



REPORT TO COUNCIL 54 City of Sacramento

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

PUBLIC HEARING
June 27, 2006

Honorable Members of the
Sacramento City Council

Subject: The Somerset Subdivision Rezone and Appeal, Kimball Hill Homes
(P04-256)

Location/Council District: 5102 & 5104 Ehrhardt Avenue, Sacramento, CA
APN: 117-0132-001, -002 & -004 (District 7)

Recommendation:

Staff recommends that the City Council take the following actions: 1) Adopt the Ordinance amending the comprehensive Zoning Ordinance (Title 17 of the Sacramento City Code) to remove a portion of the project site from the Agricultural (A) zone and Single Family Alternative (R-1A) zone and placing the entire site into the Multi-Family (R-2B) zone; 2) Adopt the Resolution approving the Mitigated Negative Declaration and Mitigation Monitoring Plan; 3) Adopt the Resolution amending the General Plan land use designation; 4) Adopt the Resolution amending the South Sacramento Community Plan land use designation; 5) Adopt the Resolution adopting the Inclusionary Housing Plan; 6) Either (i) Adopt the Resolution denying the appeal – Alternative A; or (ii) Adopt the Resolution granting the appeal – Alternative B.

Contact: Heather Forest, Associate Planner, 808-5008; Tom Buford, Senior Planner, 808-7931

Presenters: Heather Forest, Associate Planner

Department: Development Services

Division: Planning

Organization No: 4875

Summary:

The applicant is requesting the approval of entitlements to allow the construction of a 169 single family home subdivision with private roadways, paseos, and small interior park/recreation areas, on 13.84± acres within the Multi-Family (R-2B) zone, at a density of 20 units per net acre (du/na). The rezone will result in a proposal more consistent with the existing and proposed General Plan and South Sacramento Community Plan land use designations for the project site. The

applicant has appealed a condition included in the Special Permit for Alternative Housing Types, and denial of the Special Permit for a gated subdivision.

Committee/Commission Action:

On April 13, 2006, the Planning Commission approved (six ayes and zero noes) the Mitigated Negative Declaration, Tentative Subdivision Map, Special Permit to allow an alternative ownership housing type, and a Subdivision Modification to allow non-standard private roadways, and forwarded the recommendation to the City Council for approval of the Mitigated Negative Declaration, Mitigation Monitoring Plan, General Plan Amendment, South Sacramento Community Plan Amendment, Rezone, and Inclusionary Housing Plan. The Planning Commission denied the request for a Special Permit to allow the subdivision to be gated.

The Planning Commission, in response to citizen comments, added a condition to the Special Permit to allow alternative housing types that would require a traffic study after a portion of the project has been constructed. The applicant (Kimball Hill Homes) has appealed this condition, and with it the Special Permit, and has also appealed the denial of the Special Permit to allow the subdivision to be gated. The appeal letter written by the applicant to the City Council is attached (Attachment 6, Pg 69).

The condition placed by the City Planning Commission upon the Special Permit to allow an alternative ownership housing type provides as follows:

A traffic investigation paid for by the applicant shall be completed by the City after buildout of 80% of the project. This investigation shall determine whether trips attributable to the project will trigger traffic signal warrants requiring the installation of a traffic signal at Franklin Boulevard and Idaho Street. If such installation is required, the applicant shall pay its fair share of the cost of such installation.

Concerns regarding the condition were raised at the Planning Commission hearing and include the following:

- A focused traffic analysis was conducted for this project using current traffic volumes. The analysis found that there were no traffic impacts associated with the project.
- The condition is restricted to improvements at the Idaho Street/Franklin Boulevard intersection. There is no direct link between the project site and Idaho Street/Franklin Boulevard intersection. This is not a major intersection, and is an unlikely candidate for future signalization.

While citizen concerns as described to the Planning Commission are legitimate, City staff notes that the condition requiring a post-project study would be difficult to enforce and does not seem likely to lead to the identification of feasible improvements.

For these reasons, staff is generally not supportive of the condition. The condition has been included in the proposed project conditions (see Condition #10 to the Resolutions identified as Alternative A) as added and approved by the Planning Commission, and has been omitted from the Resolution identified as Alternative B, and may be included or deleted as the City Council determines.

The applicant has also appealed the denial of the Special Permit for a gated subdivision. Staff recommends denial of the Special Permit, upholding the City Planning Commission's decision. The recommendation of denial is based upon the following:

- The project site is surrounded by existing development, none of which is gated. Gating the development would impede access to and from the project to the existing neighborhood.
- City staff does not make it a practice to support the gating of communities unless the City of Sacramento Police Department has requested the gating for security purposes. The Police Department has not recommended that the proposed project be gated.
- Gating of the development would not be consistent with the City General Plan Policy of "...improving the quality of residential neighborhoods Citywide by protecting, preserving and enhancing their character..." because the gating would isolate the new development from the existing neighborhood.

The applicant has asserted that gating of the community would ensure that the project amenities, which are maintained by the homeowners' association, would be available for the use of residents. The applicant has also pointed to design features that minimize the visual impact of the gating.

While staff continues to recommend denial, a resolution that includes approval of the gated subdivision has been included in the event the City Council determines the Special Permit should be approved (Resolution- Alternative B, Pg 49.)

The Resolution attached as Alternative A denies the appeal; therefore, it includes Condition #10 requiring the traffic study and denies the request for a gated subdivision. The Resolution attached as Alternative B omits Condition #10 and approves the Special Permit for a gated subdivision as requested in the appeal.

Background Information:

There is no record of prior planning applications affecting this property, and the site has been vacant for many years.

The General Plan designates the project site as 5.0± acres of Low Density Residential, 4-15 dwelling units per net acre (du/na), and 8.83± acres of Medium Density Residential, 16-29 du/na. The South Sacramento Community Plan designates the project site as 5.0± acres of General Public and 8.83± acres of Residential, 11-21 du/na. The zoning designations of the site consist of 5.0± acres of Single Family Alternative (R-1A) and 8.84± acres of Agricultural (A).

Approval of the proposed project would designate the entire site Medium Density Residential, 16-29 du/na by the General Plan; Residential, 11-21 du/na by the South Sacramento Community Plan; and Multi-Family (R-2B) by the Zoning Code.

Approval of the proposed project would result in the construction of 169 small lot single family homes in the Multi-Family (R-2B) zone. Six house plans are proposed for the development, consisting of three to five bedrooms. The units will range in size from 1,005 square feet to 1,793 square feet, with three house plans offering a third story option which would provide an additional 500 to 517 square feet of living space. All homes will have at least one garage space.

Neighborhood opposition to the proposed project was expressed at the Planning Commission. Those opposed have stated concerns regarding the project density, the front setbacks along Ehrhardt Avenue which affect an existing single family residence to the east, and traffic/circulation issues along Ehrhardt Avenue.

Financial Considerations:

There are no financial considerations associated with this report.

Environmental Considerations:

The Environmental Services Manager has determined that the project, as proposed, will not have a significant impact to the environment; therefore, a Mitigated Negative Declaration has been prepared. The Notice of Availability/Intent to Approve was circulated for public comment for a 30-day period from October 21, 2005 to November 21, 2005. No comments were received.

The Mitigation Monitoring Plan is based on mitigation measures identified in the environmental document. In compliance with Section 15070(B)1 of the California Environmental Quality Act (CEQA) Guidelines, the applicant has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where clearly no significant impacts will

occur. These mitigation measures address air quality, biological resources, and cultural resources. The mitigation measures are listed in the attached Mitigation Monitoring Plan (Exhibit A, Pg 15) and were included as advisory notes to the tentative map.

Policy Considerations:

The project is consistent with the following General Plan goals relating to residential land uses:

- Provide affordable housing opportunities for all income household categories throughout the City. (2-14)
- Develop residential land uses in a manner which is efficient and utilizes existing and planned urban resources. (2-15)
- Identify area of potential change where density development would be appropriate along major thoroughfares, commercial strips, and near light rail stations, and modify plans to accommodate this change. (2-15)
- Maintain orderly residential growth in areas where urban services are readily available or can be provided in an efficient cost effective manner. (2-17)

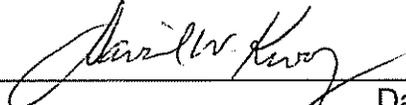
The project is consistent with the South Sacramento Community Plan in that it fulfills the need to "Encourage more variation of housing types in South Sacramento, especially to meet the needs of the two ends of the housing and income spectrum." (30)

Smart Growth Principles: City Council adopted a set of Smart Growth Principles in December 2001 in order to encourage development patterns that are sustainable and balanced in terms of economic objectives, social goals, and use of environmental/natural resources. The project is infill development and is consistent with the Smart Growth Principles.

Strategic Plan Implementation: The recommended action conforms with the City of Sacramento Strategic Plan, specifically by adhering to policies that provide a mix of land uses, create a range of housing opportunities and choices with a diversity of affordable housing near employment centers, foster a walkable community, and promote multi-modal transportation and land use patterns that support walking, cycling, and public transit.

Emerging Small Business Development (ESBD):

No goods or services are being purchased under this report.

Respectfully Submitted by: 
David Kwong
Planning Manager

Approved by: 
William Thomas
Director of Development Services

Recommendation Approved:

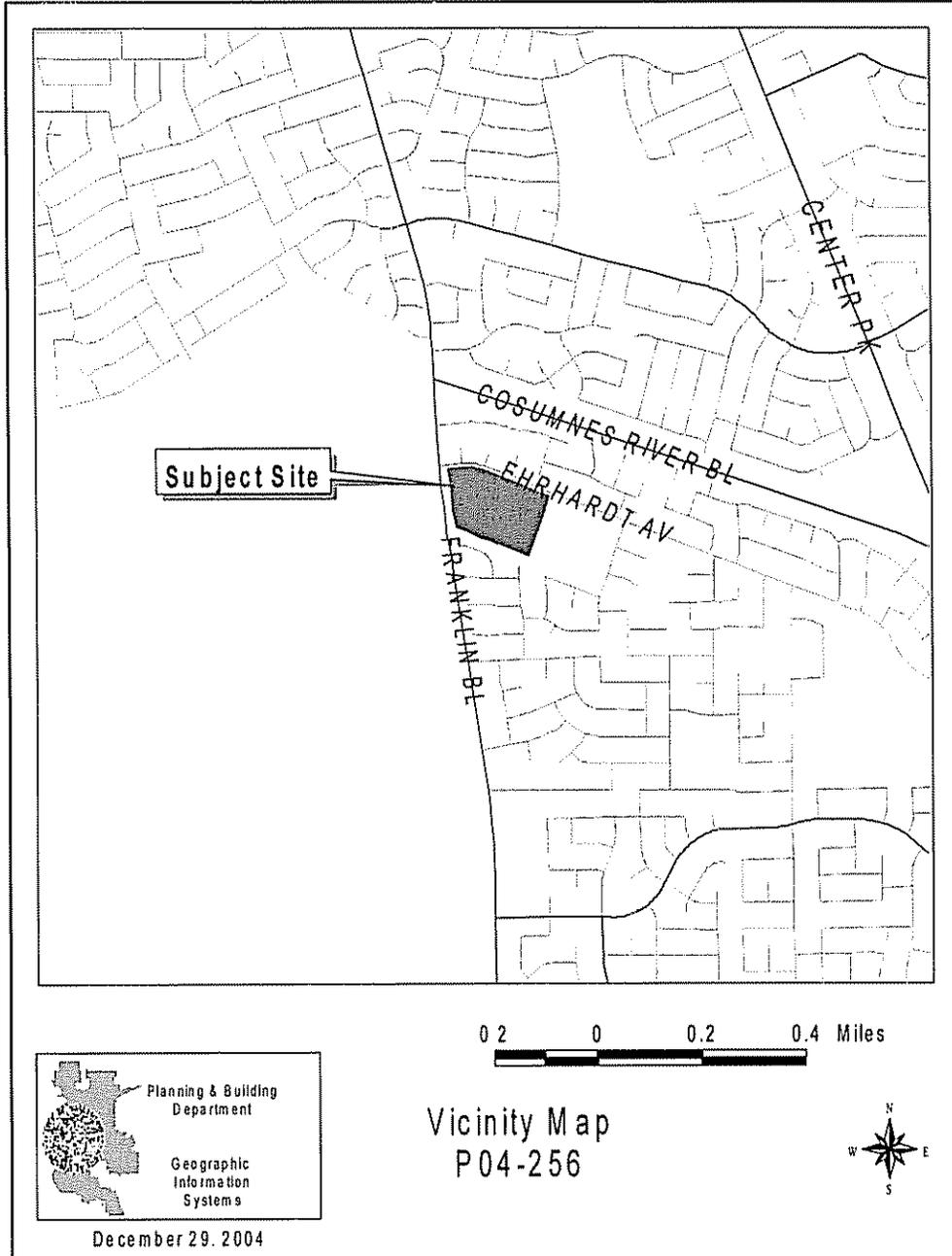

RAY KERRIDGE
City Manager

Table of Contents:

Pg	1-7	Report
Pg	8	Vicinity Map
Pg	9-10	Ordinance to Approve rezone
Pg	11	Exhibit A – Rezone Exhibit
Pg	12-14	Resolution to Approve the Mitigated Negative Declaration and Mitigation Monitoring Plan
Pg	15-27	Exhibit A – Mitigation Monitoring Plan
Pg	28	Resolution to Approve General Plan Amendment
Pg	29	Exhibit A – General Plan Amendment Exhibit
Pg	30	Resolution to Approve Community Plan Amendment
Pg	31	Exhibit A – Community Plan Amendment Exhibit
Pg	32-33	Resolution Adopting an Inclusionary Housing Plan
Pg	34-39	Exhibit A – Inclusionary Housing Plan Exhibit
Pg	40-48	Resolution Denying the Appeal – Alternative A
Pg	49-58	Resolution Granting the Appeal – Alternative B

Pg	59	Attachment 1 - Tentative Subdivision Map
Pg	60	Attachment 2 - Site Plan Illustrative
Pg	61	Attachment 3 - Conceptual Landscape Plan
Pg	62	Attachment 4 - Lighting Plan Illustrative
Pg	63-68	Attachment 5 - House Plans
Pg	69-70	Attachment 6 - Applicant Appeal Letter
Pg	71	Attachment 7 - Aerial Image of Project Site

Vicinity Map



Ordinance to Approve Rezone

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 99-015, AS AMENDED, BY REMOVING A PORTION OF THE PROPERTY LOCATED AT 5102 & 5104 EHRHARDT AVENUE FROM THE AGRICULTURAL (A) ZONE AND SINGLE FAMILY ALTERNATIVE (R-1A) ZONE AND PLACING IT IN THE MULTI FAMILY (R-2B) ZONE.

