



# REPORT TO COUNCIL

## City of Sacramento

9

915 I Street, Sacramento, CA 95814-2671  
www.CityofSacramento.org

CONSENT  
December 6, 2005

Honorable Mayor and  
Members of the City Council

**Subject:** PFP: Sky Park at Natomas Field (P05-173)

**Location/Council District:**

East of East Commerce Way, south of Prosper Way. APN: 225-0150-015 and portions of 225-0150-018, -036. Council District 1.

**Recommendation:**

As required by Sacramento City Charter 32(c), Pass for Publication the Ordinance approving a Development Agreement between the City of Sacramento and Towne Development of Sacramento and continue to December 13, 2005 for adoption.

**Contact:** David Hung, Associate Planner, 808-5530; Gregory Bitter, Senior Planner, 808-7816

**Presenters:** David Hung, Associate Planner

**Department:** Development Services Department

**Division:** Planning

**Organization No:** 4875

**Summary:**

On March 22, 2005, the City Council approved the project entitlements for the Strawberry Field project (P03-134), including a Development Agreement between the City of Sacramento and Towne Development of Sacramento, Inc. On July 21, 2005, the City Council approved an ordinance postponing the effective date of the Development Agreement from 90 days to 180 days due to unanticipated environmental conditions at the site that delayed Towne Development's acquisition of title. As of now, the approved effective date on the Developed Agreement has expired and the applicant is submitting a new application (now known as Sky Park at Natomas Field) for the Development Agreement that requires approval by the City Council.



**Background Information:**

The Development Agreement approved by City Council on March 22, 2005 for Strawberry Field (P03-134) stated that Towne Development of Sacramento must acquire title to the property covered by the Development Agreement within 90 days of the effective date of the ordinance. In this case, the ordinance approving the Development Agreement became effective on April 22, 2005. Due to clean-up efforts on the site taking longer than expected, Towne Development anticipated that it would be unable to gain title to the entire property, including the portion of the property exchanged with Beazer Homes, until August 2005; subsequently, the City Council approved an emergency ordinance on July 21, 2005 to amend the definition of the Effective Date of the ordinance from 90 days to 180 days, which would extend the deadline to acquire title to October 22, 2005. The proposed amendment to the definition of Effective Date is not considered substantive for the purposes of City Code Section 18.16.130 because it does not change the terms of the development agreement or modify the provisions of the agreement dealing with the permitted uses, density or intensity of use, height or size of buildings, provisions for reservation and dedication of land, conditions, terms, restrictions and requirements relating to subsequent discretionary actions, monetary contributions by a landowner, or any other material term or condition of the agreement.

The applicant, Towne Development of Sacramento, did not have sufficient time to request an additional extension of the Effective Date, and, therefore, the Development Agreement expired on October 22, 2005. According to the applicant, final confirmation samples have been collected and are now being tested to finalize the site clean-up work. Upon confirmation that the site has been cleaned up, the State of California Regional Water Quality Control Board will publish a "closure letter". Issuance of the "closure letter" is a required condition for the property exchange between Towne Development and Beazer Homes. The applicant has submitted a new application for the Development Agreement (P05-173) that requires approval by the City Council.

**Financial Considerations:**

This project has no fiscal considerations.

**Environmental Considerations:**

On March 22, 2005, the City Council approved a Mitigated Negative Declaration for the originally proposed project (P03-134). Potentially significant environmental issues regarding biological resources, hazards, and cultural resources were discussed and mitigated in this document. The current request to establish a new Development Agreement for the same project does not result in any impacts over and above what was previously analyzed. Section 15162 of the Guidelines for Implementation of the California Environmental Quality Act Public Resources Code provides that an additional Negative Declaration (or Environmental Impact Report) need not be prepared unless subsequent changes are proposed in the project, substantial changes occur with respect to the project circumstances, or new information of substantial importance to the

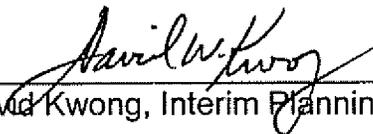
project becomes known or available. Thus, a previously adopted Negative Declaration is considered for the subject proposal. The applicant has reviewed the previously adopted Mitigation Monitoring Plan and has signed a Mitigation Agreement in acceptance of the imposed mitigation measures.

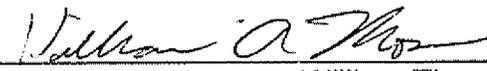
**Policy Considerations:**

The Sky Park at Natomas Field project, formerly know as the Strawberry Field project, has been determined to be consistent with applicable City policies, including the Inclusionary Housing Policy, the City's Smart Growth Principles, and the City's Strategic Plan.

**Emerging Small Business Development (ESBD):**

No goods or services are being purchased under this report.

