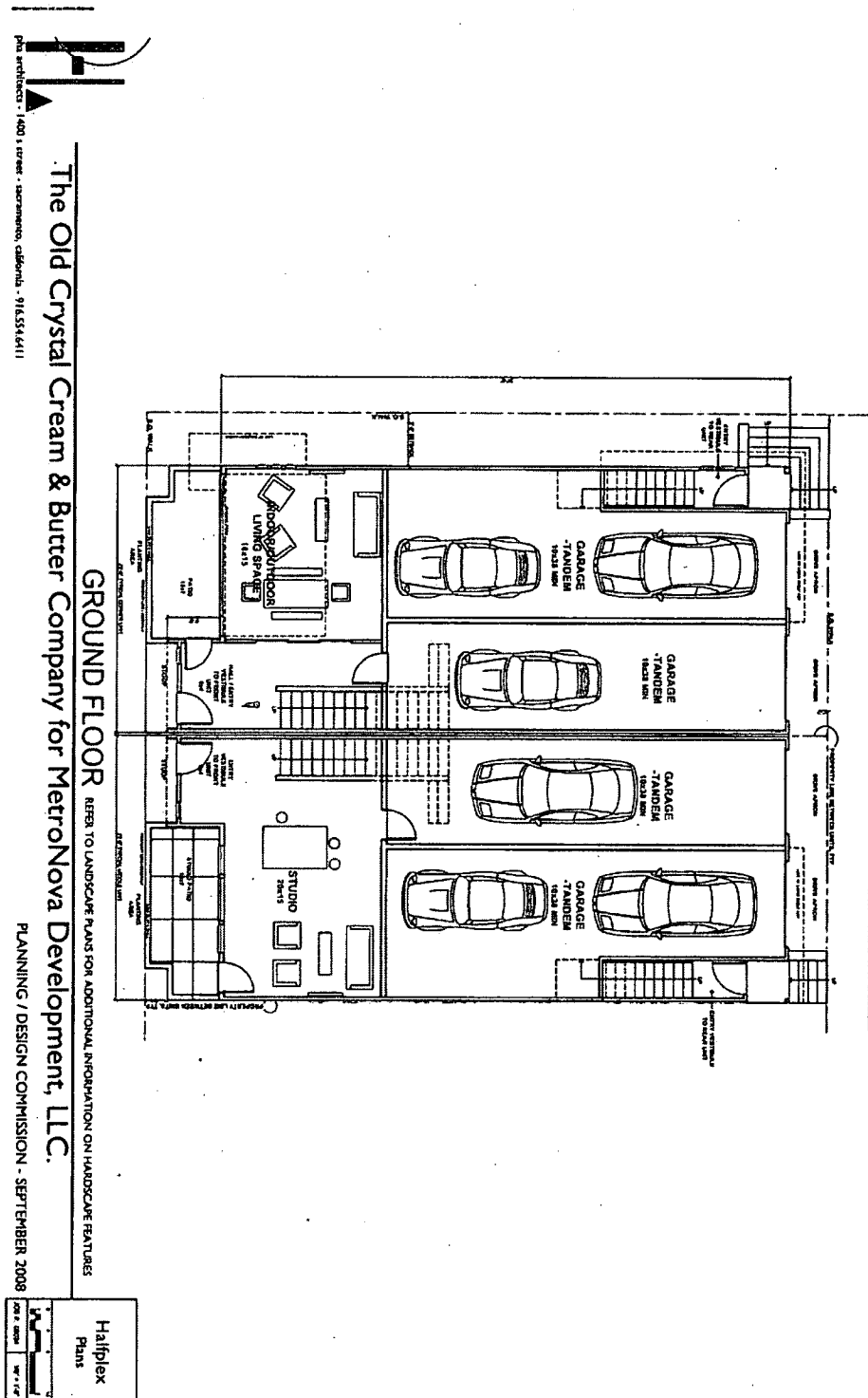
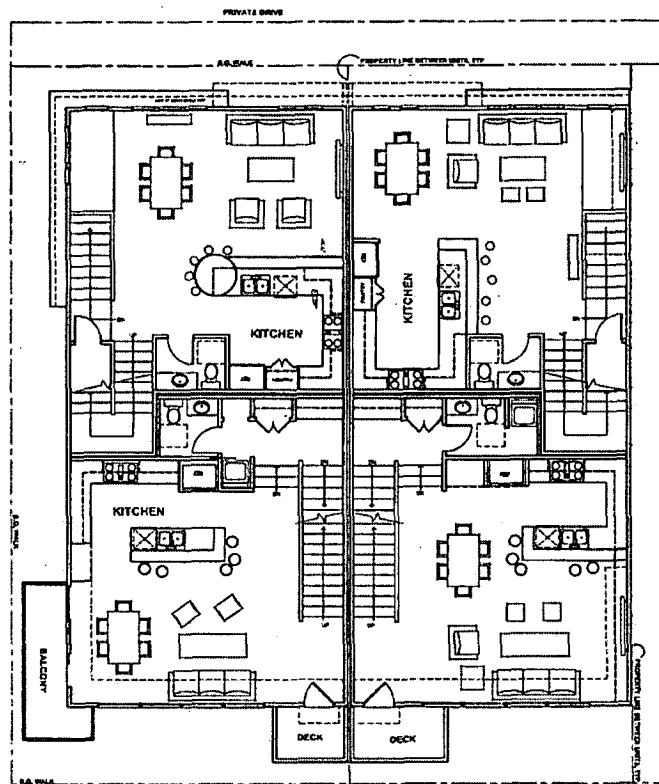


Exhibit UU: South Block: Halfplex (Lots 9-10) Middle Floor Plan



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MIDDLE FLOOR

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

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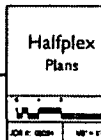


Exhibit VV: South Block: Halfplex (Lots 9-10) Upper Floor Plan



Old Crystal Cream & Butter Company for MetroNova Development, LLC.
1400 E. Street, Sacramento, California - 95834-4411

