



CITY OF SACRAMENTO PLANNING COMMISSION
RECORD OF DECISION
New City Hall, 915 I Street, 3rd Floor, Sacramento, CA 95814

Project Name: Continental Plaza PUD
Project Number: P07-015
Project Location: 425, 601, 611 North 7th Street
Assessor's Parcel No.: 001-0020-017, -018, -049, -050, -051
Applicant: Cleve Livingston, (916) 854-7481, 8950 Cal Center Drive, Building 1, suite 115, Sacramento, CA 95826
Action Status: Approved with Conditions Action Date: 07/12/07

REQUESTED ENTITLEMENT(S): A. Environmental Determination: Addendum to previous Environmental Impact Report;
B. Mitigation Monitoring Plan;
C. Development Agreement (DA);
D. Rezone of approximately one (1.0) acre from Heavy Industrial North Special Planning District (M-2(N)-SPD) to Heavy Industrial North Planned Unit Development Special Planning District (M-2(N) PUD-SPD) and approximately 0.19 acres from Heavy Industrial Central Special Planning District (M-2(C)-SPD) to Office Building Planned Unit Development Special Planning District (OB-PUD-SPD);
E. Amendment to Continental Plaza Planned Unit Development (PUD) Guidelines;
F. Amendment to Continental Plaza Planned Unit Development (PUD) Schematic Plan;

ACTIONS TAKEN: On 07/12/07, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval: Forward to City Council a recommendation of approval for items A-F, subject to the attached conditions of approval.

Action certified by: 
David Kwong, Planning Manager

Sent to Applicant: 07/16/2007

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.

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 Planning Commission decision of this item to the City Council must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before 07/23/07. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

Not Applicable

Conditions Of Approval

Recommended Conditions to be Forwarded to City Council:

1. The applicant to work in good faith with Department of Transportation to implement pedestrian friendly street elements at the intersection of North 7th Street and Richards Boulevard.
2. Planning Commission recommends the 1:325 parking ratio be in place for no longer than three (3) years and shall expire three years from approval. If construction has not commenced by 9/29/2010 the allowed parking ratio of 1:325 shall expire.
3. The applicant and Sacramento Metropolitan Air Quality Management District have agreed to incorporate air quality mitigation as part of the Development Agreement.

The City of Sacramento Planning staff, the Developer of the Continental Plaza project and the SMAQMD have agreed that the following conditions will be included in the Development Agreement:

- The proponent will perform an air quality analysis acceptable to the Sacramento Metropolitan Air Quality Management District (District) for both construction and operational emissions of Continental Plaza Phase IV (building and parking structure) using URBEMIS v. 8.7 or v. 9.4. This analysis will be completed and accepted by the District prior to the project being heard by City Council.
- The proponent will implement the District's standard construction mitigation and pay any off-site construction mitigation fees that would normally be assessed in an EIR prior to the issuance of a grading permit.
- The proponent will develop and implement an operational Air Quality Mitigation Plan (AQMP) endorsed by the Air District which commits to the mitigation of 15% of the project's NOX emissions. This AQMP will include measures from the District's most recent list of mitigation measures, "Recommended Guidance for Land Use Emission Reductions" specifically including, but not limited to:
 - User paid parking;
 - Mandatory membership in the applicable TMA as a condition of any tenant lease agreements, purchase agreement or other means acceptable to the District.
 - Alternative transportation incentive program requirement included in all tenant lease agreements, purchase agreements or other means acceptable to the DistrictThis AQMP will be completed by the proponent and endorsed by the District no later than the date of issuance of a grading permit or 12/31/07, whichever comes first. Under no circumstances, will any grading or improvement permit be issued if these conditions have not been met.
- The developer will assure the on-going implementation of this AQMP to all four phases of Continental Plaza through lease or purchase agreements