

Item No. 9
Supplemental Material
For
City of Sacramento
Planning Commission
Agenda Packet

For the Meeting of: September 24, 2009

- Additional Material
 Revised Material

Contact Information: Heather Forest, Associate Planner, (916) 808-5008

Project Name: East End Gateway Site 1

Subject:

Attached is the Design Commission Record of Decision, for the East End Gateway Site 1, concurrent Design Review file (DR09-164). The project was heard before the Design Commission on Wednesday, September 16, 2009.



**CITY OF SACRAMENTO DESIGN COMMISSION
RECORD OF DECISION
300 Richards Boulevard, 3rd Floor, Sacramento, CA 95814**

Project Name: East End Gateway 1
Project Number: DR09-164
Project Location: Northwest Corner of 16th & N Streets
Assessor's Parcel No.: 006-0172-011, -012, -017, and -018
Applicant: Todd Clayter, EM Johnson Interests
Action Status: Approved with Conditions Action Date: 09/16/09

REQUESTED ENTITLEMENT(S): Located at the northwest corner of 16th and N Streets, A request to develop a nine (9) story, 117 residential unit project with approximately 5,000 square feet of ground floor retail and three levels of structured parking on .71 +/- acres in the C-2/SPD (General Commercial) zone.

- A. Environmental Determination:** To be determined as necessary to amend original Environmental Impact Report, see Environmental Considerations section of this report.
- B. Design review and comment on Capitol Area Development Authority (CADA) development,** request to develop a nine (9) story, 117 residential unit project with approximately 5,000 square feet of ground floor retail and three levels of structured parking.

ACTIONS TAKEN: On 09/16/09, the Design Commission took the following actions based on the attached findings of fact and subject to the attached advisory conditions of approval:
Action: Approved with Conditions.

Action certified by: 
William Crouch, FRAIA, AIA, NCARB, LEED AP, Urban Design Manager

Sent to Applicant: 9/21/09

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 three years of the date of the approval. Prior to expiration, an extension of time may be granted by the Commission 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 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 09/28/09. If the 10th day falls on a Saturday, Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

- A. The Design Review request to develop a nine (9) story, 117 residential unit project with ground floor retail and three levels of structured parking is approved, subject to the following Findings of Fact and Advisory Conditions of Approval:**
1. The project, as conditioned, enhances the surrounding neighborhoods.
 2. The project, as conditioned, will complement structures in the vicinity, and generally conforms to the Design Commission's design criteria.
 3. The proposed use will be consistent with the objectives of the City of Sacramento General Plan.
 4. The project is based upon sound principles of land use in that the proposed use is allowed in the General Commercial (C-2) and includes conditions addressing building design, site design and signage.

Advisory Conditions Of Approval

The Design Review request to develop a nine (9) story, 117 residential unit project with ground floor retail and three levels of structured parking is hereby approved subject to the following advisory conditions.

- A. The design of the site (see plans attached) is hereby approved subject to the following advisory conditions. These conditions must be met prior to the issuance of a building permit:**
1. The building shall be sited as indicated in the report and exhibits. The Applicant shall coordinate with the appropriate City agencies regarding alley improvements associated with the overall project
 2. Auto access and site layout shall be as indicated in the report and exhibits.
 3. The project shall have building setbacks as indicated in the exhibits.
 4. Bicycle parking shall be located at the street planter area along N Street.
 5. The project shall have building entries as indicated in the exhibits. Further development of all project entry elements, including building sign standards and lighting cut sheets, shall be reviewed and approved by Design Review staff prior to Building Permit submittal.
 6. The applicant shall work with Design Review Staff on special paving at the entry and the City standard paving in the public right of way. Final paving shall be reviewed and approved by Design Review Staff prior to issuance of Building Permit.
 7. The applicant shall work with Development Engineering, Urban Forest, and Design Review staff on the removal and pruning of existing street trees, as well as selection of new trees. All landscaping shall have automatic irrigation.
 8. ***Consider providing decorative pavers in alley to further activate the project. Applicant shall provide Development Engineering and Design Review Staff final design of alley for review and approval prior to Building Permit submittal.***
 9. Exterior lighting style and design shall be compatible and consistent with the building design, and the site should be adequately illuminated for safety and security with a minimum 1.0 foot candle throughout. Appropriate lighting should light up wall surfaces or landscape areas. The applicant shall submit all site light fixtures cut sheets and plan locations for review and approval by Design Review staff prior to submitting for Building Permit. Street pole lights shall be

energy efficient with cutoff devices included in the acorn style fixtures.

10. Site mechanical equipment and utility vaults shall be incorporated into the project site. Backflow prevention devices, SMUD boxes, etc., shall be placed in vaults or incorporated into building structure where not visible from street views, and screened from any pedestrian view. The applicant shall submit final mechanical locations for review and approval by Design Review staff prior to Building Permit submittal.
 11. The integrated trash enclosure details and construction shall be reviewed and approved by Design Review staff prior to Building Permit submittal. All final material, finish, and color, shall match with the project's material and color scheme, and shall be reviewed and approved by Design Review staff prior to Building Permit submittal.
 12. The project shall include landscaping elements as indicated in the report and exhibits, and final landscape plans shall be reviewed and approved by Design Review staff prior to Building Permit submittal. ~~Applicant shall retain existing trees with exception of the Modesto Ash and provide an additional tree at the corner of 16th and N Streets.~~ Final tree species shall be coordinated with Urban Forest staff. Automatic irrigation shall be provided for all planting and landscaping. Drought tolerant vegetation shall be provided at the street tree planters. Storm water planters shall be provided along 16th Street per approved plans. **Street planters and sidewalk shall be provided per Development Engineering standards and reviewed by Development Engineering, Urban Forest, and Design Review staff prior to Building Permit submittal.**
- B. The design of the new building (see plans attached) is hereby approved subject to the following advisory conditions:**