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

UPPER FLOOR

SEE TO LANDSCAPE PLAN FOR ADDITIONAL INFORMATION ON LANDSCAPE FEATURES

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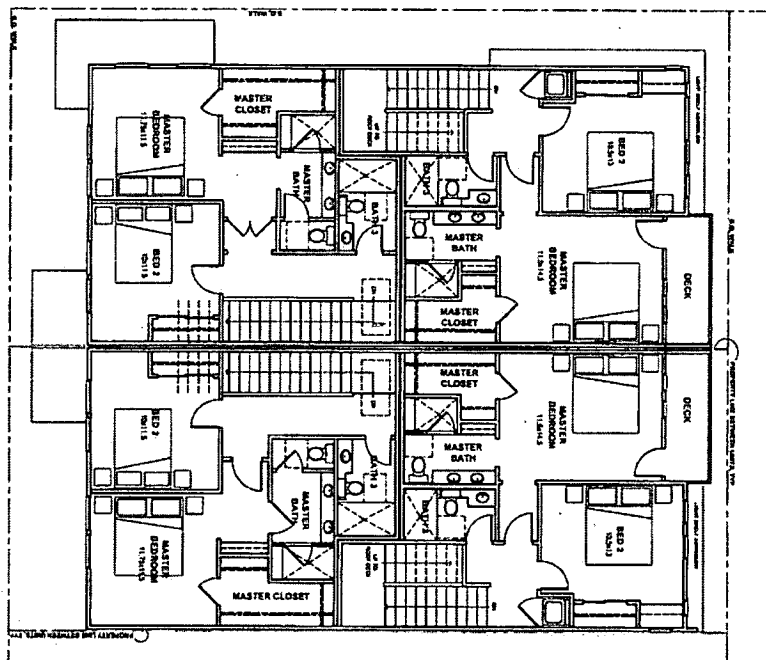
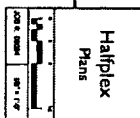


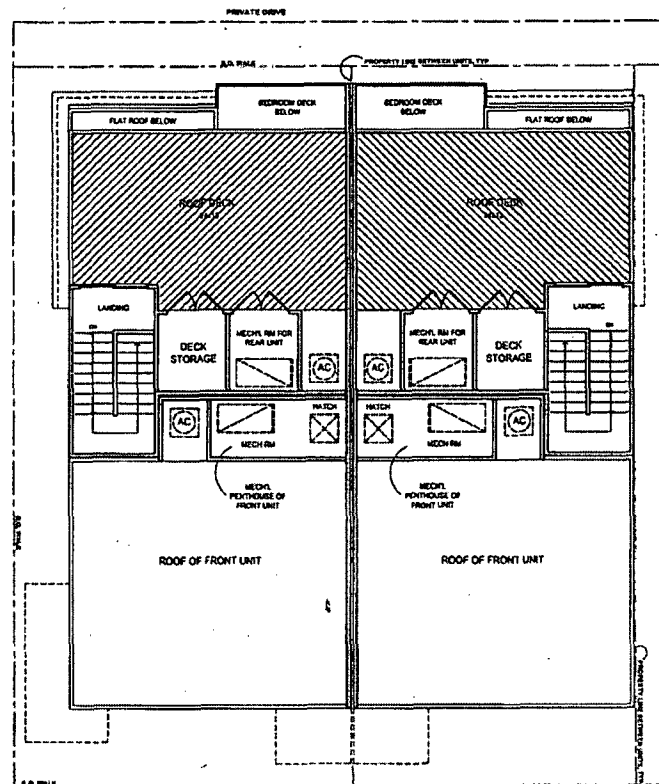
Exhibit WW: South Block: Halfplex (Lots 9-10) Roof/Deck



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ROOF/DECK REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES



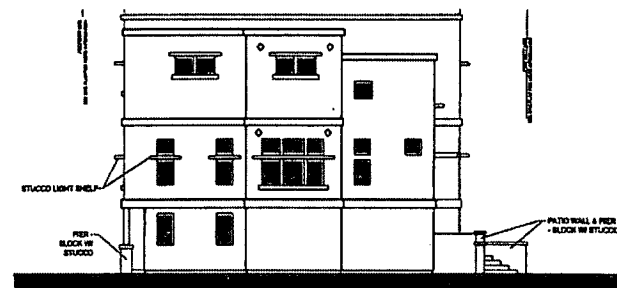
Exhibit XX: South Block: Rowhouses (Lots 11-45) Elevations



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PARK / SIDEWALK ELEVATION



SIDE ELEVATION (CORNER UNIT SHOWN)



PRIVATE DRIVE ELEVATION

REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

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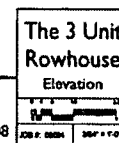
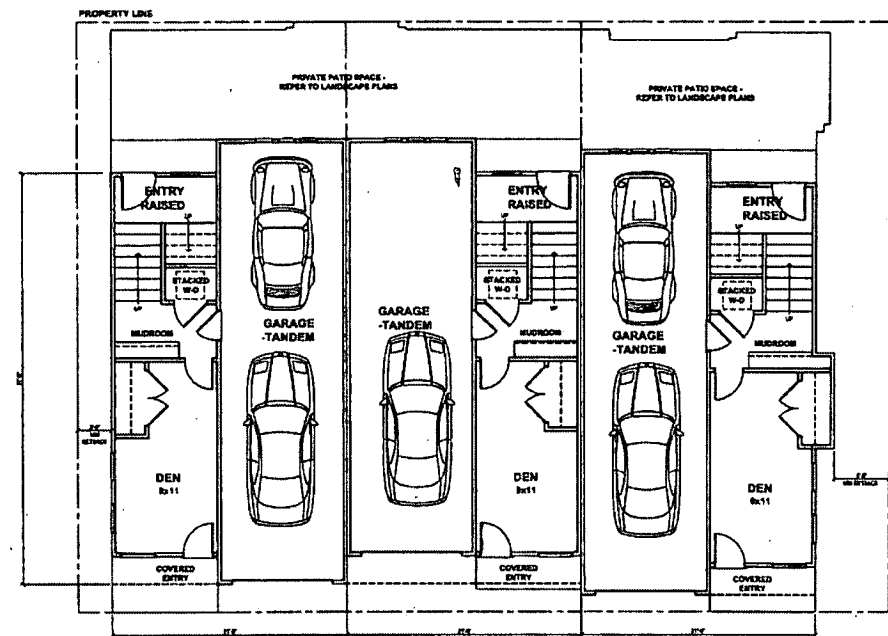


