

Item No. 6
Supplemental Material
For
City of Sacramento
Planning Commission
Agenda Packet

For the Meeting of: August 14, 2008



Additional Material



Revised Material

Contact Information: Michael York, (916) 808-8239

Project Name: Downtown Plaza Remodel (P04-261)

Subject:

- 1) Utility conditions to be added (see attachment 1).
- 2) Condition C4 to read as: "Prior to issuance of building/occupancy permits to allow forward progress on ~~phase three~~ 'phase two' as described in the project description of a shopping cart plan shall be submitted to the Development Services Department detailing how the shopping carts will be monitored".
- 3) Downtown Plaza LLC information:
DOWNTOWN PLAZA LLC, a Delaware limited liability company
By: Westfield America Limited Partnership, a Delaware limited partnership, its managing Member
By: Westfield U.S. Holdings, LLC, a Delaware limited liability company its general partner
- 4) Land Park Community Association (LPCA) Letter (see attachment 2).
- 5) Letters received from neighbors concerned with the number of movie screens proposed (see attachment 3).

1. Post construction, storm-water quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Source control measures are required for this project. **However**, if the grading and disturb foundation is more than 1-acre then both source control and on-site treatment control measures (e.g. green roofs, storm-water planters, detention basin, infiltration basin and/or trench, media filters, vegetated filter strips and/or swales, and pre-approved proprietary devices) are required. Improvement plans must include the source controls and on-site treatment control measures selected for the site. Refer to the "Guidance Manual for On-site Stormwater Quality Control Design Manual" dated May 2007 for appropriate source control measures and on-site treatment control measures.
2. If there is grading and if the project disturb more than 1-acre of the existing foundation, then 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 from www.swrcb.ca.gov/stormstr/construction.html. The SWPPP will be reviewed by the Department of Utilities prior to issuing a grading permit. The following items shall be included in the SWPPP: (1) vicinity map, (2) site map, (3) list of potential pollutant sources, (4) type and location of erosion and sediment BMP's, (5) name and phone number of person responsible for SWPPP and (6) certification by property owner or authorized representative.
3. This project will require a sewer study to determine if the existing sewer line in "L" Street has sufficient capacity for this project. This project may require a connection to the sewer line in 7th street.
4. New domestic water services connections to the public system shall be metered. Excess services shall be abandoned to the satisfaction of the DOU.
5. 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.



LAND PARK COMMUNITY ASSOCIATION

August 12, 2008

TO: Sacramento City Planning Commission
Darryl Woo, Chair Person
Michael Notestine, Vice-Chair
Red Banes, Commissioner
John Boyd, Commissioner
Joseph Contreras, Commissioner
Chris Givins, Commission
Jodi Samuels, Commissioner
Barry Wasserman, Commissioner
Joseph Yee, Commissioner

RE: Westfield Downtown Plaza Project (PO4-261)

Dear Chairman Woo and Commissioners:

Since 2004, the Land Park Community Association and the Tower District Alliance have been working with the City to save Tower Theatre from the impacts of additional movie screens downtown. Mayor Fargo, City Council members and other officials understand that additional movie screens downtown will significantly impact Tower Theatre's ability to remain in business and compete for the most popular art films. We support revitalization of downtown, but not at the expense of the Tower Theatre, which brings 175,000 visitors to Tower District businesses. Our position has been to limit (through conditions) the number of screens to no more than five new screens for a total of no more than twelve screens. We stated this position at your last hearing and said fewer screens would be better because of the way art films are distributed in each district movie "zone."

City Staff have recommended the number of new screens to be 4 for a total of 11 screens: "Also, the theater would be reconstructed entirely on the second floor with an additional four screens for a total of 11 screens" (page 4). We support this lower screen number but request that Condition C 3 (page 15) be amended to include the total number of screens (11). Without this clarification, Westfield would be able to build more movie screens in the future.

Combining retail/theatre square footage in the conditions does not allow the Commission and City to know how many total square feet will be dedicated to the movie theatres. In a meeting yesterday, Mr. Kaplan indicated the total square footage of the new theatre would be between 46,500 and 47,000 square feet and that Cinemark would like to build 12 screens. Without a specific condition limiting the total number of screens more screens would be built and Tower Theatre would lose even more art film to Downtown Plaza.

City Planning Commission
Westfield Downtown Plaza
August 12, 2008

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We request that the Commission:

1. **Adopt the Staff Recommendation that the total number of screens would be 11 and clarify Condition C 3 (page 15) by adding:**


"with an additional 4 screens for a total number of 11 screens and front onto the spine of the Plaza with retail..." (underline is new language)
2. **Any changes to the number of movie screens in the future must be approved by the Planning Commission.**
3. **Identify the total square footage for the movie theatre complex only and include this number in Condition C3 and accurately indicate it on the site plan.**

If the total number of movie screens is not conditioned and more screens are added at a future date, Tower Theatre will not be able to compete for the single print of an art film that is distributed in the downtown movie zone. This is very important because of the way art film is distributed. With more screens, the Tower Theatre will not be able to compete for the single print of an art film that is distributed in the downtown movie zone. Only one print of an art film is available for distribution in a movie "zone", unlike blockbuster films with many prints showing on numerous screens at the same time. ***Cinemark Theatre, the nation's third largest movie operator, would seek the single print of only the most profitable art films distributed in the downtown movie zone to fill its new screens – the films that keep Tower Theatre in business. Tower Theatre in business.*** Tower Theatre, as a dedicated art film theatre approximately 75% of its revenues from the 10-14 most popular (profitable) art films. If Tower Theatre goes out of business, Cinemark would not show the other 40+ art films that aren't profitable, but are part of Tower's dedicated art film venue.