(P04-256) (APN: 117-0132-001, -002 & -004)

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

SECTION 1

The property generally described, known and referred to as The Somerset Subdivision (APN: 117-0132-001, -002, & -004) which is shown on Exhibit A, consists of 8.84± acres currently in the Agricultural (A) zone and 5.0± acres currently in the Single Family (R-1A) zone established by the Comprehensive Zoning Ordinance (Title 17 of the City Code). Said property, totaling 13.84± acres, is hereby removed from the said zones and placed in 13.84± acres of Multi-Family (R-2B) zone.

SECTION 2

Rezoning of the property described in the attached Exhibit A by the adoption of this Ordinance shall be deemed to be in compliance with the procedures for the rezoning of property described in the Comprehensive Zoning Ordinance, Title 17 of the City Code.

SECTION 3

The City Clerk of the City of Sacramento is hereby directed to amend the official zoning map, which is a part of said Comprehensive Zoning Ordinance, Title 17 of the City Code, to conform to the provisions of this Ordinance.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

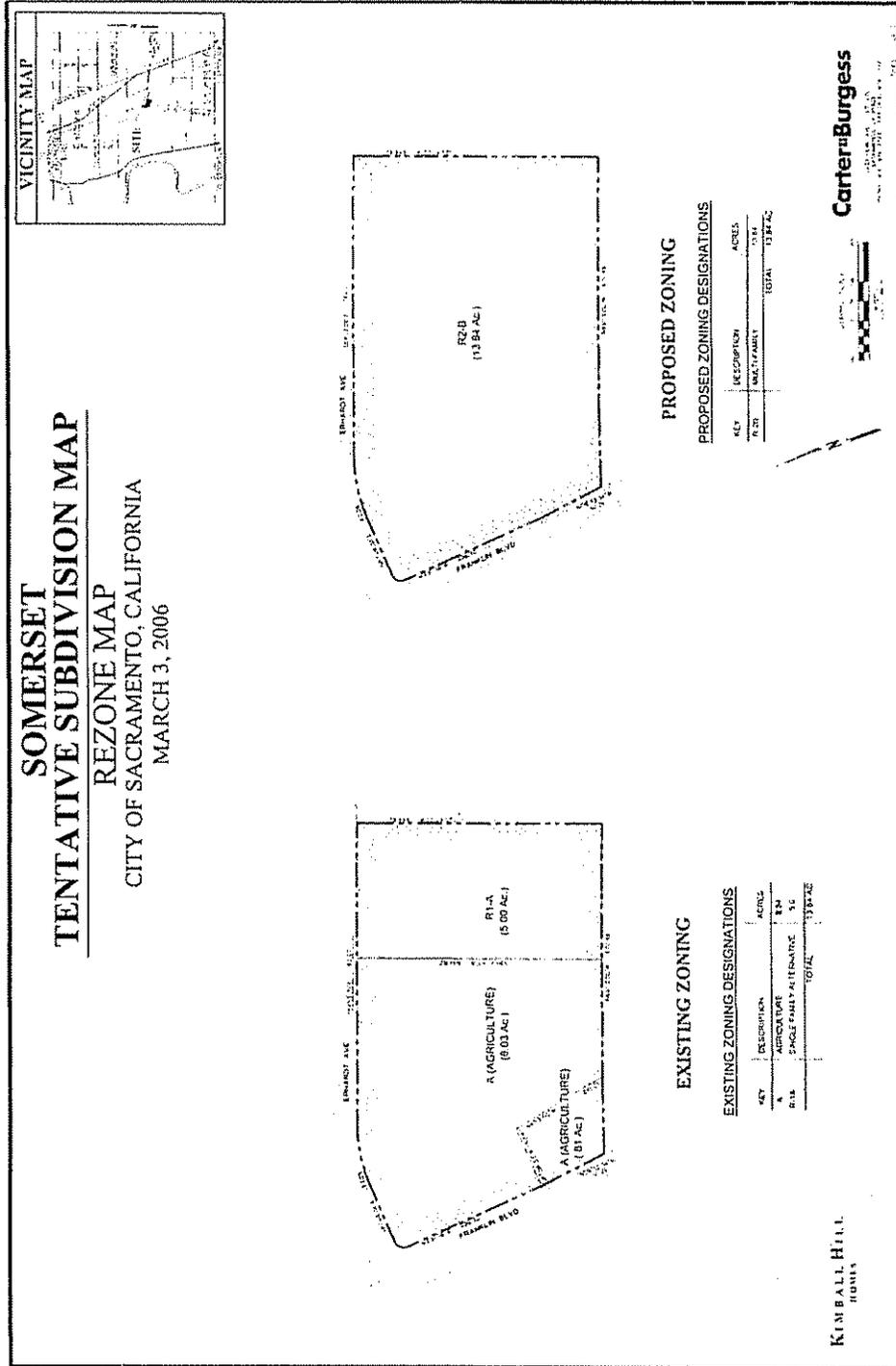
MAYOR

ATTEST:

CITY CLERK

Table of Contents:
Exhibit A – Rezone Exhibit

Exhibit A – Rezone Exhibit



Resolution Approving the Mitigated Negative Declaration and Mitigation
Monitoring Plan

RESOLUTION NO.

Adopted by the Sacramento City Council

On _____

**A RESOLUTION APPROVING THE MITIGATED NEGATIVE
DECLARATION AND APPROVING THE MITIGATION
MONITORING PLAN FOR THE SOMERSET PROJECT,
LOCATED AT 5102 & 5104 EHRHARDT AVENUE,
SACRAMENTO, CALIFORNIA
(P04-256) (APN: 117-0132-001, -002 & -004)**

BACKGROUND

- A. The City Council of the City of Sacramento finds as follows:
 - 1. The City of Sacramento’s Environmental Planning Services conducted or caused to be conducted an Initial Study on Somerset Subdivision (P04-256) (“Project”) to determine if the Project may have a significant effect on the environment.
 - 2. The Initial Study identified potentially significant effects of the Project. Revisions to the Project made by the Project applicant before the proposed Mitigated Negative Declaration and Initial Study were released for public review were determined by City’s Environmental Planning Services to avoid or reduce the potentially significant effects to a less-than-significant level, and, therefore, there was no substantial evidence that the Project as revised and conditioned may have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the Project was then completed, noticed and circulated in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures as follows
 - a. On October 19, 2005 a Notice of Availability/Intent to Approve the MND (NOI) dated October 19, 2005 was circulated for public comment for 30 days. The public comment period began on October 21, 2005 and ended on November 21, 2005. The NOI was sent to those public agencies that have jurisdiction by law with respect to the proposed project and to other interested parties and agencies, including property owners within 500 feet of the

- boundaries of the proposed project. The comments of such persons and agencies were sought.
- b. On October 21, 2005 the project site was posted with the NOI, the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.
 - c. On October 21, 2005 a Notice of Completion and 15 copies of the NOI were filed with the Office of Planning and Research, State Clearinghouse, for circulation to state agencies.
 - d. No comments were received regarding the environmental document as circulated.
3. Based on its review of the MND and on the basis of the whole record, the City Council finds that the MND reflects the City Council's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment.
 4. Pursuant to CEQA Guidelines Section 15074, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Program to require all reasonable feasible mitigation measures be implemented.
 5. The documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in the City of Sacramento Development Services Department, Environmental Planning Services, 2101 Arena Boulevard, Suite 200, Sacramento, CA 95834. The custodian of these documents and other materials is the Development Services Department, Environmental Planning Services.
 6. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Council ratifies the Mitigated Negative Declaration for Somerset Subdivision (P04-256).
- Section 2. The City Council approves the Mitigation Monitoring Plan for the Somerset Subdivision project (P04-256) based upon the following findings:

1. One or more mitigation measures have been added to the above-identified project;
2. A Mitigation Monitoring Plan has been prepared to ensure compliance and implementation of the mitigation measures for the above-identified project, a copy of which is attached as Exhibit A;
3. The Mitigation Monitoring Plan meets the requirements of Public Resources Code Sec.21081.6; and
4. The Mitigation Monitoring Plan is approved, and the mitigation measures shall be implemented and monitored as set forth in the plan.

ATTEST:

MAYOR

CITY CLERK

P04-256

Table of Contents:

Exhibit A: Mitigation Monitoring Plan – 13 Pages

Exhibit A – Mitigation Monitoring Plan

**SOMERSET SUBDIVISION PROJECT (P04-256)
MITIGATION MONITORING PLAN**

**FOR
KIMBALL-SOMERSET PROPERTY**

**TYPE OF ENVIRONMENTAL DOCUMENT:
INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION**

**PREPARED FOR:
CITY OF SACRAMENTO, DEVELOPMENT SERVICES DEPARTMENT**

DATE:

**ADOPTED BY:
CITY OF SACRAMENTO
PLANNING COMMISSION**

DATE:

ATTEST:

**SOMERSET SUBDIVISION PROJECT (P04-256)
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Development Services Department, Environmental Planning Services, 2101 Arena Blvd, Suite 200, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6

SECTION 1: PROJECT IDENTIFICATION

Project Name / File Number: Somerset Subdivision Project (P04-256)
Owner/Developer- Name: Bill Stanton/Kimball Hill Homes
Address: 10535 E. Stockton Blvd , Suite K
Elk Grove, CA 95624

Project Location / Legal Description of Property (if recorded):
The proposed project site is located south of Ehrhardt Avenue on APNs 117-0132-001,-002 and -004 in the South Sacramento Community Plan area

Project Description:
The proposed project consists of the entitlements to create 169 single-family lots and construct a home on each lot in the Agriculture (A) and Single-Family Alternative (R-1A) zones

SECTION 2: GENERAL INFORMATION

The Plan includes mitigation for Biological, Noise, and Cultural Resources. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Initial Study for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the owner/developer identified above. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of mitigation measures adopted for the proposed project.

~~The mitigation measures have been taken verbatim from the Initial Study and are assigned the same number they have in the document.~~ The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions. The developer will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMP. The City of Sacramento will be responsible for ensuring compliance.

05/25/2006 08:48 9165663968

CITY PERMIT CNTR

PAGE 01/01

FROM : KIMBALL HILL HOMES LAND

FAX NO. : 9167143664

Mar.. 15 2006 05:43PM P2

MITIGATION AGREEMENT

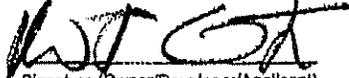
PROJECT NAME / FILE NUMBER: Somerset Subdivision (P04-256)

OWNER/DEVELOPER: Bill Stanton/Kimball Hill Homes

I, BILL STANTON (owner, authorized representative), agree to amend the project application P04-256 to incorporate the attached mitigation measures in the Somerset Subdivision Project Initial Study/Mitigated Negative Declaration dated September 26, 2005. I understand that by agreeing to these mitigation measures, all identified potentially significant environmental impacts should be reduced to below a level of significance, thereby enabling the Environmental Coordinator to prepare a Negative Declaration of environmental impact for the above referenced project.

I also understand that the City of Sacramento will adopt a Mitigation Monitoring Plan for this project. This Reporting Plan will be prepared by the Development Services Department, pursuant to the California Environmental Quality Act Guidelines Section #21081 and pursuant to Article III of the City's Local Administrative Procedures for the Preparation of Environmental Documents.