Exhibit YY: South Block: Rowhouses (Lots 11-45) Lower Floor Plan



LOWER FLOOR PLAN

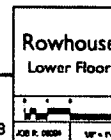


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The Creamery (P07-123)

October 28, 2008

Exhibit ZZ: South Block: Rowhouses (Lots 11-45) Middle Floor Plan w/Patio

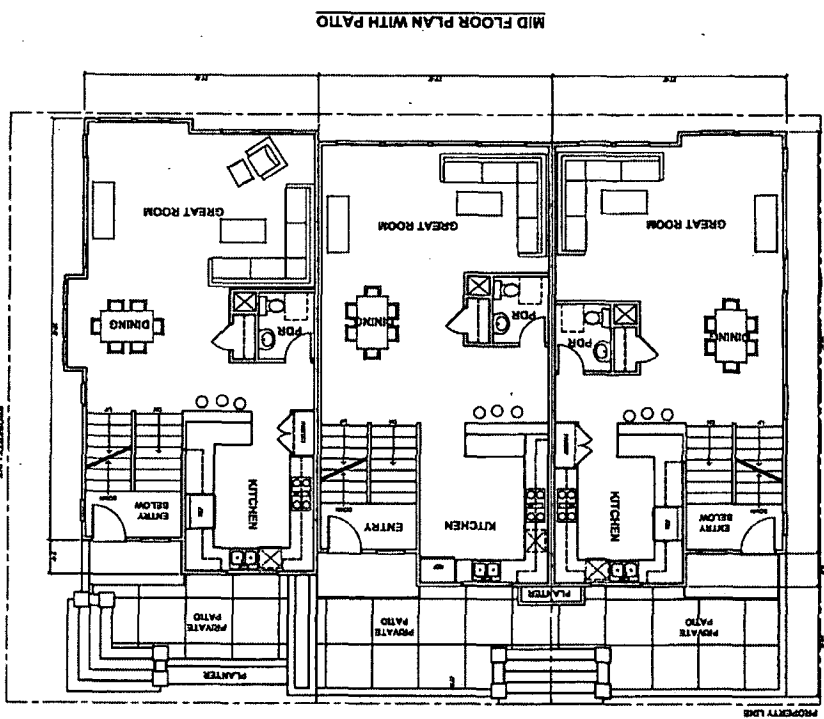


H&H ARCHITECTS - 1400 S STREET - SACRAMENTO, CALIFORNIA - 916.554.4111

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

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REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES



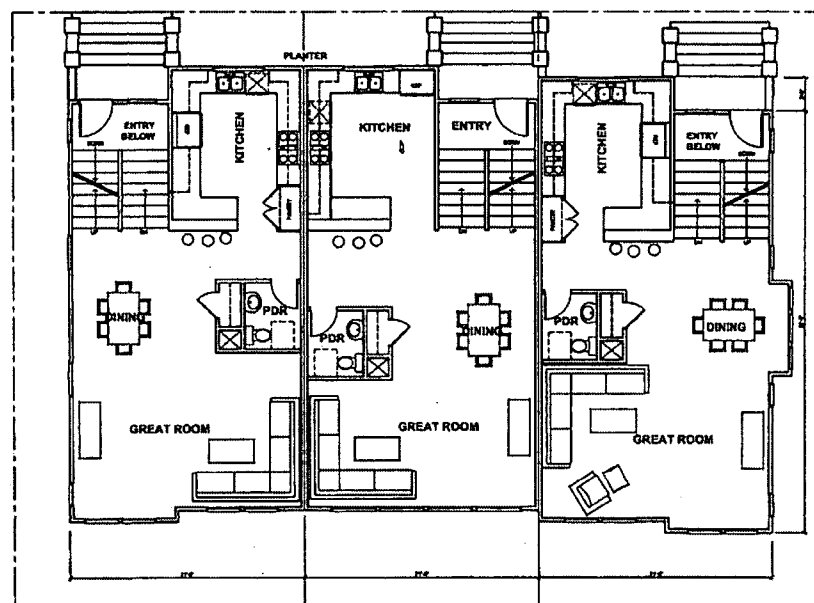


pba architects - 1400 s street - sacramento, california - 916.554.6411

The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

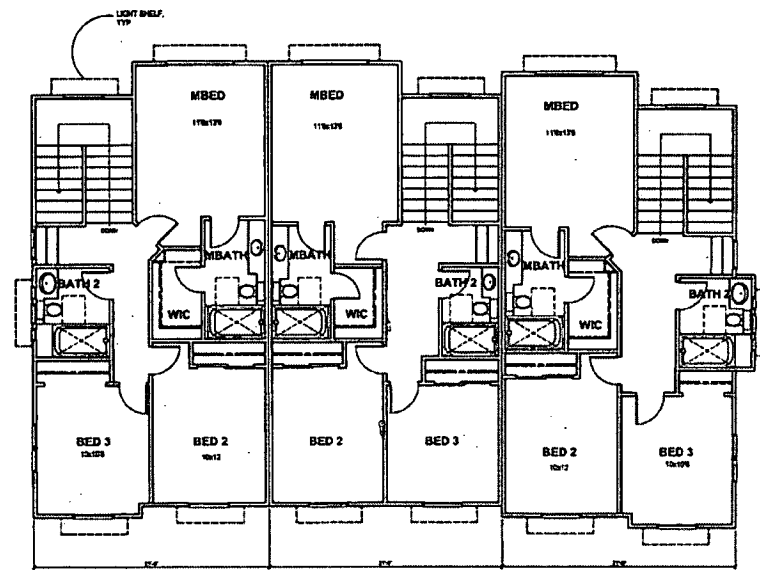
REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

PLANNING / DESIGN COMMISSION - SEPTEMBER 2008



MID FLOOR PLAN WITH STOOP

Exhibit BBB: South Block: Rowhouses (Lots 11-45) Upper Floor Plan



UPPER FLOOR PLAN



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The Old Crystal Cream & Butter Company for MetroNova Development, LLC.