13. The design of the building shall be as indicated in the report and exhibits with final conditions as approved by the Design Commission.
14. The building elevations shall have a consistency of detail and quality.
- ~~15. The top of building shall utilize a prefinished metal panel or a cement composite panel with a different color to complement the main color proposed at the middle band of the building. Design Review Staff to review final building top design.~~
16. A stronger horizontal band shall be provided to better transition between the middle and top of the building (6th and 7th floors). **Explore modifications that may not necessarily thicken or widen the treatment, but modify with color and/or material as a stronger transition. Final elevations shall be**

provided to Design Review Staff for review and approval prior to Building Permit submittal.

17. Retractable metal canopy treatments shall be provided at the ground level retail and at the west and south elevations. Final vignettes, cross-sections, and details shall be reviewed and approved by Design Review staff prior to Building Permit submittal.
18. Final cut sheets and details of the fencing or wall proposed at the podium terrace shall be provided to Design Review Staff for review and approval prior to Building Permit submittal.
19. Street-wall materials and articulation shall be provided along the alley and the N Street elevations per staff recommendation. ***Applicant shall wrap material treatments on northwest corner. Applicant shall work on ground floor and street interface in regards to materials and wrapping the street wall onto adjacent façades (i.e. alley), and provide revised plans to Design Review staff. Revised elevations shall be reviewed and approved by Design Review staff prior to Building Permit submittal.***
20. ***Articulate west elevation with plantings and other treatments to the wall finish. Final elevation shall be provided to Design Review Staff for review and approval prior to Building Permit submittal.***
21. The materials provided shall be stone veneer at the base of the building and at blade element along N Street, cement composite board at the middle band of the building, cast-in-place concrete, clear anodized aluminum storefront systems with clear glazing, clear glazed balcony rails, natural finished decorative metal grillage at the garage and mechanical penthouse, and pre-finish metal panels at the top of the building. Smooth finished cement plaster shall not be utilized. Design Review Staff to review final colors and materials palette prior to issuance of Building Permit.
22. ***Juliet balconies should be made usable or removed from the project.***
23. Punched openings shall be provided per approved plans. Operable windows (casement or awning style) shall be provided per approved plans.
24. ***Ensure green roofs have sufficient depth to sustain landscaping. Applicant shall look at access from courtyard patios to allow easy entry to public areas. Final plans shall be provided to Design Review Staff for review and approval prior to Building Permit submittal.***
25. Exterior lighting style and design shall be compatible and complementary to the building design. Indirect lighting shall be provided at the tower blade element to further activate the building in the evening. ***Final building lighting plans and***

light fixture cut sheets shall be reviewed and approved by Design Review staff prior to Building Permit submittal.

26. Final mechanical penthouse shall be integrated into the final elevations through the use of materials and design. Final roof plan and mechanical penthouse elevations with mechanical equipment locations shall be reviewed and approved by Design Review staff prior to Building Permit submittal.

C. The design of the signage is hereby approved subject to the following conditions:

27. High quality signage with a design and materials that complements the architecture is required and shall meet the sign ordinance and Design Review Guidelines for the Central Core Design Review District. **Signage criteria for the project shall be submitted to Design Review staff and the City Sign Coordinator for review and approval prior to building permit submittal. Signage criteria requirements are locations of signage (elevations) including general size, potential illumination, and materials. Final sign designs shall be reviewed at time of tenant improvement Building Permit submittal.**

D. General conditions:

28. All final details affecting the exterior building design that are not determined at the time of the Design Commission's final review shall be reviewed and approved by Design Review staff prior to Building Permit submittal.
29. All other notes and drawings on the final plans as submitted by the applicant are deemed conditions of approval. Any changes to the final set of plans stamped by Design Review staff shall be subject to review and approval prior to Building Permit submittal. Applicant shall comply with all current building code requirements.
30. Any major revisions to the final approved design are subject to review and approval by the Design Commission.
31. **All required new and revised plans shall be submitted for review and approval by Design Review staff prior to building permit submittal. A set of the appropriate plans (reduced to 11 x 17 set) along with a Letter of Compliance indicating how the project is in compliance with each Condition of Approval with detailed sheet references shall be submitted directly to Design Review Staff 1-2 weeks prior to Building Permit submittal. A final 3D model (SketchUp preferred) shall be provided to Design Review staff prior to building permit submittal. All necessary**

planning entitlements shall have been approved by the Planning Commission prior to final Design Review sign-off of plans.

32. The approval shall be deemed automatically revoked unless required permits have been issued and construction begun within three years of the date of the approval. Prior to expiration, an extension of time may be granted by the Design Commission upon written request of the applicant.
33. **The Design Commission decision may be appealed to City Council. Appeals must be filed within 10 calendar days of written notice of the Design Commission action.**
34. Building permits shall not be issued until the expiration of the 10 day appeal period. If an appeal is filed, no permit shall be issued until final approval is received.
35. Final occupancy shall be subject to approval by Design Review Staff and shall involve an on-site inspection by Design Review Staff.
36. **The Record of Decision shall be scanned and inserted into the final set as a general sheet to be submitted for Building Permit.**
37. ***A signed copy of the Affidavit of Zoning Code Development Standards shall be scanned and inserted into the final set as a general sheet to be submitted for Building Permit.***