I acknowledge that this project, P04-256, would be subject to this plan at the time the plan is adopted. This plan will establish responsibilities for the monitoring of my project by various City Departments and by other public agencies under the terms of the agreed upon mitigation measures. I understand that the mitigation measures adopted for my project may require the expenditure of owner/developer funds where necessary to comply with the provisions of said mitigation measures.


Signature (Owner/Developer/Applicant)

DIRECTOR

Title
3.15.06

Date

**SOMERSET SUBDIVISION PROJECT (P04-256)
MITIGATION MONITORING PLAN**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p>Biological:</p> <p>BR-1: Projects within one mile of an active nest tree shall provide:</p> <ul style="list-style-type: none"> One acre of Habitat Management (HM) land (at least 10% of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement that is acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk, for each acre of development authorized (1:1 ratio); <p style="text-align: center;">or</p> <ul style="list-style-type: none"> One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement that is acceptable to the Department) which allows for the active management of the habitat for prey production on the HM lands, for each acre of development authorized (0.5:1 ratio). <p>Projects within 5 miles of an active nest tree but greater than one mile from the nest tree:</p> <ul style="list-style-type: none"> 0.75 acres of HM land for each acre of urban development authorized (0.75:1 ratio) shall be provided. All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable 	Developer	City of Sacramento, Development Services Dept., CA Dept. of Fish and Game	<p>Submittal of documentation that credits, land, and/or fees have been paid.</p>	<p>Prior to the issuance of a grading permit.</p>	

SOMERSET SUBDIVISION PROJECT (P04-256)
MITIGATION MONITORING PLAN

Mitigation Measure	VERIFICATION OF COMPLIANCE			
	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing
<p>habitats which provide foraging habitat for Swainson's hawk.</p> <p>Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree:</p> <ul style="list-style-type: none"> 0.5 acres of HM land for each acre of urban development authorized (0.5:1 ratio) shall be provided. All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk. <p style="text-align: center;">OR</p> <p>BR-2: The Applicant shall satisfy any other mitigation measures that the Department of Fish and Game develops and deems appropriate.</p> <p>BR-3: If construction is scheduled to begin outside of March 1 to August 31, then no mitigation is required. If construction is scheduled during March 1 to August 31, a raptor nest survey shall be conducted by a qualified biologist approximately ten days prior to the start of any construction activities, including grading, to determine the presence of nesting raptors. The survey shall be conducted during periods of high nest detectability (usually March 1 to April 30). If presence of the species is determined, the City shall consult with the Department of Fish and Game (DFG) and follow the procedures in the latest Staff Report Regarding Mitigation for Impacts to Swainson's Hawks. (<u>Buteo swainsonii</u>) in the Central Valley of California.</p>				

SOMERSET SUBDIVISION PROJECT (P04-256)
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE																																																		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)																																																
BR-4 through BR-6: Applicant has fulfilled mitigation measures and are no longer needed.																																																					
BR-7: For tree #153, the developer is required to plant a 12"-14", 96" inch box tree. All mitigated tree species identified in Table 1, shall be verified by the city arborist prior to purchasing the trees. A species-planting list shall be forwarded to the City Arborist (Mike Butcher) with a description of normal street tree planting for the development.																																																					
BR-8: Mitigated trees will be planted within the development area and will be maintained by the developer through the use of a certified arborist for no less than 3 years. Within the first 3 years if tree mortality occurs the developer will be responsible for tree replacement of mitigated trees only. Mitigated trees are not included with the general tree planting requirements and will be considered above the normal tree planting quotas for the project.																																																					
<p>Table 1.</p> <table border="1"> <thead> <tr> <th>TREE NUMBER</th> <th>DBH</th> <th>RECOMMENDATION</th> </tr> </thead> <tbody> <tr> <td>#146 Modesto Ash</td> <td>21 inch</td> <td>mitigate 1-24" box tree</td> </tr> <tr> <td>#147 English Walnut</td> <td>9 inch</td> <td>save or remove</td> </tr> <tr> <td>#148 Fruitless Mulberry</td> <td>8 inch</td> <td>save or remove</td> </tr> <tr> <td>#149 Modesto Ash</td> <td>21 inch</td> <td>save or remove</td> </tr> <tr> <td>#150 Modesto Ash</td> <td>15 inch</td> <td>save or remove</td> </tr> <tr> <td>#151 Modesto Ash</td> <td>17 inch</td> <td>mitigate 1-24" box tree</td> </tr> <tr> <td>#152 Modesto Ash</td> <td>18 inch</td> <td>mitigate 1-24" box tree</td> </tr> <tr> <td>#153 Modesto Ash</td> <td>35 inch</td> <td>Heritage (mitigate 96" box)</td> </tr> <tr> <td>#154 Liquidambar</td> <td>11 inch</td> <td>mitigate 1-24" box tree</td> </tr> <tr> <td>#155 Modesto Ash</td> <td>23 inch</td> <td>mitigate 1-24" box tree</td> </tr> <tr> <td>#156 Modesto Ash</td> <td>27 inch</td> <td>save or remove</td> </tr> <tr> <td>#157 Peach Tree</td> <td>6 inch</td> <td>save or remove</td> </tr> <tr> <td>#158 White Mulberry</td> <td>11 inch</td> <td>save or remove</td> </tr> <tr> <td>#159 Red Maple</td> <td>8 inch</td> <td>mitigate 1-(48"-60") box</td> </tr> <tr> <td>#160 Monterey Pine</td> <td>11 inch</td> <td>save or remove</td> </tr> </tbody> </table>	TREE NUMBER	DBH	RECOMMENDATION	#146 Modesto Ash	21 inch	mitigate 1-24" box tree	#147 English Walnut	9 inch	save or remove	#148 Fruitless Mulberry	8 inch	save or remove	#149 Modesto Ash	21 inch	save or remove	#150 Modesto Ash	15 inch	save or remove	#151 Modesto Ash	17 inch	mitigate 1-24" box tree	#152 Modesto Ash	18 inch	mitigate 1-24" box tree	#153 Modesto Ash	35 inch	Heritage (mitigate 96" box)	#154 Liquidambar	11 inch	mitigate 1-24" box tree	#155 Modesto Ash	23 inch	mitigate 1-24" box tree	#156 Modesto Ash	27 inch	save or remove	#157 Peach Tree	6 inch	save or remove	#158 White Mulberry	11 inch	save or remove	#159 Red Maple	8 inch	mitigate 1-(48"-60") box	#160 Monterey Pine	11 inch	save or remove	Developer	City of Sacramento, DSD, Urban Forest Services City of Sacramento, DSD, Urban Forest Services	Arborist Report after 3 years to City Arborist Arborist Report after 3 years to City Arborist		
TREE NUMBER	DBH	RECOMMENDATION																																																			
#146 Modesto Ash	21 inch	mitigate 1-24" box tree																																																			
#147 English Walnut	9 inch	save or remove																																																			
#148 Fruitless Mulberry	8 inch	save or remove																																																			
#149 Modesto Ash	21 inch	save or remove																																																			
#150 Modesto Ash	15 inch	save or remove																																																			
#151 Modesto Ash	17 inch	mitigate 1-24" box tree																																																			
#152 Modesto Ash	18 inch	mitigate 1-24" box tree																																																			
#153 Modesto Ash	35 inch	Heritage (mitigate 96" box)																																																			
#154 Liquidambar	11 inch	mitigate 1-24" box tree																																																			
#155 Modesto Ash	23 inch	mitigate 1-24" box tree																																																			
#156 Modesto Ash	27 inch	save or remove																																																			
#157 Peach Tree	6 inch	save or remove																																																			
#158 White Mulberry	11 inch	save or remove																																																			
#159 Red Maple	8 inch	mitigate 1-(48"-60") box																																																			
#160 Monterey Pine	11 inch	save or remove																																																			

SOMERSET SUBDIVISION PROJECT (P04-256)
MITIGATION MONITORING PLAN

Mitigation Measure		Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
				Compliance Standards	Timing	Verification of Compliance (Initials/Date)
#161 Red Maple	7 inch mitigate 1-(48"-60") box	Developer/ Contractor	City of Sacramento, DSD; Development Engineering Division, Environmental Planning Services (EPS), Ca. Dept. of Fish and Game, Army Corps of Engineers	Measures shall be included with construction specifications Construction specifications shall be included on the construction plans prior to the issuance of a grading permit. Verification from ACOE provided to EPS.	Prior to, during and after grading	
<p>BR-9: The Project Developer shall consult with ACOE prior to grading within the wetland area. If the wetlands are isolated and therefore not subject to Section 404 CWA jurisdiction, then the Project Developer will be allowed to grade the entire project site.</p> <p>BR-10: If the wetlands are considered jurisdictional, then the following mitigation measures shall be compiled with prior to issuance of a grading permit.</p> <ul style="list-style-type: none"> • Prior to issuance of a grading permit, the project applicant will submit a wetland mitigation and monitoring plan to the City. <ul style="list-style-type: none"> ◦ The mitigation plan will be prepared in accordance with the requirements of the Corps of Engineer's Regulatory Guidance Letter (RGL 02-02) for compensatory wetland mitigation and the Mitigation and Monitoring Proposal Guidelines (Corps, 30 December 2004). ◦ The mitigation plan will describe how the jurisdictional wetlands in the grading plan area will be mitigated. Mitigation may include the purchase of wetland mitigation credits at a Corps approved mitigation bank. ◦ A copy of the bill of sale for the purchase of wetland mitigation credits will be submitted to the City. • The Grading Permit shall be conditioned to not allow grading within 20 feet of any jurisdictional wetland until the project applicant provides the City of Sacramento 						

SOMERSET SUBDIVISION PROJECT (P04-256)
 MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p>evidence that the discharge of fill into jurisdictional wetlands is authorized under Section 404 of the Clean Water Act.</p> <ul style="list-style-type: none"> The Grading Permit shall be conditioned to require temporary fencing to be installed around the 20-foot buffer to exclude construction equipment until the project applicant provides the City of Sacramento evidence that the discharge of fill into jurisdictional wetlands is authorized under Section 404 of the Clean Water Act. 					

**SOMERSET SUBDIVISION PROJECT (P04-256)
MITIGATION MONITORING PLAN**

Mitigation Measure		VERIFICATION OF COMPLIANCE			
		Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing Verification of Compliance (Initials/Date)
<p>Noise:</p> <p>N-1: The sound wall adjacent to Lots 1 and 37 through 49 must have a minimum surface weight of 3.5 to 4.0 lbs/sq. ft. be continuous along its width and height with no gaps including at the ground, be a minimum total height of 6'-8" above pad height, wrap around the north end at Lot 1 and wrap around the south end at Lot 49.</p> <p>N-2: The wall around the south lot line of Lot 43 shall wrap around this lot line and shall be a minimum of 10 feet perpendicular to Franklin Boulevard.</p> <p>N-3: The habitable rooms in the homes adjacent to Franklin Boulevard on Lots 1 and Lots 37 through 49 shall have the following:</p> <ul style="list-style-type: none"> • All joints in the exterior walls shall be sealed airtight around windows and doors, at the wall perimeter and at major seams • All above ground penetrations of exterior walls by electrical and plumbing components shall include a 1/4 to 3/8 inch airspace around the perimeter. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with resilient, non- 	Developer	City Development Services Department	Wall shall be shown on plans. Detailed sections of the wall shall be depicted on plans.	Measures shall be implemented prior to issuance of a building permit to construct.	
	Developer	City DSD Dept.	Wall shall be shown on plans. Detailed sections of the wall shall be depicted on plans.	Measures shall be implemented prior to issuance of a building permit to construct.	
	Developer	City DSD Dept.	Plans shall indicate mitigation measures.	Measures shall be implemented prior to issuance of a building permit to construct.	