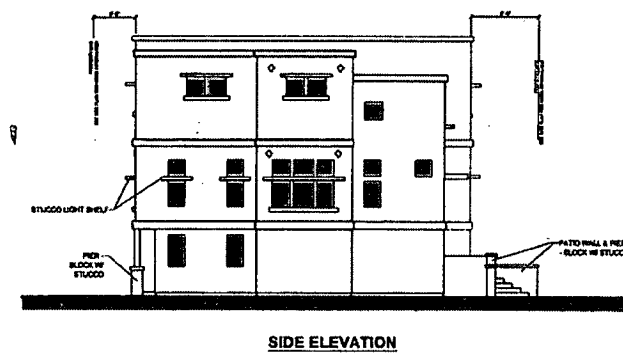
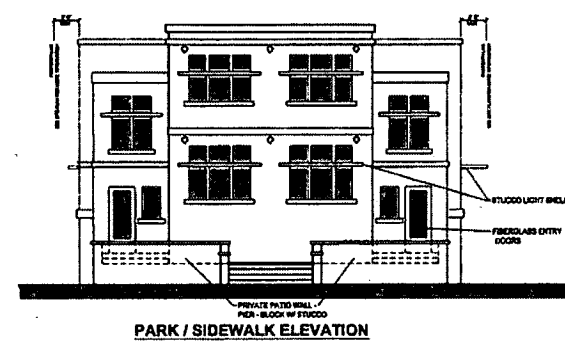
REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON HARDSCAPE FEATURES

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Rowhouse
Upper Floor



Exhibit CCC: South Block Rowhouses (Lot 20-21) Elevation



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The 2 Unit
Rowhouse
Elevation

0' 10' 20' 30'
0m 10m 20m 30m

Exhibit EEE: North Block: Preliminary Landscape Plan

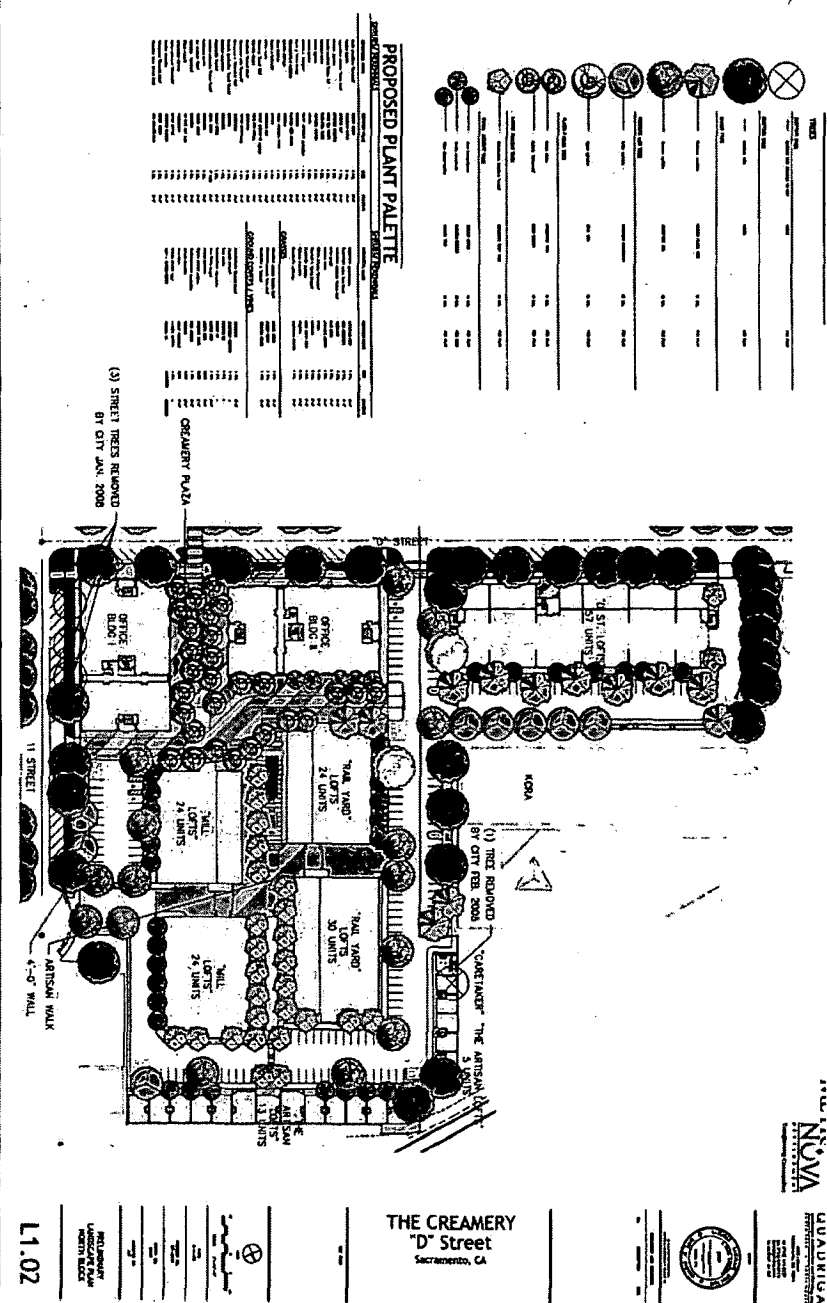
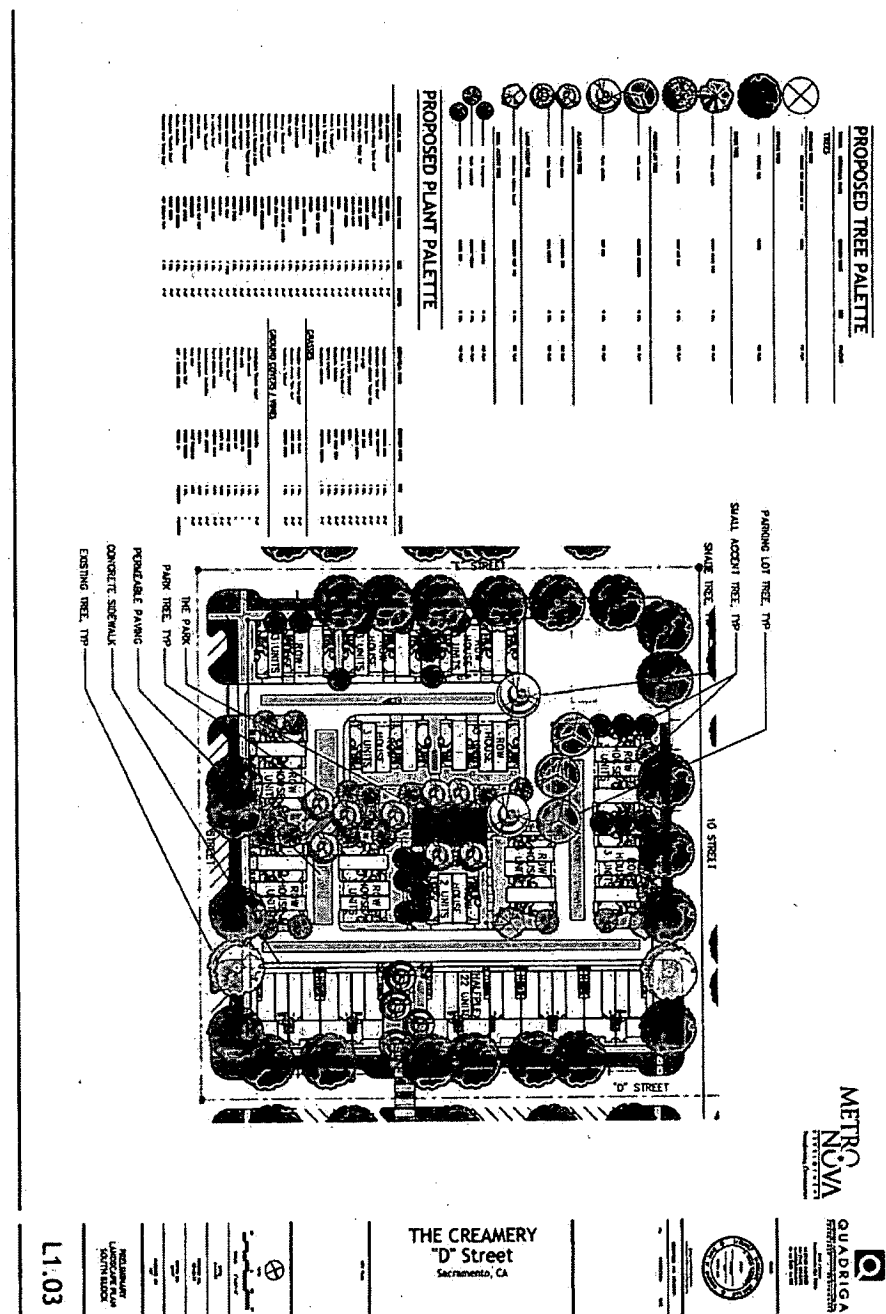


