



**CITY OF SACRAMENTO DESIGN REVIEW AND PRESERVATION BOARD
RECORD OF DECISION**

New City Hall, 915 I Street, 3rd Floor, Sacramento, CA 95814

Project Name: Mixed Use Buildings
Project Number: DR06-004
Project Location: 401 Broadway
Assessor's Parcel No.: 009-0232-015
Applicant: Eric Bryant
Action Status: Approved with Amended Conditions Action Date: 10/04/06

REQUESTED ENTITLEMENT(S): 401 Broadway Review and Comment for the construction of a new mixed use development, including housing, retail and mini-storage on 1.38 +/- net acres in the Heavy Commercial (C-4) zone.

- A. Environmental Determination: Mitigated Negative Declaration
- B. Mitigation Monitoring Plan
- C. Design Review of Mixed Use Development

ACTIONS TAKEN: On 10/04/06, the Design Review and Preservation Board took the following actions based on the attached findings of fact and subject to the attached conditions of approval:

Action: Moved, seconded, carried (Elliott/Fuller, 6:0:0; Absent – LaBarge, Febbo), to Approve.

Action certified by: 
Luis R. Sanchez, AIA, Design Review Director

Sent to Applicant: 10/05/2006

By: 
Staff Signature

NOTICE OF PROTEST RIGHTS

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the

Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

EXPIRATION

TENTATIVE MAP: Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

VARIANCE: Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

PLAN REVIEW: Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

DESIGN REVIEW: The approval shall be deemed automatically revoked unless required permits have been issued and construction begun within two years of the date of the approval. Prior to expiration, an extension of time may be granted by the Board upon written request of the applicant.

NOTE: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

APPEALS

Appeals of the Design Review and Preservation Board decision of this item to the Planning Commission must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before 10/14/2006. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

A. Environmental Determination: Mitigated Negative Declaration.

B. The Design Review request to remove the existing boat storage facility and construct two mixed-use buildings with on-site parking is approved, subject to the following Findings of Fact and Conditions of Approval:

1. The project is based upon sound principles of land use, in that the proposed use is allowed in the Heavy Commercial (C-4) zone, with the rezone and entitlements proposed.
2. The proposed use will be consistent with the objectives of the City of Sacramento General Plan.
3. The project, as conditioned, enhances the surrounding neighborhood.
4. The project, as conditioned, will complement certain aspects of the structures in the vicinity, and conforms to the Board's design criteria.

Conditions Of Approval

The Design Review request to remove the existing structure and build two new mixed-use buildings with on-site parking is hereby approved subject to the following conditions:

- A. The design of the site (see plans attached) is hereby approved subject to the following conditions. These conditions must be met prior to the issuance of a building permit:**
1. The buildings shall be sited as indicated in the report and exhibits. The applicant shall coordinate with the appropriate agencies regarding alley improvements and the parking lot improvements associated with the overall project.
 2. The project shall have building setbacks and step-backs as indicated in the report and exhibits.
 3. The project shall have building entries as indicated in the report and exhibits.
 4. The project shall include auto access and landscaping as indicated on the reports and exhibits. The applicant shall provide a full landscape and pavements plan for review and approval by staff.
 5. ***The applicant shall continue to work with City Arborist staff on landscaping elements and requirements.*** The project shall include fences and walls with landscaping elements as indicated on the reports and exhibits and future landscape plans shall be reviewed and approved by staff.
 6. The applicant shall submit final site lighting locations and cut sheets to staff for review and approval
 7. Mechanical equipment proposed shall be screened as necessary to fit in with the design of the new building. Backflow prevention devices, SMUD boxes, etc., shall be placed where not visible from street views, screened from any pedestrian view. The Applicant shall submit final mechanical locations and screening to staff for review and approval.
 8. Service areas and trash rooms shall be included as indicated on the plans.
 9. The applicant shall include bicycle parking as indicated on the plans and exhibits..
- B. The design of the two buildings (see plans attached) are hereby approved subject to the following conditions:**
10. The design of the buildings shall be as indicated in the report and the exhibits.
 11. Final heights and massing shall be as indicated on the plans. Final sign plans shall be reviewed and approved by staff and the City Sign Coordinator. ***Board recommends the use of red neon on a white background for the Broadway sign. The sign shall not use a cabinet with internal neon and a clear lexan cover. Board strongly supports the size and the use of the name Broadway for the proposed sign.***

12. Final colors, materials and details shall be as indicated on the plans and the color/material plan.
13. The building elevations shall have a consistency of detail and quality as indicated on the plans.
14. The building elevations shall be articulated as indicated on the plans.
15. Final building lighting plans shall be reviewed and approved by staff.
16. All required new and revised plans shall be submitted for review and approval of staff prior to issuance of building permits. **A set of the appropriate plans shall be submitted directly to Design Review Staff.** Any necessary planning entitlements shall have been approved by the Planning Commission or the Zoning Administrator prior to final Design Review sign off of plans.
17. The approval shall be deemed automatically revoked unless required permits have been issued and construction begun within two years of the date of the approval. Prior to expiration, an extension of time may be granted by the Board upon written request of the applicant.
18. Final occupancy shall be subject to approval by Design Review Staff and shall involve an on-site inspection.
19. The approval shall be deemed automatically revoked unless required permits have been issued and construction begun within two years of the date of the approval. Prior to expiration, an extension of time may be granted by the Board upon written request of the applicant.