**SOMERSET SUBDIVISION PROJECT (P04-256)
MITIGATION MONITORING PLAN**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<ul style="list-style-type: none"> • hardening caulking or mastic • Basic exterior wall construction shall include the following or equivalent: 2"x4" wood studs at 16 or 24 inches on center, minimum R-13 insulation in the stud cavities, 5/8" gypsum wallboard fastened to the interior face of the wood studs with the wall being fully taped and finished and also sealed around the perimeter with a combination of backer rod and resilient, non-hardening caulking • The exterior surface shall be finished with a minimum one-coat, dense stucco over wire mesh and foam insulation • Ceilings shall be finished with a minimum of 5/8" gypsum board with a minimum R-19 insulation in the ceiling • The roof shall be finished with a minimum 7/16" OSB board or plywood of equivalent weight, 15 lb. felt paper and concrete tiles or an equivalent or better • Windows shall have a minimum STC rating of 29 with an air infiltration rate of less than or equal to 0.20 CFM/in. Ft. when tested with a 25-mile an hour wind per ASTM standards. • Exterior doors facing or providing a view of Franklin Boulevard shall have a minimum STC rating of 29. 					
<p>N-4: The lots and owner's suites in the homes adjacent to Franklin Boulevard (Lots 1 and Lots 37 through 49) shall have the following:</p>					

**SOMERSET SUBDIVISION PROJECT (P04-256)
MITIGATION MONITORING PLAN**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<ul style="list-style-type: none"> • Windows shall have a minimum STC rating of 34 and have an air infiltration rate of less than or equal to 0.15 CFM/in. Ft. when tested with a 25 mile an hour wind per ASTM standards. • The base exterior wall assembly will require an upgrade for at least these rooms. The following are options for improving the wall assembly: <ul style="list-style-type: none"> Option 1 – Stucco Finish <ul style="list-style-type: none"> a. Proposed one-coat stucco system shall be increased to a three-coat (minimum 3/4") stucco Option 2 -- Additional layer of gypsum board on inside face <ul style="list-style-type: none"> a. Attach an additional layer of 5/8" gypsum wallboard over the proposed single layer of 5/8" gypsum board. The wall shall be fully taped and finished and also sealed around the perimeter with a combination of backer rod and resilient, non-hardening caulking. b. Stagger seams between the two layers of gypsum board. Option 3 – Resilient Channel <ul style="list-style-type: none"> a. Before installing the first layer of gypsum board, install resilient channels, RC-1, or approved equal, perpendicular to the face of the studs at 24 inches on center <ul style="list-style-type: none"> (1) Flange that attaches to the stud with screws shall face down toward the floor (2) Channel closest to the floor may be reversed 					

SOMERSET SUBDIVISION PROJECT (P04-256)
MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p>b. Screw 5/8" gypsum board to resilient channel</p> <p>(1) Ensure that screws are per manufacturer's instructions and that they are not too long, increasing the possibility that they will contact the stud. Typically, screws cannot exceed 1-1/8" in length</p> <p>(2) Tape and finish gypsum layer as described previously.</p>					

SOMERSET SUBDIVISION PROJECT (P04-256)
 MITIGATION MONITORING PLAN

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	VERIFICATION OF COMPLIANCE		
			Compliance Standards	Timing	Verification of Compliance (Initials/Date)
<p>Cultural Resources:</p> <p>CR-1: If subsurface archaeological or historical remains are discovered during construction, work in the area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.</p> <p>CR-2: If human burials are encountered, all work in the area shall stop immediately and the Sacramento County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA, Section 15064.5); Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and 5097.98.</p>	Developer	City Development Services Department	Note shall be included on the Map and within the Standard Construction Specifications	Measures shall be implemented in field during grading and construction activities.	

Resolution to Approve General Plan Amendment

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION AMENDING THE GENERAL PLAN LAND USE MAP TO REDESIGNATE 5.0± ACRES OF LOW DENSITY RESIDENTIAL, 4-15 DU/NA, TO 5.0± ACRES OF MEDIUM DENSITY RESIDENTIAL, 16-29 DU/NA AT 5102 & 5104 EHRHARDT AVENUE, SACRAMENTO, CALIFORNIA.

(APN: 117-0132-001, -002 & -004)
(P04-256)

WHEREAS, the City Council conducted a public hearing on the above date concerning the above plan amendment, and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:

1. The proposed land use amendment is compatible with the surrounding land uses;
2. The subject site is suitable for medium density residential development; and
3. The proposal is consistent with the policies of the General Plan.

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

The property described on the attached Exhibit A in the City of Sacramento is hereby redesignated on the General Plan land use map from 5.0± acres of Low Density Residential, 4-15 du/na to Medium Density Residential, 16-29 du/na (APN: 117-0132-001 & -004).

MAYOR

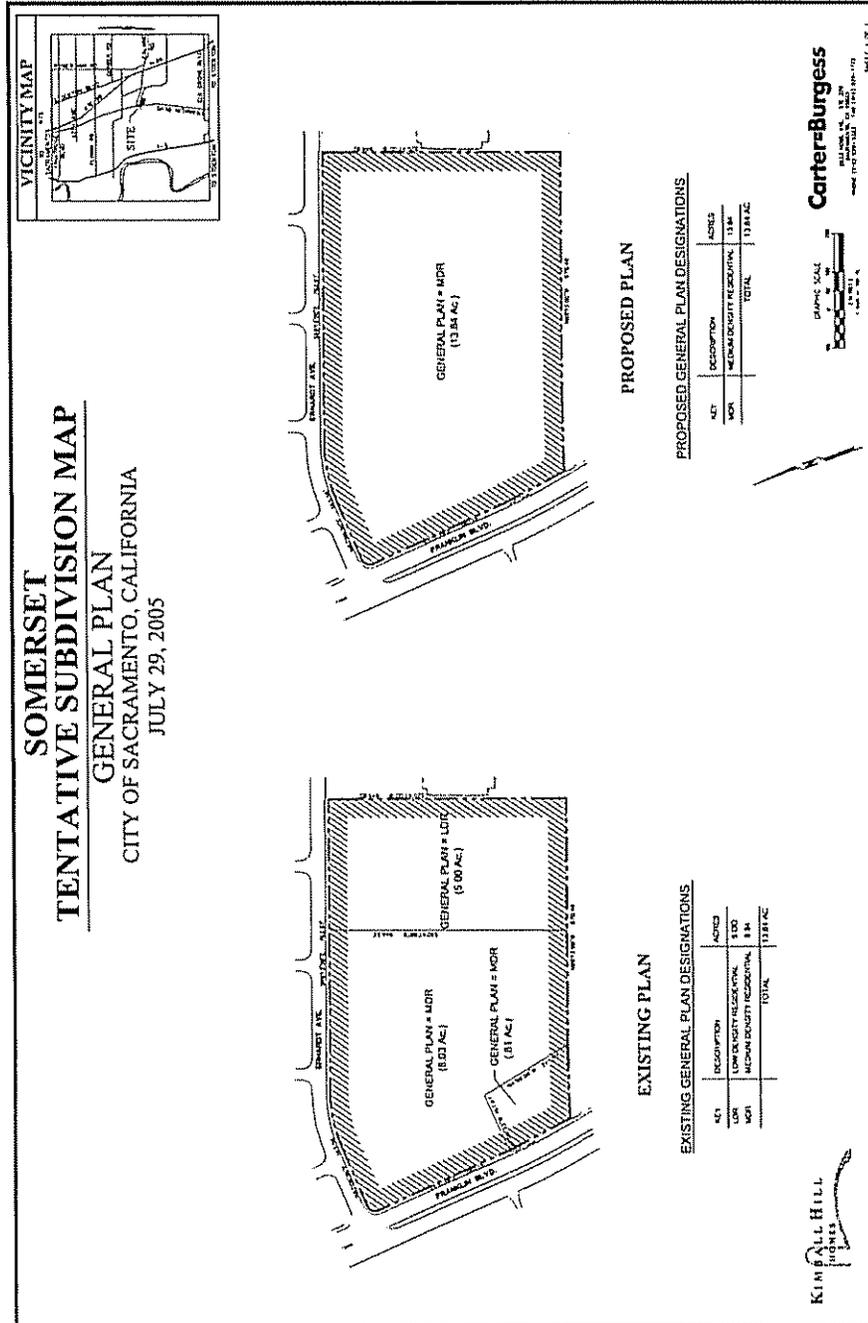
ATTEST:

CITY CLERK

P04-256

Table of Contents:
Exhibit A: General Plan Amendment Exhibit

Exhibit A – General Plan Amendment Exhibit



Resolution to Approve Community Plan Amendment

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION AMENDING 5.0± GROSS ACRES OF THE SOUTH SACRAMENTO COMMUNITY PLAN FROM GENERAL PUBLIC FACILITIES TO RESIDENTIAL 11-21 DU/NA AT 5102 & 5104 EHRHARDT AVENUE, SACRAMENTO, CALIFORNIA.

(APN: 117-0132-001, -002 & -004)

(P04-256)

WHEREAS, the City Council conducted a Public Hearing on the above date concerning the above plan amendment, and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:

1. The proposed land use amendment is compatible with the surrounding land uses;
2. The subject site is suitable for residential development; and
3. The proposal is consistent with the policies of the South Sacramento Community Plan and the General Plan.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Sacramento that:

The property as described on the attached Exhibit A in the City of Sacramento is hereby redesignated on the South Sacramento Community Plan land use map from 5.0± acres of General Public Facilities to Residential 11-21 du/na (APN: 117-0132-001, -002 & -004).

MAYOR

ATTEST:

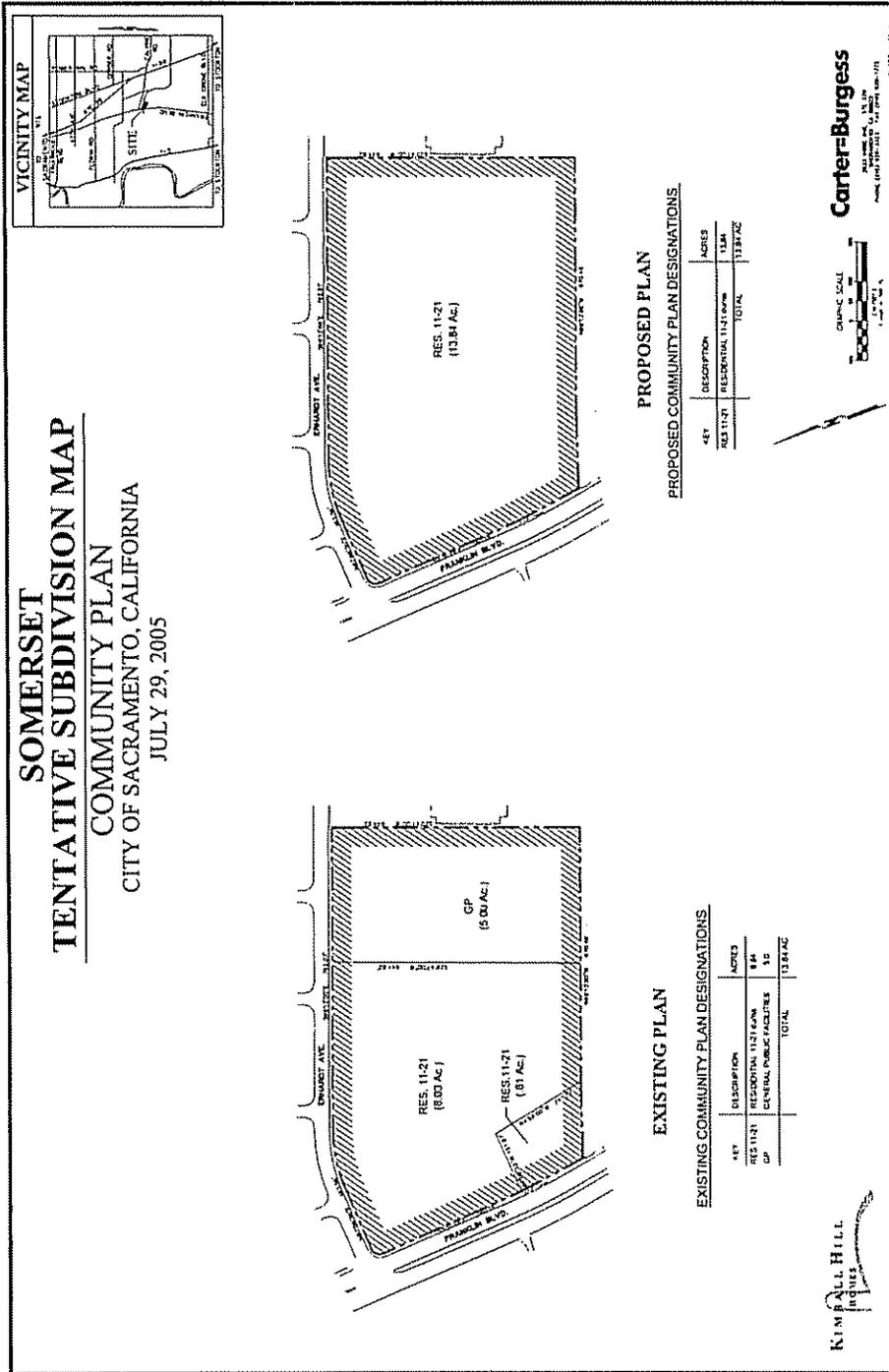
CITY CLERK

P04-256

Table of Contents:

Exhibit A: Community Plan Amendment Exhibit

Exhibit A – Community Plan Amendment Exhibit



Resolution to Approve Inclusionary Housing Plan

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION ADOPTING AN INCLUSIONARY HOUSING PLAN FOR THE SOMERSET DEVELOPMENT PROJECT FOR THE PROPERTY LOCATED AT 5102 & 5104 EHRHARDT AVENUE, SACRAMENTO, CALIFORNIA.

(APN: 117-0132-001, -002 & -004)

(P04-256)

BACKGROUND

- A. The Mixed Income Housing Policy, adopted in the City of Sacramento Housing Element and required by the City's Mixed Income Housing Ordinance, requires that ten percent of the units in a residential project be affordable to very low income households and five percent to low income households;
- B. The City Council conducted a public hearing on June 27, 2006 concerning the above Inclusionary Housing Plan, and based on documentary and oral evidence submitted at the public hearing, the Council hereby finds:

The proposed Plan is consistent with Chapter 17.190 of the City Code which requires an Inclusionary Housing Plan setting forth the number, unit mix, location, structure type, affordability and phasing of the Inclusionary Units in the residential development;

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Council adopts the Inclusionary Housing Plan for the Somerset development project, attached hereto as Exhibit A.