Exhibit FFF: South Block: Preliminary Landscape Plan



METRO
NOMA

QUADRI
DESIGN

THE CREAMERY
"D" Street
Sacramento, CA

L1.03

Attachment 9: Mitigated Negative Declaration

The Mitigated Negative Declaration may be found at the following link:

<http://www.cityofsacramento.org/dsd/planning/environmental-review/eirs/documents/DRAFT-MND.pdf>

Attachment 10: Letter from Sacramento Montessori School

The 12 th Street Collaborative for Montessori Education, LLC	☎ (916) 444-7786
414 - 12 th Street	Fax (916) 444-7987
Sacramento, CA 95814	E-mail: foundcen@aol.com

SACRAMENTO MONTESSORI
SCHOOL

October 16, 2008



Ellie Buford
City of Sacramento, Development Services Department
Environmental Planning Services
300 Richards Boulevard
Sacramento, CA 95811

*Subject: Comments on the Draft Mitigated Negative Declaration for the Creamery Project,
P07-123*

Dear Ms. Buford:

First, on behalf of the parents and faculty of Sacramento Montessori School, we would like to thank you for providing us with 60 CDs of the various documents comprising the Draft Mitigated Negative Declaration for the Creamery Project. Your assistance in this regard was invaluable, and we would like to underscore our appreciation of your efforts, including having the CDs delivered to our campus.

Secondly, what follows are our comments regarding the Draft Mitigated Negative Declaration for the proposed Creamery Project. These comments are based on the analysis undertaken by Sacramento Montessori School, located to the east of the easternmost boundary of the proposed Creamery Project, i.e., 11th Street between D and C Streets.

Sacramento Montessori School serves infants, toddlers, and children to entry into the first grade. The School was developed originally in 1989 by the developer of the then U.S. Bank Plaza building in response to concerns about the impact of that development on the demand for childcare in Downtown Sacramento. The historic Marie B. Hastings building at 1123 D Street was rehabilitated in 1990 to house the Sacramento Montessori School, and the School began providing services this same year. The Marie B. Hastings building is on the National Register of Historic Places (NRHP) and is known as the third oldest building in Sacramento.

Comments on the Draft Mitigated Negative Declaration for the Creamery Project,
P07-123

In 1995, with the development of the Wells Fargo Bank building in Downtown Sacramento, the School's Infant-Toddler facility at 1111 D Street was built to meet the additional childcare demands in Downtown.

The Sacramento Montessori School's current enrollment, including full- and part-week attending children, is slightly more than 100 children.