In closing, please condition the project to no more than four new movie screens for a total of 11 screens and identify and incorporate the total square footage for the movie theatre complex only into the conditions. This would allow Tower Theatre to continue to compete for the single print of the most popular (profitable) art films released in the downtown movie market – and remain in business showing numerous premier art films!

Keep the historic Tower Theatre operating as Sacramento's premier art film venue – showing movies continuously since 1938! Thank you for your consideration.

Sincerely,



Elyse Metune, President
LAND PARK COMMUNITY ASSOCIATION

Cc: Council Member Rob Fong
Keith Kaplan, Westfield Downtown Plaza

From: Cindy Ferguson <cferguson@macnexus.org>
To: <ecompton@cityofsacramento.org>
Date: 08/10/2008 8:06 PM
Subject: Movie Screens at Westfield Plaza

Dear Mr. Compton:
Please limit the number of movie screens at the Westfield Plaza.

The Tower Theater is a city landmark which needs to be saved as a movie theater. The Downtown Plaza has enough theaters at this time.

Sincerely,
Cindy Ferguson

From: Donna Clark <cdonna70@att.net>
To: <ecompton@cityofsacramento.org>
Date: 08/10/2008 10:31 PM
Subject: Tower Theatre

Dear Mr. Compton,

I am unable to attend the City Council meeting on Thursday, so I have written this email to speak for me. The Tower Theatre is a very well known landmark for the city of Sacramento and has been here for many many years. Please don't let them add more theatres to the downtown plaza area which will take away our Tower Theatre. It is an important part of our history. We have lost so much of it already.

The Village theatre at Marconi and Fulton was torn down to make a bingo hall and that saddened me since I grew up in that area and attended the theatre regularly. It had a lot of memories for me. I go to the Tower theatre also and I hope that we don't lose this theatre to a bunch of mall theatres losing another Sacramento icon.

Thank you,
Donna Clark

From: <SeasidePerigen@aol.com>
To: <ecompton@cityofsacramento.org>
Date: 08/11/2008 2:55 PM
Subject: Request

Please limit the number of movie screens at the Westfield Plaza. We don't want to lose the Tower Theater.

Thanks. Sharon and Ed Perigen (former residents of Sacramento)

Looking for a car that's sporty, fun and fits in your budget? Read reviews on AOL Autos.

(<http://autos.aol.com/cars-BMW-128-2008/expert-review?ncid=aolaut00050000000017>)

From: Randy Short <rshort@macnexus.org>
To: <ecompton@cityofsacramento.org>
Date: 08/11/2008 4:29 PM
Subject: Number of screens at Westfield Plaza.

For the record, I oppose adding any more screens at the Westfield Plaza. The downtown plaza is dying. Parking is very expensive. People are not going to spend a good chunk of money parking downtown when they can park for free at other malls and get all the same services.

Another issue is safety. I won't go to a movie there anymore. The last several times I went, we saw violent or very rude behavior on the part of other patrons. And there was always gang activity. I have had friends talk about the same issue when they've gone to these theaters. People are going to spend their money where they feel safe.

The city is driving business away from the downtown and Old Sacramento with parking rates. The garages are exorbitant.

If more screens will knock out the Tower Theater, then I am further opposed. The Tower is a major Sacramento icon, both culturally and architecturally. What a shame to see something valuable with long term presence be lost to Sacramento.

Randy Short
Sacramento, Ca

From: Karen Jacques <threegables@macnexus.org>
To: <myork@cityofsacramento.org>
CC: <ecompton@cityofsacramento.org>
Date: 08/11/2008 10:40 PM
Subject: Downtown Plaza Plan

Part of the plan for the much needed updating of Downtown Plaza is to add additional movie screens. I don't see more movie screens as a way of drawing more people to Downtown Plaza. Every suburban mall and shopping center has movie screens and they all show the same movies. People are most likely to go to the movies nearest them. I do see more movie screens as a way to put the Tower Theater out of business and I'm very concerned that that not happen. I believe Downtown Plaza should be limited to a maximum of twelve movie screens (even fewer would be better) and I oppose any city subsidy for movie screens. Thank-you for your consideration.

From: <Squeewab@aol.com>
To: <ecompton@cityofsacramento.org>
Date: 08/12/2008 11:52 AM
Subject: Planning Commission Hearing August 14, 2008

As a fourth generation Sacramentan, born in the Land Park neighborhood, attending my first movie at the Tower Theater, I urge you to:
Please adopt the City Staff recommendation to add only 4 NEW screens for a total of 11 screens in Downtown Plaza.

Sincerely,
Suzann Koogle

*****Looking for a car that's sporty, fun and fits in your budget?
Read reviews on AOL Autos.
(<http://autos.aol.com/cars-BMW-128-2008/expert-review?ncid=aolaut00050000000017>)