ATTEST:

MAYOR

CITY CLERK

P04-256

Table of Contents:

Exhibit A: Inclusionary Housing Plan – 6 Pages

Exhibit A – Inclusionary Housing Plan

**INCLUSIONARY HOUSING PLAN
for the
SOMERSET DEVELOPMENT**

January 26, 2006

Introduction

Kimball Hill Homes California Incorporated is the owner of 13.8 +/- acres in the City of Sacramento on which it proposes to construct a single family residential development (“Development Project”) of 169 units identified as Somerset Kimball Hill Homes California Inc, is the developer (“Developer”) representing the property. This Inclusionary Housing Plan (“Plan”) shall bind and the benefits shall inure to the Owners, its successors in interest and assignees

The Mixed Income Housing Policy adopted in the City of Sacramento Housing Element and required by the City’s Mixed-Income Housing Ordinance (“Ordinance”), City of Sacramento City Code Chapter 17.190, requires that ten percent (10%) of the units in a Residential Project be affordable to very low income households and five percent (5%) to low income households (the “Inclusionary Requirement” and “Inclusionary Units”).

Pursuant to the City Code section 17.190.110 (B), an Inclusionary Housing Plan must be approved prior to or concurrent with the approval of legislative entitlements for the Development Project. City Code section 17.190.110 (A) sets forth the number, unit mix, location, structure type, affordability and phasing of the Inclusionary units in the Residential Project. This document constitutes that Plan, and, as supplemented and amended from time to time, is intended to begin implementation of the Inclusionary Requirement. All future approvals for the Development Project, including tentative maps, subsequent tentative maps, planned development permits, special permits, site development plans, and plan review shall be consistent with this Inclusionary Housing Plan.

The Inclusionary Requirement for the Residential Project will be set forth in more detail in the Inclusionary Housing Agreement(s) executed by the Developer and the Sacramento Housing and Redevelopment Agency (“SHRA”) and recorded against all the residential land in the Development Project. The Inclusionary Housing Agreement(s) will describe with particularity the site and building schematics and the phasing requirements linking the affordable and market rate units, pursuant to Section 17.90.110 C

Number of Inclusionary Units

The Developer, or its successors and assignees, shall construct or cause to be constructed a number of dwelling units affordable to Low Income Households ("Low Income Units") equal to five percent (5%) and Very Low Income Households ("Very Low Income Units") equal to ten percent (10%), as defined in the Sacramento City Code section 17.190.020, of the total number of housing units approved for the Residential Project. Based upon current project proposals of 169 residential units, the Inclusionary Requirement is seventeen (17) Very Low Income Units and eight (8) Low Income Units. If the project approvals are amended to increase the number of residential units in the Residential Project, this Plan will be amended to reflect a number equal to five percent (5%) Low Income Units and ten percent (10%) Very Low Income Units of the increased total residential units in the amended entitlements. If the project approvals are amended to decrease the number of residential units in the Residential Project, this Plan will be amended to reflect a number equal to five percent (5%) of Low Income Units and ten percent (10%) Very Low Income Units of the decreased total residential units in the amended entitlement. However, after a building permit has been issued for a structure or Master Parcel which contains Inclusionary Units, those Units will be constructed and maintained as Inclusionary Units pursuant to the terms of Chapter 17.190 of the City Code, regardless of any subsequent reduction in the number of approved total residential units.

Tenure

The Inclusionary Housing Units shall consist of "for sale" units only.

Size and Bedroom Count

The Inclusionary Housing units shall include two and three bedroom for sale units. The Inclusionary Housing Agreement(s) will include the following units for the housing product lines offered at this community.

TABLE 1

Model	Total Units	Total Inclusionary Units	Type of Unit	Size (Sq. Ft.)	Number of Bedrooms
A	TBD	14	Very Low Income	1005	2
B	TBD	3	Very Low Income	1133	3
A	TBD	3	Low Income	1005	2
B	TBD	5	Low Income	1133	3
TOTAL	169	25			

All units will be Elevation "A". It should be noted that these are proposed unit sizes and product for the Somerset development, Kimball Hill Homes has not finalized product for the development. At the time of execution of the IH Agreement, the final square footage and model descriptions will be set pursuant to the final community product type, so long as the IH units do not decrease in size. The lots that are indicated on Exhibit 1 will be reserved for affordable units in accordance with Table 2.

Location of Inclusionary Units

The Inclusionary Units shall be located throughout the Development Project consistent with that indicated in Table 2. Specific lot designations are identified in the tentative map attached to this plan, and subject to revisions pursuant to Section 17.190.110 of the Mixed Income Ordinance.

TABLE 2

Lot Number	Type of Unit	Size (Sq Ft)	Number of Bedrooms
21	Low Income	1005	2
22	Low Income	1133	3
37	Low Income	1005	2
38	Very Low Income	1133	3
42	Very Low Income	1005	2
43	Low Income	1133	3
46	Very Low Income	1005	2
47	Very Low Income	1005	2
50	Low Income	1133	3
51	Very Low Income	1005	2
60	Very Low Income	1005	2
61	Very Low Income	1005	2
70	Very Low Income	1005	2
71	Very Low Income	1005	2
76	Very Low Income	1133	3
77	Very Low Income	1005	2
80	Very Low Income	1005	2
84	Very Low Income	1133	3
85	Very Low Income	1005	2
130	Low Income	1005	2
131	Low Income	1133	3
160	Low Income	1133	3
164	Very Low Income	1005	2
165	Very Low Income	1005	2
169	Very Low Income	1005	2

Specific lots for Inclusionary Housing units are designated in Exhibit 1. At the time of execution of the IH Agreement, the final square footage and model descriptions will be

set pursuant to the final community product type, so long as the IH units do not decrease in size. The lots that are indicated on Exhibit 1 will be reserved for affordable units.

Marketing of Units

The Developer will use their typical newspaper, internet, toll free number and signage to market this community. Information will be available in the on-site sales office regarding the availability of Inclusionary Housing. SHRA will also advertise the units on their website and at the Developer's request with their list of qualified lenders. Ultimately is the Developer's obligation and secure enough qualified buyer's for SHRA to hold appropriate lottery drawings.

Affordability Requirements

The for-sale Inclusionary Units shall be restricted to occupancy by Low Income and Very Low Income Households. Low Income Households shall have gross incomes, at the time of initial occupancy that does not exceed eighty percent (80%) of the Sacramento area median income, adjusted for family size. Very Low Income Households shall have gross incomes, at the time of initial occupancy that does not exceed fifty percent (50%) of the Sacramento area median income, adjusted for family size. The sales price of the units will be set so that low income and very low income households can qualify for the purchase of the for-sale units. The sales price will be set such that no more than thirty-five percent (35%) of the gross annual household income of the given income group will be allocated to housing costs. As part of the Inclusionary Housing Agreement, SHRA will provide the Developer with a schedule of maximum sales prices affordable to income ranges.

Sales prices of units will be outlined in the Inclusionary Housing Agreement. The units will be sold initially at an affordable housing price to a low income or very low income household with a first time home buyer. An SHRA 30-year note will govern the home's resale, allowing SHRA one hundred twenty days to refer an income-eligible buyer after notification of the owner's intent to sell. If an income-eligible purchaser is not found, the home may be resold, provided that SHRA recaptures the difference between the home's market value and its affordable housing price as well as any other City or SHRA contributions. The owner occupant will receive his or her initial equity in the home and a portion of the home's appreciated value. The terms of this arrangement will be outlined in the Inclusionary Housing Agreement between SHRA and the Developer. The process by which the for-sale units are to be priced, sold and monitored are detailed in the "Guidelines for the Sale of Inclusionary Housing", adopted by the City Council on April 29, 2004.

Phasing of Development of the Inclusionary Units

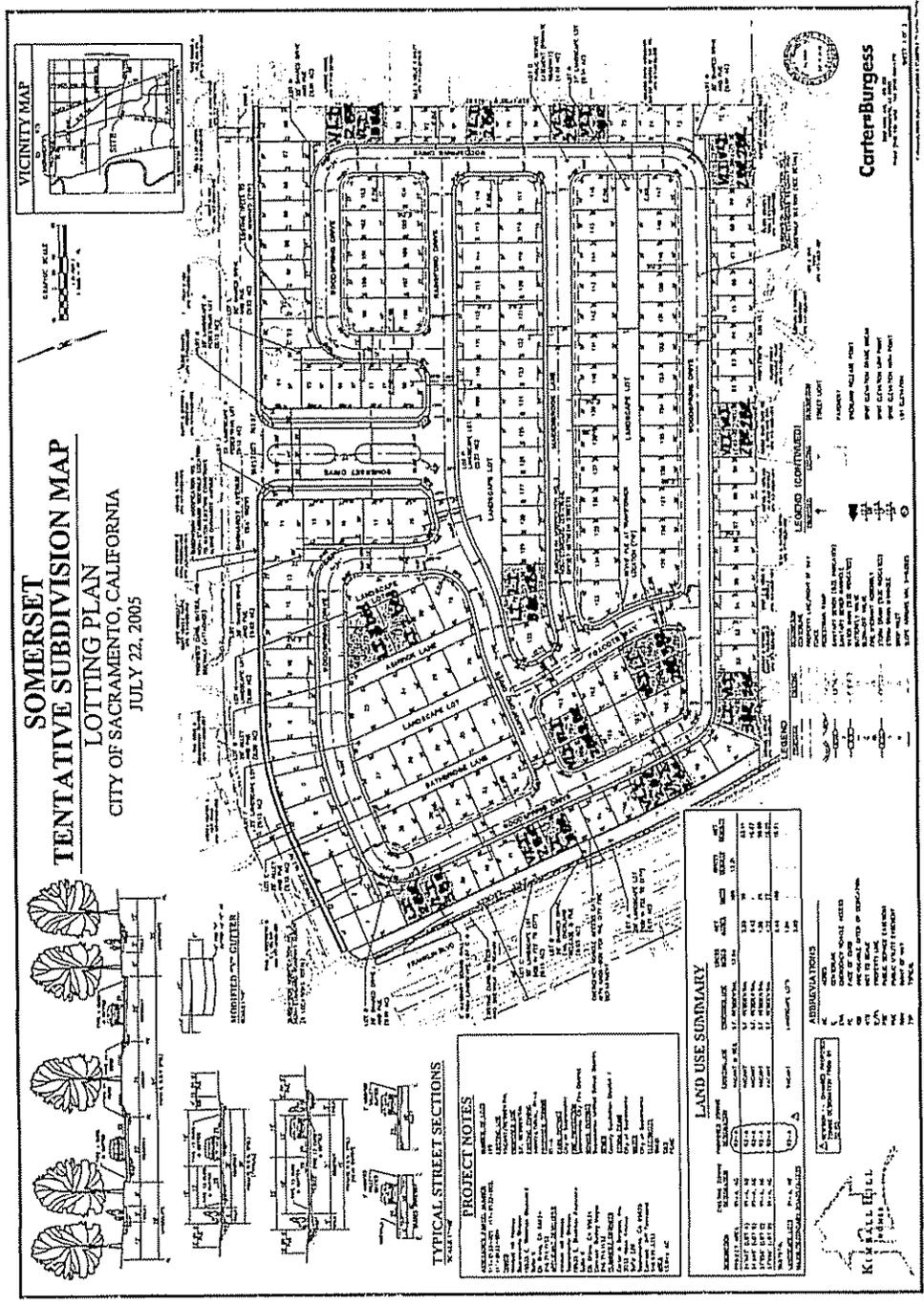
The Inclusionary Units shall be developed concurrently with the development of the Development Project. The nature of the concurrency is defined by a series of linkages between approvals of the market rate units and the development of the Inclusionary Units.