Our Understanding of the Proposed Creamery Project's Development

We understand that, in addition to the proposed South Park development between D and E and 10th and 11th Streets, the proposed **Creamery Project will consist of:**

- Two proposed office buildings
- The proposed office building that fronts 11th Street at the alley between D and C Streets is 49 feet in height with mechanicals included. This is the alley used by most families when picking up or dropping off their children.
- Next to this proposed office building would be a "parking court" for 175 vehicles.
- Immediately behind this parking area would be the proposed Mills Lofts; the Mills Lofts would be four stories in height and higher with roof-top placed mechanicals.
- The South Park located on the parcel bounded by D and E and 10th and 11th Streets
- 276 housing units

Our Concerns about the Development

Our concerns about the proposed Creamery Project fall in major areas, including, but not limited to:

- Lack of consideration of Sacramento Montessori School's Marie B. Hastings historic building
- Location of the three-story office building on 11th Street across from the alley used by the School's families
- Traffic circulation, sensitive receptors, and air emissions
- Parking

Marie B. Hastings Historic Building

No mention was made in the Initial Study of the Marie B. Hastings building. Yet, this three-story brick building was constructed in 1873 and is on the National Register of Historic Places (NRHP). Reference in the environmental documents is made to the Alkali Flat North Historic District along 11th Street, particularly the *south* corner of 11th and D Streets, but no mention is made of the area north, where Sacramento Montessori School is situated. The Initial Study indicates that:

Development on the portions of the Project site that face the Alkali Flat North Historic District along 11th Street should be compatible with the nearby District image in terms of scale and articulation. Character-defining features of the Historic District should be acknowledged such as yards or gardens, street furnishings, open spaces, building design and building materials, and their character not diminished by the design of the new construction directly across the street. The settings of the Alkali Flat North Historic District and the nearby Alkali Flat Central Historic District should be respected by visual additions to their vicinity (p. 52).

Comments on the Draft Mitigated Negative Declaration for the Creamery Project,

We understand that one of the proposed three-story office buildings faces 11th Street between D and C Streets on the proposed driveway directly across the street from the existing alley (between D and C Streets). It is also our understanding that this office building will be 40 feet in height. **However, when the roof-top mechanicals are added, the proposed building's height increases to 49 feet.**

Directly across the street from this proposed office building is an early 1900's Victorian structure. About half-way down the alley is Sacramento Montessori School. It is our opinion that this proposed office building is not friendly to its existing neighbors and indeed diminishes their character because of its height.

- **We have concerns that the location of this proposed office building will impact the character of existing structures because of its height.**
- **We have strong concerns about the massing of the two proposed office buildings, particularly the proposed building that will face 11th Street, and the potential impacts of this massing on our neighborhood.**
- **We strongly recommend that a significant off-set of the 49-foot high structure so that it does not overwhelm its neighbors and/or substantial setback of the office building to minimize impacts. Ideally, this office building and its accompanying parking lot would be moved more to the west toward the KCRA complex which is commercial and would provide more significant offset from D Street and the railroad tracks behind it.**

The scale of the South Park development, located between D and E Streets and 11th and 10th Streets, suggests compatibility with "...the nearby District image in terms of scale and articulation".

- **The proposed three-story office building that faces 11th Street between D and C Streets will have potential impacts to the historic assets in the neighborhood.**
- **We believe that the proposed 49-foot high office building, located where currently planned, obstructs the neighborhood's scenic view corridor and blocks views of the Marie B. Hastings building.**
- **Its height is also a visual obstruction for those at Sacramento Montessori School and violates their aesthetic sense of scale.**

X Traffic Circulation, Air Emissions, and Sensitive Receptors

Traffic circulation through the alley at the rear of Sacramento Montessori School to 12th Street, i.e., between C and D Streets and 11th and 12th Streets, is **already a serious concern to faculty and staff at Sacramento Montessori School and parents of children attending the School.** On days when large-scale garbage trucks block one side of the alley and/or Capitol Ice Cream Company is accepting deliveries vis-à-vis large-scale delivery trucks (three days per week on average), vehicle traffic in the alley comes to a halt, causing vehicles to queue with engines running. **Traffic queuing, and resultant increased automobile emissions, has a negative impact on air quality through increased emissions of carbon monoxide (CO), particulate matter (PM), and ozone (O3).**

Comments on the Draft Mitigated Negative Declaration for the Creamery Project,

Additionally, "cut-through traffic" is a major concern. **The proposed project design with the 49-foot high office building and its driveway directly across the street from the existing alley behind the School will create significant impacts to traffic entering and exiting the Sacramento Montessori School complex.** As you may expect, safety of the children attending Sacramento Montessori School is an extremely important issue, along with the safety of our staff and parents of children attending our school. Traffic and safety are likely to be impacted by vehicles exiting 12th Street, cutting through the alley behind the School, and entering the office building's driveway. Vehicles exiting the driveway and cutting through the alley to access 12th Street are also likely to impact traffic and safety. In both cases, the traffic issues which Sacramento Montessori School currently faces are further negatively impacted by the proposed project and not addressed in the proposed Creamery Project's environmental documents.

- **We find no review of the impact of traffic, traffic queuing, air emissions, and other air quality issues resulting from increased traffic volume as a result of the proposed project to the seniors who now or will reside in the Globe Mills complex.**
- **We believe that the impact of these issues both to children *and* seniors should be addressed.**

We reviewed the Traffic Impact Analysis made available for public comment and **found no mention of impacts to Sacramento Montessori School or traffic circulation in and around the School.** We believe this to be a serious oversight for the reasons given above and because, without consideration of the School and increased traffic through the alley as a result of the office building and parking lot locations, the "less than significant impact" finding is indeed suspect. We are also concerned that we could find no reference in the Initial Study or in the companion Negative Declaration documents to suggest that the alley behind the School was taken into account in conjunction with the parking lot and the office building fronting 11th Street between D and C Streets. In the Traffic Impact Analysis, there is mention of the 11th Street driveway (across from the alley), but the description given of this driveway is simply that it is a:

...southerly driveway north of D Street: The driveway appears to be located across 11th Street from the existing alley and is *not located near an existing intersection*. As such, the driveway is not expected to affect traffic operations at the intersections." (Traffic Impact Analysis, p. 37, emphasis added).

There is no mention about how the manner in which traffic will operate at the proposed driveway/alley entrance which suggests that there is no activity there now. Obviously, this is not the case.

Pointed out in the Initial Study is "one important reason for air quality regulations and standards", i.e., "...the protection of those members of the population who are most sensitive to the adverse health effects of air pollution, termed 'sensitive receptors'". Sensitive receptors refers to specific population groups – children and the elderly, among others – and land uses where they would be located for long periods. Schools, playgrounds, and child care centers are among the commonly identified sensitive land uses.