Respectfully Submitted by:   
David Kwong, Interim Planning Manager

Approved by:   
William Thomas  
Director of Development Services

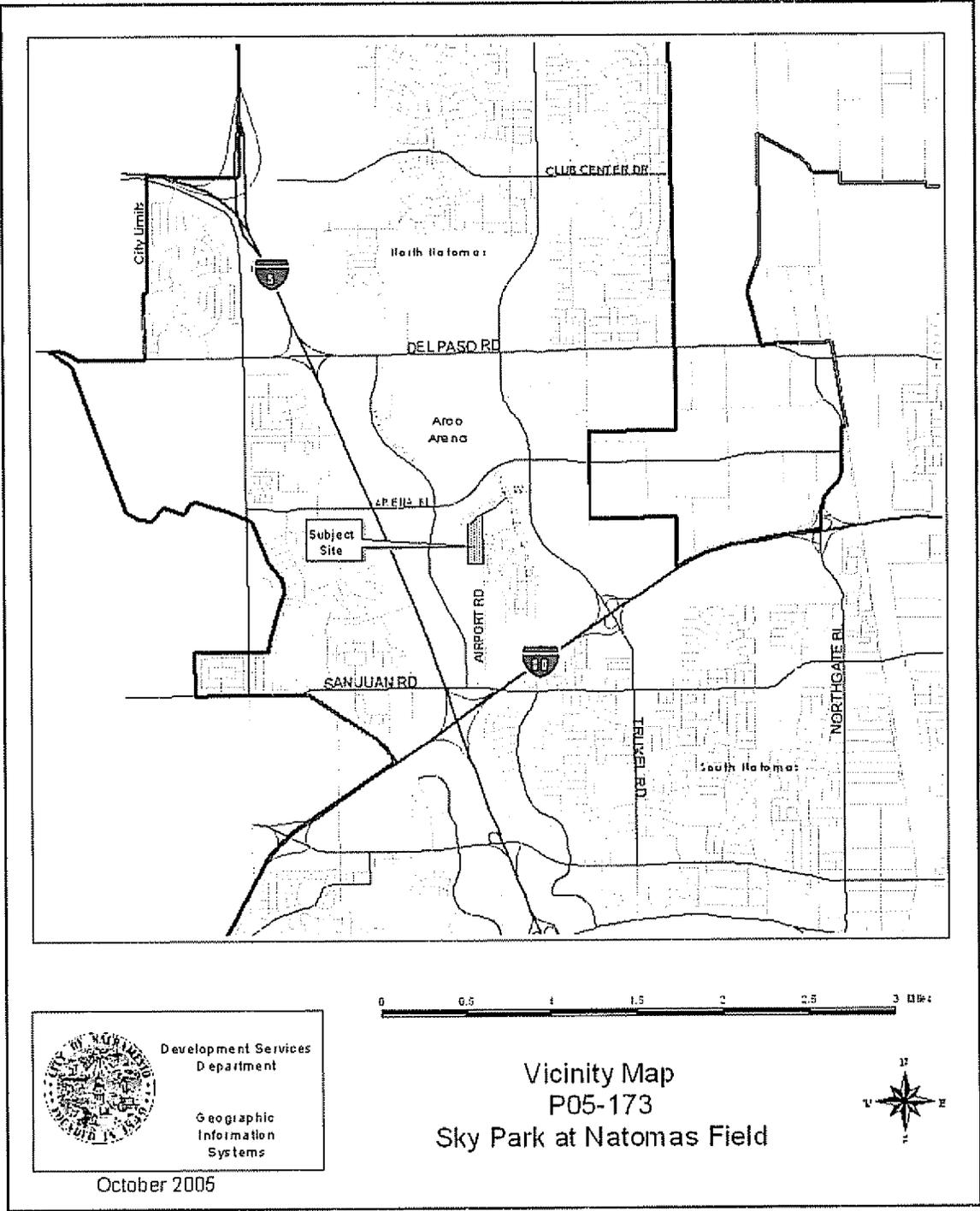
Recommendation Approved:

  
ROBERT P. THOMAS  
City Manager

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Vicinity Map



**ORDINANCE NO. 2005-XXXX**

Adopted by the Sacramento City Council

Date

**AN ORDINANCE RELATING TO THE APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SACRAMENTO AND TOWNE DEVELOPMENT OF SACRAMENTO, INC., FOR PROPERTY LOCATED EAST OF EAST COMMERCE WAY, SOUTH OF PROSPER WAY. (APN: 225-0150-015 and portions of 225-0150-018, -036) (P05-173)**

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

SECTION 1

This Ordinance incorporates, and by this reference makes part hereof, that certain Development Agreement, by and between the City of Sacramento and Towne Development of Sacramento, Inc., a copy of which is attached hereto.

SECTION 2

The City Council finds:

1. The agreement is consistent with the city general plan and the goals, policies, standards and objectives of any applicable specific or community plan;
2. The project should be encouraged in order to meet important economic, social, environmental or planning goals of any applicable specific or community plan;
3. The project would be unlikely to proceed in the manner proposed in the absence of a development agreement;
4. The landowner will incur substantial costs in order to provide public improvements, facilities or services from which the general public will benefit;
5. The landowner will participate in all programs established and/or required under the general plan or any applicable specific or community plan and all of its approving resolutions (including any mitigation monitoring plan), and has agreed to financial participation required under any applicable financing plan and its implementation measures, all of which will accrue to the benefit of the public;

6. The landowner has made commitments to a high standard of quality and has agreed to all applicable land use and development regulations.

### SECTION 3

The Development Agreement attached hereto is hereby approved, and the Mayor is authorized to execute after the effective date of this Ordinance said Development Agreement on behalf of the City of Sacramento. This approval and authorization is based upon the Mitigated Negative Declaration and Mitigation Monitoring Plan which is the subject of a separate resolution adopted by City Council prior to or concurrent with the adoption of this Ordinance.

#### **Table of Contents:**

Exhibit A: Development Agreement

Exhibit A – Development Agreement

A copy of the Development Agreement  
is available for Review at:

City of Sacramento  
Development Services Department  
915 I Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814  
(916) 808-5381

8 a.m. - 5 p.m.  
Monday through Friday