MARKET RATE HOUSING / INCLUSIONARY HOUSING LINKAGES

Market Rate Activity	Inclusionary Approval Linkage
Approval of legislative entitlements and project-level applications submitted with Legislative entitlements.	Approval of Inclusionary Housing Plan.
Approval of final map(s) for single family Residential Project.	Execution of Inclusionary Housing Agreement by Kimball Hill Homes and SHRA
Recordation of each final map for the Residential Project	Recordation of the IH Agreement(s) of each final map for the Residential Project
Issuance of building permits in excess of 65% of the market rate units in the single family Residential Project	Issuance of building permits for 100% of the Inclusionary Housing Unit requirement

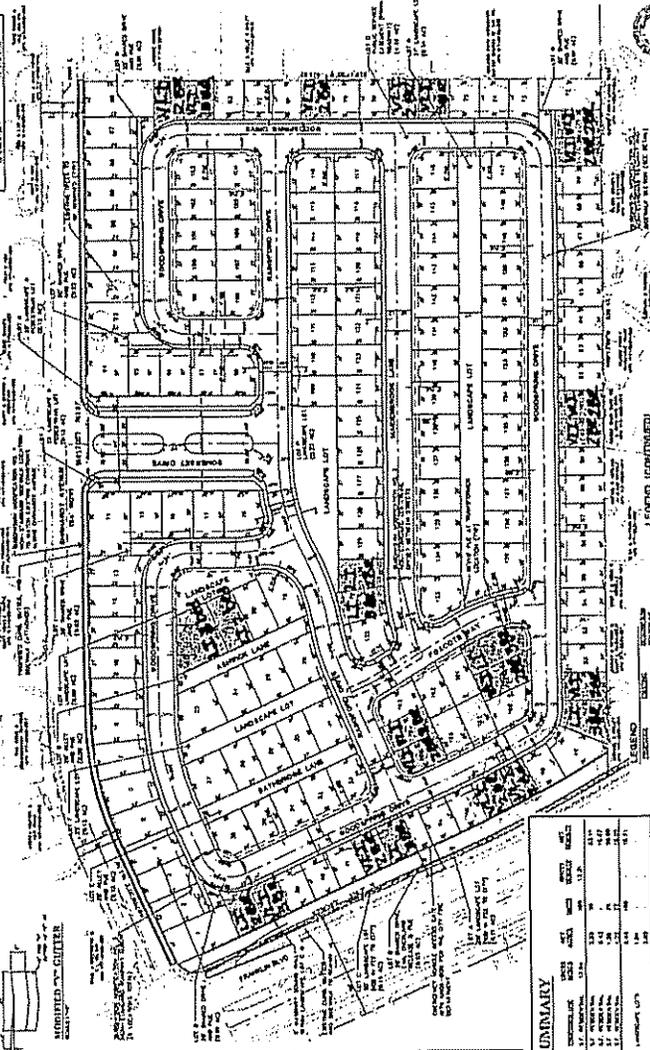
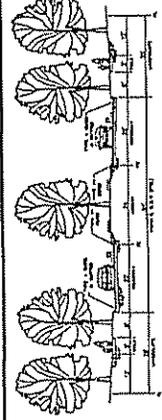
Amendment and Administration of this Housing Plan

This Inclusionary Housing Plan shall be administered by the Planning Director with the advice of the Executive Director of SHRA. The Planning Director may make minor administrative amendments to the text of this Plan as provided in Sacramento City Code section 17.190.110 (B) (3)



VICINITY MAP

SOMERSET
TENTATIVE SUBDIVISION MAP
LOTTING PLAN
 CITY OF SACRAMENTO, CALIFORNIA
 JULY 22, 2005



CartersBurgess
 ENGINEERS & ARCHITECTS
 1000 J STREET, SUITE 100
 SACRAMENTO, CALIFORNIA 95811
 TEL: 916.441.1111
 FAX: 916.441.1112
 WWW.CARTERSBURGESS.COM

PROJECT NOTES

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
3. ALL UTILITIES SHALL BE PROTECTED BY CONCRETE CURBS AND CHAINS.
4. ALL UTILITIES SHALL BE MARKED WITH PULVERIZED RED IRON OXIDE.
5. ALL UTILITIES SHALL BE MARKED WITH 4" DIA. GALVANNEAL STEEL PIPE.
6. ALL UTILITIES SHALL BE MARKED WITH 4" DIA. GALVANNEAL STEEL PIPE.
7. ALL UTILITIES SHALL BE MARKED WITH 4" DIA. GALVANNEAL STEEL PIPE.
8. ALL UTILITIES SHALL BE MARKED WITH 4" DIA. GALVANNEAL STEEL PIPE.
9. ALL UTILITIES SHALL BE MARKED WITH 4" DIA. GALVANNEAL STEEL PIPE.
10. ALL UTILITIES SHALL BE MARKED WITH 4" DIA. GALVANNEAL STEEL PIPE.

LAND USE SUMMARY

LAND USE	ACRES	PERCENT
RESIDENTIAL SINGLE-FAMILY	1.12	100%
TOTAL	1.12	100%

ABBREVIATIONS

ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.

ALL UTILITIES SHALL BE PROTECTED BY CONCRETE CURBS AND CHAINS.

ALL UTILITIES SHALL BE MARKED WITH PULVERIZED RED IRON OXIDE.

ALL UTILITIES SHALL BE MARKED WITH 4" DIA. GALVANNEAL STEEL PIPE.

ALL UTILITIES SHALL BE MARKED WITH 4" DIA. GALVANNEAL STEEL PIPE.

ALL UTILITIES SHALL BE MARKED WITH 4" DIA. GALVANNEAL STEEL PIPE.

ALL UTILITIES SHALL BE MARKED WITH 4" DIA. GALVANNEAL STEEL PIPE.

ALL UTILITIES SHALL BE MARKED WITH 4" DIA. GALVANNEAL STEEL PIPE.

ALL UTILITIES SHALL BE MARKED WITH 4" DIA. GALVANNEAL STEEL PIPE.

ALL UTILITIES SHALL BE MARKED WITH 4" DIA. GALVANNEAL STEEL PIPE.

ALL UTILITIES SHALL BE MARKED WITH 4" DIA. GALVANNEAL STEEL PIPE.

K. R. HALL, P.E.

Resolution Denying the Appeal – Alternative A

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION DENYING THE APPEAL, APPROVING THE SPECIAL PERMIT FOR AN ALTERNATIVE HOUSING TYPE AND DENYING THE SPECIAL PERMIT FOR A GATED SUBDIVISION FOR THE PROPERTY LOCATED AT 5102 & 5104 EHRHARDT AVENUE, SACRAMENTO, CALIFORNIA.

(APN: 117-0132-001, -002 & -004)
(P04-256)

BACKGROUND

- A. On April 13, 2006, the City Planning Commission approved with conditions a Special Permit to allow an Alternative Ownership Housing Type within the Multi-Family (R-2B) zone, and denied a Special Permit to allow the subdivision to be gated; and
- B. On April 24, 2006, the decision of the City Planning Commission approving the Special Permit to allow an Alternative Ownership Housing Type within the Multi-Family (R-2B) zone, and denying the Special Permit to allow the subdivision to be gated was appealed by the applicant; and,
- C. On June 27, 2006, the City Council heard and considered evidence in the above-mentioned matter.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. At the regular meeting of June 27, 2006, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the City Council took the following actions for the location listed above:

- A. Approved the Special Permit to allow an Alternative Ownership Housing Type within the Multi-Family (R-2B) zone;

- B. Denied the Special Permit to allow the subdivision to be gated.

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. Special Permit: The Special Permit to allow an Alternative Ownership Housing Type within the Multi-Family (R-2B) zone is approved based on the following Findings of Fact and subject to the Conditions of Approval:
1. Granting the Special Permit is based upon sound principles of land use in that the proposed lot sizes are appropriate because they provide for a housing type not found in the area and help ensure that the City meets its objectives to provide more affordable ownership housing opportunities.
 2. Granting the Special Permit would not be detrimental to the public health, safety or welfare, nor result in the creation of a nuisance in that the proposed lot width and depth are adequate to accommodate sufficient setbacks which will protect the privacy of neighbors and ensure adequate open space and access to light and air. Additionally, the project has been conditioned so that all proposed homes which share a property line with existing homes shall not be greater than two stories in height.
 3. The proposed project will be consistent with the residential land use policies and density requirements of the General Plan and South Sacramento Community Plan.
- B. Special Permit: The Special Permit to allow the subdivision to be gated is denied based on the following Findings of Fact:
1. Granting of the Special Permit is not based on sound principles of land use in that no compelling reason was presented to support the gating of the subdivision.
 2. Granting the Special Permit would be detrimental to the public welfare and result in the creation of a public nuisance in that the gating would impede access to the neighborhood.
 3. The proposed gating is not consistent with the General Plan policy of improving the quality of residential neighborhoods Citywide by protecting, preserving and enhancing their character because the

gating would isolate the new development from the older neighborhood, creating an island, rather than being a part of the whole neighborhood.

CONDITIONS OF APPROVAL

- A. The **Special Permit** to allow an Alternative Ownership Housing Type within the Multi-Family (R-2B) zone is hereby approved subject to the following conditions of approval (the applicant shall satisfy each of the following conditions prior to obtaining any building permits unless a different time for compliance is specifically stated in these conditions):
1. Applicant shall obtain all necessary building and/or encroachment permits prior to commencing construction;
 2. Any modification to the project shall be subject to review and approval by Planning Division staff prior to the issuance of building permits;
 3. Prior to the issuance of the first building permit, the applicant shall construct a CMU wall along the eastern property line. The CMU wall shall be eight (8) feet in height along lots 81, 82, 83, 84, 85, 86, & 87. The CMU wall shall be six (6) feet in height along lots 72, 73, 74, 75, 76, 77, 78, 79, & 80;
 4. All lots which contain a rear-entry garage shall have a maximum four (4) foot high fence along the rear (garage side) property line;
 5. The lighting plan shall be constructed/implemented according to the submitted plan. Any modifications to the lighting plan shall be subject to review and approval by Planning Department staff prior to the issuance of building permits;
 6. Prior to the issuance of the first building permit the applicant shall construct a six (6) foot high redwood "good neighbor" fence along the southern property line;
 7. Form a Homeowner's Association. CC&R's shall be approved by the City and recorded assuring maintenance of all private roadways, all landscaped lots within the subdivision (Lots F, H, J, K, N, and P) and all proposed alleys. The Homeowner's Association shall maintain all private streets, landscaping, median islands, irrigation, and noise barriers, lights, sewers, drains and water systems;
 8. The applicant shall construct a standard exit only driveway on Franklin Boulevard that is 20 feet wide to serve also as an emergency exit for the

Fire Department use. The driveway shall operate as an exit only driveway with a right-out movement only. The exit only gate shall be equipped with a Knox lock to the satisfaction of Development Engineering and Finance and the Fire Department.

9. Those homes which are proposed to share a property line with the existing properties to the South and to the East shall not be greater than two stories in height.
10. A traffic investigation paid for by the applicant shall be completed by the City after buildout of 80% of the project. This investigation shall determine whether trips attributable to the project will trigger traffic signal warrants requiring the installation of a traffic signal at Franklin Boulevard and Idaho Street. If such installation is required, the applicant shall pay its fair share of the cost of such installation.

ADVISORY NOTES: A Mitigation Monitoring Plan has been adopted along with the proposed project. The project is required to comply with the following mitigation measures:

Biological:

BR-1: Projects within one mile of an active nest tree shall provide:

- One acre of Habitat Management (HM) land (at least 10% of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement that is acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk, for each acre of development authorized (1:1 ratio);

or

- One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement that is acceptable to the Department) which allows for the active management of the habitat for prey production on the HM lands, for each acre of development authorized (0.5:1 ratio).

Projects within 5 miles of an active nest tree but greater than one mile from the nest tree:

- 0.75 acres of HM land for each acre of urban development authorized (0.75:1 ratio) shall be provided. All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.

Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree:

- 0.5 acres of HM land for each acre of urban development authorized (0.5:1 ratio) shall be provided. All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.

OR

BR-2: The Applicant shall satisfy any other mitigation measures that the Department of Fish and Game develops and deems appropriate.

BR-3: If construction is scheduled to begin outside of March 1 to August 31, then no mitigation is required. If construction is scheduled during March 1 to August 31, a raptor nest survey shall be conducted by a qualified biologist approximately ten days prior to the start of any construction activities, including grading, to determine the presence of nesting raptors. The survey shall be conducted during periods of high nest detectability (usually March 1 to April 30). If presence of the species is determined, the City shall consult with the Department of Fish and Game (DFG) and follow the procedures in the latest Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California.

BR-4 through BR – 6: Applicant has fulfilled mitigation measures and are no longer needed.

BR-7: For tree #153, the developer is required to plant a 12"-14", 96" inch box tree. All mitigated tree species identified in Table 1 shall be verified by the City Arborist prior to purchasing the trees. A species-planting list shall be forwarded to the City Arborist (Mike Butcher) with a description of normal street tree planting for the development.

BR-8: Mitigated trees will be planted within the development area and will be

maintained by the developer through the use of a certified arborist for no less than 3 years. Within the first 3 years if tree mortality occurs the developer will be responsible for tree replacement of mitigated trees only. Mitigated trees are not included with the general tree planting requirements and will be considered above the normal tree planting quotas for the project.

Table 1.

<u>TREE NUMBER</u>	<u>DBH</u>	<u>RECOMMENDATION</u>
#146 Modesto Ash	21 inch	mitigate 1-24" box tree
#147 English Walnut	9 inch	save or remove
#148 Fruitless Mulberry	8 inch	save or remove
#149 Modesto Ash	21 inch	save or remove
#150 Modesto Ash	15 inch	save or remove
#151 Modesto Ash	17 inch	mitigate 1-24" box tree
#152 Modesto Ash	18 inch	mitigate 1-24" box tree
#153 Modesto Ash	35 inch	Heritage (mitigate 96" box)
#154 Liquidambar	11 inch	mitigate 1-24" box tree
#155 Modesto Ash	23 inch	mitigate 1-24" box tree
#156 Modesto Ash	27 inch	save or remove
#157 Peach Tree	6 inch	save or remove
#158 White Mulberry	11 inch	save or remove
o #159 Red Maple	8 inch	mitigate 1-(48"-60") box
#160 Monterey Pine	11 inch	save or remove
#161 Red Maple	7 inch	mitigate 1-(48"-60") box

BR-9: The Project Developer shall consult with ACOE prior to grading within the wetland area. If the wetlands are isolated and therefore not subject to Section 404 CWA jurisdiction, then the Project Developer will be allowed to grade the entire project site.