The children attending Sacramento Montessori School are all under the age of six years with about half of them under the age of two years. These children spend, on average, nine to ten hours each day at our School. Decreasing air quality through increased vehicle emissions is simply not acceptable to these sensitive receptors.

Comments on the Draft Mitigated Negative Declaration for the Creamery Project,

In addition, it should be noted that **asthma rates in Sacramento County are among the highest in the nation.**

If traffic from the proposed office building and/or the proposed parking lot is permitted through the alley, it will likely result in impacts to health and safety as well as to traffic and circulation because children are often walked through the alley when leaving the School. We would hope that the City planners and the developer will help to protect the air and walkways for our young children.

We would recommend that, if the proposed office building and its adjacent parking lot cannot be redesigned with offsets and/or setbacks or moved closer to the commercial KCRA TV property, the proposed building be moved to D Street at 10th.

Parking in the Alkali Flat Neighborhood along its Northern Borders

Contrary to a statement in the Initial Study, there are a significant number of *unmetered parking* spaces in the Alkali Flat neighborhood, particularly along its northern border. There are unmetered parking spaces along D Street between 11th and 10th Streets and along C Street from 11th to 15th Street. (14th and 15th Streets are in the Mansion Flat neighborhood, not Alkali Flat). Staff at Sacramento Montessori School observed that many of those parking along these streets are employees of the City, County, State, and Federal Governments who can park at no cost for up to ten hours in some cases. We believe that this fact should be noted and its impact taken into account when parking strategies are formulated for the new development, which, in and of itself, will increase the demand for parking spaces in the area.

Need for Child Care in Downtown Sacramento

The proposed Creamery Project environmental compliance documents do not address social impacts associated with either current or projected child care demand as a result of the proposed Project. However, the need and demand for child care in Downtown Sacramento is critical.

In the fall of 2005, a collaborative comprised of the Sacramento Local Child Care & Development Planning Council, the Sacramento County Office of Education (SCOE), First 5 Sacramento, and Child Action, Inc., received a Constructing Connections grant from the Low Income Investment Fund (LISF). Sacramento County became one of ten counties participating in a statewide grant program. One of the findings of this group is that:

The inclusion of child care in planning and development in Sacramento, regional, county and city government general and transportation plans, and zoning that *incorporates child care services in residential and commercial zones* is critical if the expanding child care needs of Sacramento County are to be met. (Sacramento Local Child Care and Development Planning Council's Child Care Plan, "Promoting Excellence in Child Care, Sacramento Child Care Plan 2007-2012" (p. 25, emphasis added).

Another finding is that:

Early care and education services must be convenient and accessible to families throughout the county regardless of income or needs (ibid).

Comments on the Draft Mitigated Negative Declaration for the Creamery Project,

There are approximately 154,296 children ages 0-13 with parents in the labor force in Sacramento County and 54,761 licensed child care slots. Essentially, licensed child care is available for *only 35 percent of the children with parents in the labor force* Countywide. (California Child Care Portfolio, published by the California Child Care Resource and Referral Network, 2005). The greatest demand for care is for infants, followed by toddlers and preschool-aged children.

At the present time, Sacramento Montessori School's Wait List for infants and toddlers stretches into August 2009 with babies not yet born constituting about one-half of our Wait List. Its Wait List for those 2.5 years and older is also significant. The School does not anticipate having any vacancies in Infant, Toddler, or its Children's House (for those 2.5 years and older) until the summer of 2009.

This situation is typical of child care facilities in the Downtown area. Downtown Sacramento is impacted by the number of workers who commute to and from their homes to work. While the number of Downtown residents is increasing as a result of new housing starts, the greatest demand for child care continues to be from State of California, City of Sacramento, and County of Sacramento workers who tend to live outside of Sacramento's Central City but commute to work.

The proposed Creamery Project intends to offer approximately 276 housing units. To anticipate that at least ten percent of those occupying these units will need child care is conservative. We recommend that child care be included in the proposed Creamery Project, and Sacramento Montessori School is willing to help in this regard.

Our Support of the Creamery Project

We believe that the proposed Creamery Project is a viable project for the Alkali Flat community and Sacramento Montessori School in particular. However, we are asking the City of Sacramento and project proponents to seriously consider the issues we have raised, including impacts associated with the view shed of the School, location of the office buildings, traffic circulation, health and safety, and social resources. We are certain that representatives from Sacramento Montessori School and parents of children attending our School would be interested in working with the developer and architect to ensure that the proposed Creamery Project minimizes impacts to environmental resources, is consistent with the historic assets to the north on 11th Street, does not diminish the visual character of the area, and is enhanced by the proposed project.

Please let us know if you have any questions.

Sincerely yours,

LE LY
Site Director

MARILYN K. PROSSER, Ph.D.
Administrative Consultant

Comments on the Draft Mitigated Negative Declaration for the Creamery Project,

October 28, 2008

Attachment 11: Letter from Evan Edgar



October 8, 2008

Evan Compton
City of Sacramento
Development Services Department
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811-0218

Dear Mr. Compton:

RE: Comments on The Creamery Project - P07-123

Total Compliance Management (TCM) is the consulting engineering firm representing Burnett & Sons Mill and Lumber Company (Burnett) on new mixed-used development projects adjacent to their property at 214 11th Street, Sacramento, CA 95814. Burnett has been in operation at its current facility since the 1930s, and has been an integral part of Sacramento's community since 1869. When Burnett relocated to this site adjacent to the former Crystal Creamery and the former Globe Mills, Burnett chose the site based on the heavy industrial zoning along the railroad tracks where the site was able to be developed for industrial uses for lumber and wood milling products. Contrary to the the statements on page 28 of Appendix D of the proposed Mitigated Negative Declaration, Burnett will not be relocating in the future, therefore, mitigation measures for the proposed Creamery Project will be required to attenuate and shield the noise from the dust collector that Burnett is entitled to operate in a Heavy Industrial Zone.