BR-10: If the wetlands are considered jurisdictional, then the following mitigation measures shall be complied with prior to issuance of a grading permit.

- Prior to issuance of a grading permit, the project applicant will submit a wetland mitigation and monitoring plan to the City:
 - The mitigation plan will be prepared in accordance with the requirements of the Corps of Engineer's Regulatory Guidance Letter (RGL 02-02) for compensatory wetland mitigation and the Mitigation and Monitoring Proposal Guidelines (Corps, 30 December 2004).
 - The mitigation plan will describe how the jurisdictional wetlands in the grading plan area will be mitigated. Mitigation may include the

purchase of wetland mitigation credits at a Corps approved mitigation bank.

- A copy of the bill of sale for the purchase of wetland mitigation credits will be submitted to the City.
- The Grading Permit shall be conditioned to not allow grading within 20 feet of any jurisdictional wetland until the project applicant provides the City of Sacramento evidence that the discharge of fill into jurisdictional wetlands is authorized under Section 404 of the Clean Water Act.
- The Grading Permit shall be conditioned to require temporary fencing to be installed around the 20-foot buffer to exclude construction equipment until the project applicant provides the City of Sacramento evidence that the discharge of fill into jurisdictional wetlands is authorized under Section 404 of the Clean Water Act.

Noise:

N-1: The sound wall adjacent to Lots 1 and 37 through 49 must have a minimum surface weight of 3.5 to 4.0 lbs/sq. ft, be continuous along its width and height with no gaps including at the ground, be a minimum total height of 6'-8" above pad height, wrap around the north end at Lot 1 and wrap around the south end at Lot 49.

N-2: The wall around the south lot line of Lot 43 shall wrap around this lot line and shall be a minimum of 10 feet perpendicular to Franklin Boulevard.

N-3: The habitable rooms in the homes adjacent to Franklin Boulevard on Lot 1 and Lots 37 through 49 shall have the following:

- All joints in the exterior walls shall be sealed airtight around windows and doors, at the wall perimeter and at major seams.
- All above ground penetrations of exterior walls by electrical and plumbing components shall include a ¼ to 3/8 inch airspace around the perimeter. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with resilient, non-hardening caulking or mastic.
- Basic exterior wall construction shall include the following or equivalent: 2"x4" wood studs at 16 or 24 inches on center, minimum R-13 insulation in the stud cavities, 5/8" gypsum wallboard fastened to the interior face of the wood studs with the wall being fully taped and finished and also sealed around the perimeter with a combination of backer rod and resilient, non-hardening caulking.
- The exterior surface shall be finished with a minimum one-coat, dense stucco over wire mesh and foam insulation.

- Ceilings shall be finished with a minimum of 5/8" gypsum board with a minimum R-19 insulation in the ceiling.
- The roof shall be finished with a minimum 7/16" OSB board or plyboard of equivalent weight, 15 lb. felt paper and concrete tiles or an equivalent or better.
- Windows shall have a minimum STC rating of 29 with an air infiltration rate of less than or equal to 0.20 CFM/lin. Ft. when tested with a 25-mile an hour wind per ASTM standards.
- Exterior doors facing or providing a view of Franklin Boulevard shall have a minimum STC rating of 29.

N-4: The lofts and owner's suites in the homes adjacent to Franklin Boulevard (Lot 1 and Lots 37 through 49) shall have the following:

- Windows shall have a minimum STC rating of 34 and have an air infiltration rate of less than or equal to 0.15 CFM/lin. Ft. when tested with a 25 mile an hour wind per ASTM standards.
- The base exterior wall assembly will require an upgrade for at least these rooms. The following are options for improving the wall assembly:

Option 1 – Stucco Finish

- a. Proposed one-coat stucco system shall be increased to a three-coat (minimum 3/4") stucco

Option 2 – Additional layer of gypsum board on inside face

- a. Attach an additional layer of 5/8" gypsum wallboard over the proposed single layer of 5/8" gypsum board. The wall shall be fully taped and finished and also sealed around the perimeter with a combination of backer rod and resilient, non-hardening caulking.
- b. Stagger seams between the two layers of gypsum board.

Option 3 – Resilient Channel

- a. Before installing the first layer of gypsum board, install resilient channels, RC-1, or approved equal, perpendicular to the face of the studs at 24 inches on center
- (1) Flange that attaches to the stud with screws shall face down toward the floor
 - (2) Channel closest to the floor may be reversed to make it easier to install

the screws.

- b. Screw 5/8" gypsum board to resilient channel
 - (1) Ensure that screws are per manufacturer's instructions and that they are not too long, increasing the possibility that they will contact the stud. Typically, screws cannot exceed 1-1/8" in length
 - (2) Tape and finish gypsum layer as described previously.

Cultural Resources:

CR-1: If subsurface archaeological or historical remains are discovered during construction, work in the area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.

CR-2: If human burials are encountered, all work in the area shall stop immediately and the Sacramento County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA Section 15064.5); Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and 5097.98.

MAYOR

ATTEST:

CITY CLERK

P04-256

Resolution Granting the Appeal – Alternative B

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION GRANTING THE APPEAL, APPROVING THE SPECIAL PERMIT FOR AN ALTERNATIVE HOUSING TYPE AND APPROVING THE SPECIAL PERMIT FOR A GATED SUBDIVISION FOR THE PROPERTY LOCATED AT 5102 & 5104 EHRHARDT AVENUE, SACRAMENTO, CALIFORNIA.

(APN: 117-0132-001, -002 & -004)
(P04-256)

BACKGROUND

- A. On April 13, 2006, the City Planning Commission approved with conditions a Special Permit to allow an Alternative Ownership Housing Type within the Multi-Family (R-2B) zone, and denied a Special Permit to allow the subdivision to be gated; and
- B. On April 24, 2006, the decision of the City Planning Commission approving the Special Permit to allow an Alternative Ownership Housing Type within the Multi-Family (R-2B) zone, and denying the Special Permit to allow the subdivision to be gated was appealed by the applicant; and,
- C. On June 27, 2006, the City Council heard and considered evidence in the above-mentioned matter.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. At the regular meeting of June 27, 2006, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the City Council took the following actions for the location listed above:

- A. Approved the Special Permit to allow an Alternative Ownership Housing Type within the Multi-Family (R-2B) zone;

- B. Approved the Special Permit to allow the subdivision to be gated.

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. Special Permit: The Special Permit to allow an Alternative Ownership Housing Type within the Multi-Family (R-2B) zone is approved based on the following Findings of Fact and subject to the Conditions of Approval:
1. Granting the Special Permit is based upon sound principles of land use in that the proposed lot sizes are appropriate because they provide for a housing type not found in the area and help ensure that the City meets its objectives to provide more affordable ownership housing opportunities.
 2. Granting the Special Permit would not be detrimental to the public health, safety or welfare, nor result in the creation of a nuisance in that the proposed lot width and depth are adequate to accommodate sufficient setbacks which will protect the privacy of neighbors and ensure adequate open space and access to light and air. Additionally, the project has been conditioned so that all proposed homes which share a property line with existing homes shall not be greater than two stories in height.
 3. The proposed project will be consistent with the residential land use policies and density requirements of the General Plan and South Sacramento Community Plan.
- B. Special Permit: The Special Permit to allow the subdivision to be gated is approved based on the following Findings of Fact and subject to the Conditions of Approval:
1. Granting of the Special Permit is based upon sound principles of land use in that:
 - a. The proposed use is compatible with the residential and non-residential land uses surrounding the site and will not adversely affect the peace and general welfare of the surrounding neighborhood as the gating serves only the Somerset development and does not limit public access to any other public rights-of-way. The complex is located on a

parcel without connectivity available to the existing residential neighborhoods.

- b. The decorative masonry fencing is set back from the street and will be adequately screened with landscaping to lessen the visual intrusion.
2. The project, as conditioned, will not be detrimental to the public welfare or result in the creation of a public nuisance in that the site and building design will be compatible in the area, and adequate landscaping will be provided.
3. The project is based upon sound principles of land use in that the land use is consistent with the General Plan, the South Sacramento Community Plan, the Single Family Residential Design Principles, and the underlying Multi-Family (R-2B) zoning.

CONDITIONS OF APPROVAL

A. The **Special Permit** to allow an Alternative Ownership Housing Type within the Multi-Family (R-2B) zone is hereby approved subject to the following conditions of approval (the applicant shall satisfy each of the following conditions prior to obtaining any building permits unless a different time for compliance is specifically stated in these conditions):

1. Applicant shall obtain all necessary building and/or encroachment permits prior to commencing construction;
2. Any modification to the project shall be subject to review and approval by Planning Division staff prior to the issuance of building permits;
3. Prior to the issuance of the first building permit, the applicant shall construct a CMU wall along the eastern property line. The CMU wall shall be eight (8) feet in height along lots 81, 82, 83, 84, 85, 86, & 87. The CMU wall shall be six (6) feet in height along lots 72, 73, 74, 75, 76, 77, 78, 79, & 80;
4. All lots which contain a rear-entry garage shall have a maximum four (4) foot high fence along the rear (garage side) property line;
5. The lighting plan shall be constructed/implemented according to the submitted plan. Any modifications to the lighting plan shall be subject to review and approval by Planning Department staff prior to the issuance of building permits;

6. Prior to the issuance of the first building permit the applicant shall construct a six (6) foot high redwood "good neighbor" fence along the southern property line;
7. Form a Homeowner's Association. CC&R's shall be approved by the City and recorded assuring maintenance of all private roadways, all landscaped lots within the subdivision (Lots F, H, J, K, N, and P) and all proposed alleys. The Homeowner's Association shall maintain all private streets, landscaping, median islands, irrigation, and noise barriers, lights, sewers, drains and water systems;
8. The applicant shall construct a standard exit only driveway on Franklin Boulevard that is 20 feet wide to serve also as an emergency exit for the Fire Department use. The driveway shall operate as an exit only driveway with a right-out movement only. The exit only gate shall be equipped with a Knox lock to the satisfaction of Development Engineering and Finance and the Fire Department.
9. Those homes which are proposed to share a property line with the existing properties to the South and to the East shall not be greater than two stories in height.

ADVISORY NOTES: A Mitigation Monitoring Plan has been adopted along with the proposed project. The project is required to comply with the following mitigation measures:

Biological:

BR-1: Projects within one mile of an active nest tree shall provide:

- One acre of Habitat Management (HM) land (at least 10% of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement that is acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk, for each acre of development authorized (1:1 ratio);

or

- One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement that is acceptable to the Department) which allows for the active management of the habitat

for prey production on the HM lands, for each acre of development authorized (0.5:1 ratio).

Projects within 5 miles of an active nest tree but greater than one mile from the nest tree:

- 0.75 acres of HM land for each acre of urban development authorized (0.75:1 ratio) shall be provided. All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.

Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree:

- 0.5 acres of HM land for each acre of urban development authorized (0.5:1 ratio) shall be provided. All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.

OR

BR-2: The Applicant shall satisfy any other mitigation measures that the Department of Fish and Game develops and deems appropriate.

BR-3: If construction is scheduled to begin outside of March 1 to August 31, then no mitigation is required. If construction is scheduled during March 1 to August 31, a raptor nest survey shall be conducted by a qualified biologist approximately ten days prior to the start of any construction activities, including grading, to determine the presence of nesting raptors. The survey shall be conducted during periods of high nest detectability (usually March 1 to April 30). If presence of the species is determined, the City shall consult with the Department of Fish and Game (DFG) and follow the procedures in the latest Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California.

BR-4 through BR – 6: Applicant has fulfilled mitigation measures and are no longer needed.

BR-7: For tree #153, the developer is required to plant a 12"-14", 96" inch box

tree. All mitigated tree species identified in Table 1. shall be verified by the City Arborist prior to purchasing the trees. A species-planting list shall be forwarded to the City Arborist (Mike Butcher) with a description of normal street tree planting for the development.

BR-8: Mitigated trees will be planted within the development area and will be maintained by the developer through the use of a certified arborist for no less than 3 years. Within the first 3 years if tree mortality occurs the developer will be responsible for tree replacement of mitigated trees only. Mitigated trees are not included with the general tree planting requirements and will be considered above the normal tree planting quotas for the project.

Table 1.