Burnett & Sons Mill and Lumber Company has always considered itself a good neighbor, has sustained a positive community presence, and has operated its facility without any significant nuisance complaints or noise complaints from its neighbors or the general public. With the current Globe Mill mixed use complex opening, and the conversion of the Crystal Creamery into residential units, Burnett is very concerned that the transition from a heavy industrial use zone to adjacent residential uses will affect their long-term livelihood and the ability to operate as they have for the last 70 years. On September 11, 2008, TCM submitted comments to the City Development Services Department for the Notice of Preparation (NOP) on an Environmental Impact Report. While we recognize that the subsequent proposed Mitigated Negative Declaration analyses the noise issues, TCM believes that mitigation measures should be considered as part of the Project.

As provided in our September 11, 2008 letter to the City, Burnett operates within the industrial performance standards per the Zoning Ordinance and the General Plan to generate up to 80 dBA of noise, and cannot change their standard industry operational procedures to accommodate a potentially lower-tolerance mentality towards noise, vibration, odor, fumes, and vapors that could be foisted upon their industrial use by adjacent residential uses that appear to be incompatible with industrial uses. The policies of the General Plan allow industrial uses to perform current operations operating within the standards of the industrial zone up to 80 dBA as established with the Globe Mills project approval. Future constraints of their industrial activity that may be sought by residential uses could impact the ability of the facility to operate.

We have received the Notice of Preparation (NOP) of the Environmental Impact Report, the proposed Mitigated Negative Declaration (MND), and the Staff Report to the Planning Commission, and believe that these documents will need to be revised to provide reasonable mitigation measures on the proposed residential units with respect to the established industrial noise generated as allowed by the City General Plan. There should be adequate conditions of approval built into the proposed project to assure the continued industrial uses allowed by the General Plan. The proposed Creamery project may eventually encroach upon the vested land use entitlements that Burnett has currently established under the goals and policies of the City of Sacramento Noise Element.

We have the following the proposed MND and the Staff Report:

Issue 10: Noise The Initial Study of the proposed MND does not propose any mitigation measures on The Creamery project having made an analysis that the entitled noise generated by Burnett is a *less-than-significant impact*, having located the non-residential artisan building to shield the noise from the set back residential until. TCM believes that there are potentially significant impacts, and that mitigation measures are needed, and would recommend to the Planning Commission to impose mitigation measures recommended below.

Impact 8 – of Appendix D – Technical Noise Analysis of the MND states that the non-transportation noise could be a *potentially significant impact*. The Analysis does state the following:

"The applicant (i.e.: The Creamery Project) can employ a company which builds enclosures for equipment such as the dust collectors. The enclosures would be required to reduce the exterior noise levels from the dust collectors by approximately 20 dBA to ensure that the exterior noise level criteria at all uses comply with the city of Sacramento criteria."

Discussion with the project applicant indicates that the Burnett & Sons facility may relocate in the future. Therefore, if this occurs no mitigation for the dust collector would be required."

Burnett will not be moving, and mitigation by the application will be needed. Burnett hereby accepts the offer of the applicant (The Creamery Project) to enclose the dust collector, since the Artisan Buildings and nearby residential would be receptors to the entitled noise generated by Burnett.

The Initial Study should be amended to add Mitigation Measures N3 to require the applicant to enclose the dust collector.

Standard Sales or Lease Agreements for all of the occupants should include typical language identifying adjacent land uses, whereby the Buyer or Lessee acknowledges that the City of Sacramento standards allow acceptable levels of nuisances in the industrial zone. Lessee shall abrogate rights to any complaint process with the Lessor or the City of Sacramento when industrial zone activity is in conformance with the standard criteria. A citizen noise complaint process shall be established prior to approval of the development.

Burnett seeks legal and public process conditions of project approval as part of the Special Permit. The industrial zone allows an entitlement to generate a reasonable and acceptable amount of noise as allowed in the City of Sacramento General Plan. The residents of the proposed development could possibly adopt a "zero tolerance" or "low tolerance" attitude towards noise, and might place the current operations of Burnett under intense public scrutiny even though Burnett is operating within the adopted noise standards. The following language that should be inserted for any Standard Lease Agreement for the occupants of the The Creamery Project is suggested herein.

ADDITIONS TO STANDARD LEASE AGREEMENT

Language to be added to a typical **LEASE AGREEMENT**:

WHEREAS, Lessee acknowledges that the subject property is adjacent to an operating lumber mill previously zoned for this type of industrial use.

USE OF PREMISES.

Lessee shall comply with any and all laws, ordinances, rules and orders of any and all governmental or quasi-governmental authorities affecting the cleanliness, use, occupancy and preservation of the Premises.

Lessee acknowledges that the use of adjacent premises to the east is zoned industrial and occupied by a historical and operating lumber mill, and is therefore subject to conditions set forth by the City of Sacramento. Specific conditions allow such use in the industrial zone based on a set of performance

October 28, 2008

standards, which allows an acceptable level of noise, vibration, odors, and glare. Dust, fumes, vapors, and gases emissions are permitted within certain minimum standards that do not cause damage to public health and safety.

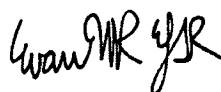
Lessee acknowledges that the City of Sacramento standards allow acceptable levels of nuisances in the industrial zone. Lessee shall abrogate rights to any complaint process with the Lessor or the City of Sacramento when industrial zone activity is in conformance with the standard criteria.

A citizen noise complaint process shall be established prior to approval of the development. The citizen complaint process shall include exterior and interior acceptable noise level exposure allowed by the General Plan, and that those levels are acceptable. Citizen complaints below the acceptable noise level are not confirmed complaints, and shall have no effect upon the operations of Burnett. Special Conditions should be placed on the conditions of approval establishing the citizen complaint process. Should the occupants require additional mitigation to further decrease noise below the acceptable levels, the developer should pay for those costs, and in no way will those costs be the responsibility of Burnett.

We look forward to commenting at the Planning Commission and Design Review, and request that our company be noticed on all future public meetings and City working groups on this proposed development.

Should you have any questions, please contact me at (916) 739-1700.

Sincerely:



Evan W.R. Edgar
Principal Civil Engineer

cc: Jim Miller, Burnett & Sons