<u>TREE NUMBER</u>	<u>DBH</u>	<u>RECOMMENDATION</u>
#146 Modesto Ash	21 inch	mitigate 1-24" box tree
#147 English Walnut	9 inch	save or remove
#148 Fruitless Mulberry	8 inch	save or remove
#149 Modesto Ash	21 inch	save or remove
#150 Modesto Ash	15 inch	save or remove
#151 Modesto Ash	17 inch	mitigate 1-24" box tree
#152 Modesto Ash	18 inch	mitigate 1-24" box tree
#153 Modesto Ash	35 inch	Heritage (mitigate 96" box)
#154 Liquidambar	11 inch	mitigate 1-24" box tree
#155 Modesto Ash	23 inch	mitigate 1-24" box tree
#156 Modesto Ash	27 inch	save or remove
#157 Peach Tree	6 inch	save or remove
#158 White Mulberry	11 inch	save or remove
o #159 Red Maple	8 inch	mitigate 1-(48"-60") box
#160 Monterey Pine	11 inch	save or remove
#161 Red Maple	7 inch	mitigate 1-(48"-60") box

BR-9: The Project Developer shall consult with ACOE prior to grading within the wetland area. If the wetlands are isolated and therefore not subject to Section 404 CWA jurisdiction, then the Project Developer will be allowed to grade the entire project site.

BR-10: If the wetlands are considered jurisdictional, then the following mitigation measures shall be complied with prior to issuance of a grading permit.

- Prior to issuance of a grading permit, the project applicant will submit a wetland mitigation and monitoring plan to the City:
 - The mitigation plan will be prepared in accordance with the requirements of the Corps of Engineer's Regulatory Guidance

Letter (RGL 02-02) for compensatory wetland mitigation and the Mitigation and Monitoring Proposal Guidelines (Corps, 30 December 2004).

- The mitigation plan will describe how the jurisdictional wetlands in the grading plan area will be mitigated. Mitigation may include the purchase of wetland mitigation credits at a Corps approved mitigation bank.
- A copy of the bill of sale for the purchase of wetland mitigation credits will be submitted to the City.
- The Grading Permit shall be conditioned to not allow grading within 20 feet of any jurisdictional wetland until the project applicant provides the City of Sacramento evidence that the discharge of fill into jurisdictional wetlands is authorized under Section 404 of the Clean Water Act.
- The Grading Permit shall be conditioned to require temporary fencing to be installed around the 20-foot buffer to exclude construction equipment until the project applicant provides the City of Sacramento evidence that the discharge of fill into jurisdictional wetlands is authorized under Section 404 of the Clean Water Act.

Noise:

N-1: The sound wall adjacent to Lots 1 and 37 through 49 must have a minimum surface weight of 3.5 to 4.0 lbs/sq. ft, be continuous along its width and height with no gaps including at the ground, be a minimum total height of 6'-8" above pad height, wrap around the north end at Lot 1 and wrap around the south end at Lot 49.

N-2: The wall around the south lot line of Lot 43 shall wrap around this lot line and shall be a minimum of 10 feet perpendicular to Franklin Boulevard.

N-3: The habitable rooms in the homes adjacent to Franklin Boulevard on Lot 1 and Lots 37 through 49 shall have the following:

- All joints in the exterior walls shall be sealed airtight around windows and doors, at the wall perimeter and at major seams.
- All above ground penetrations of exterior walls by electrical and plumbing components shall include a ¼ to 3/8 inch airspace around the perimeter. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with resilient, non-hardening caulking or mastic.
- Basic exterior wall construction shall include the following or equivalent: 2"x4" wood studs at 16 or 24 inches on center, minimum R-13 insulation in the stud cavities, 5/8" gypsum wallboard fastened to the interior face of the

wood studs with the wall being fully taped and finished and also sealed around the perimeter with a combination of backer rod and resilient, non-hardening caulking.

- The exterior surface shall be finished with a minimum one-coat, dense stucco over wire mesh and foam insulation.
- Ceilings shall be finished with a minimum of 5/8" gypsum board with a minimum R-19 insulation in the ceiling.
- The roof shall be finished with a minimum 7/16" OSB board or plyboard of equivalent weight, 15 lb. felt paper and concrete tiles or an equivalent or better.
- Windows shall have a minimum STC rating of 29 with an air infiltration rate of less than or equal to 0.20 CFM/lin. Ft. when tested with a 25-mile an hour wind per ASTM standards.
- Exterior doors facing or providing a view of Franklin Boulevard shall have a minimum STC rating of 29.

N-4: The lofts and owner's suites in the homes adjacent to Franklin Boulevard (Lot 1 and Lots 37 through 49) shall have the following:

- Windows shall have a minimum STC rating of 34 and have an air infiltration rate of less than or equal to 0.15 CFM/lin. Ft. when tested with a 25 mile an hour wind per ASTM standards.
- The base exterior wall assembly will require an upgrade for at least these rooms. The following are options for improving the wall assembly:

Option 1 – Stucco Finish

- b. Proposed one-coat stucco system shall be increased to a three-coat (minimum 3/4") stucco

Option 2 – Additional layer of gypsum board on inside face

- c. Attach an additional layer of 5/8" gypsum wallboard over the proposed single layer of 5/8" gypsum board. The wall shall be fully taped and finished and also sealed around the perimeter with a combination of backer rod and resilient, non-hardening caulking.
- d. Stagger seams between the two layers of gypsum board.

Option 3 – Resilient Channel

- c. Before installing the first layer of gypsum board, install resilient channels,

RC-1, or approved equal, perpendicular to the face of the studs at 24 inches on center

(1) Flange that attaches to the stud with screws shall face down toward the floor

(2) Channel closest to the floor may be reversed to make it easier to install the screws.

d. Screw 5/8" gypsum board to resilient channel

(1) Ensure that screws are per manufacturer's instructions and that they are not too long, increasing the possibility that they will contact the stud. Typically, screws cannot exceed 1-1/8" in length

(2) Tape and finish gypsum layer as described previously.

Cultural Resources:

CR-1: If subsurface archaeological or historical remains are discovered during construction, work in the area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.

CR-2: If human burials are encountered, all work in the area shall stop immediately and the Sacramento County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA Section 15064.5); Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and 5097.98.

B. The Special Permit to allow the subdivision to be gated is hereby approved subject to the following conditions of approval (the applicant shall satisfy each of the following conditions prior to obtaining any building permits unless a different time for compliance is specifically stated in these conditions):

1. Obtain all necessary building permits prior to construction.
2. Development of this site shall be in compliance with the Site Plan and Landscaping Plan exhibits, as attached.
3. Any modification to the project shall be subject to review and approval by Planning staff prior to the issuance of building permits. Any significant modification to the project may require subsequent entitlements.

Development Engineering & Finance Division

4. The applicant shall design the proposed gated entry to meet the City's gated entry standards to the satisfaction of the Development Engineering and Finance Division.

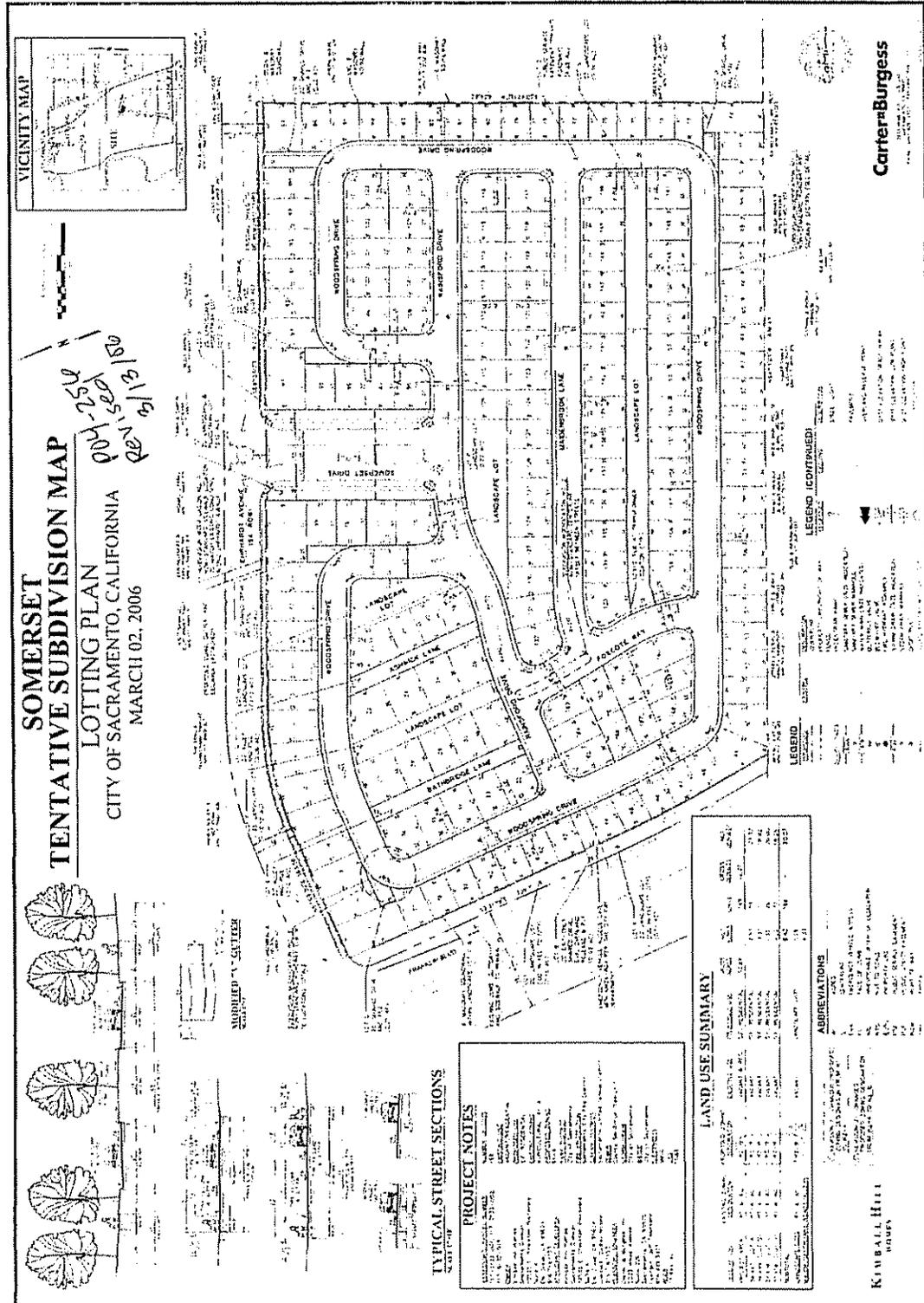
MAYOR

ATTEST:

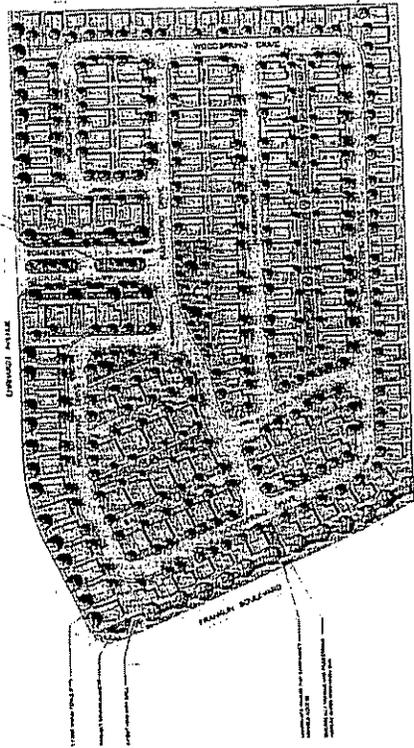
CITY CLERK

P04-256

Attachment 1 – Tentative Subdivision Map



Attachment 2 – Site Plan Illustrative



Carter-Burgess
ARCHITECTS
PLANNERS

January 11, 2006

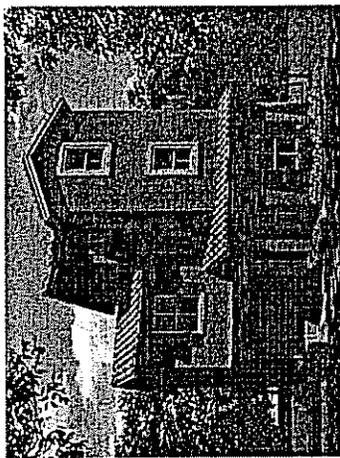
Somerset
Sacramento, California

Site Plan Illustrative

P04-256
received 1/12/06

KAPPA
ARCHITECTS
PLANNERS

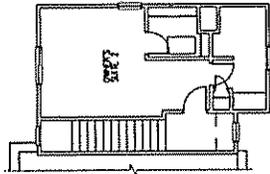
Attachment 5 – House Plans



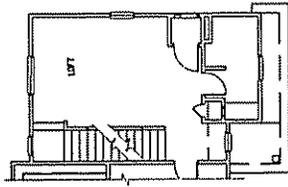
FRONT ELEVATION



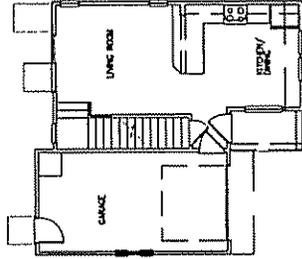
REAR ELEVATION



THIRD FLOOR PLAN



SECOND FLOOR PLAN



MAIN FLOOR PLAN

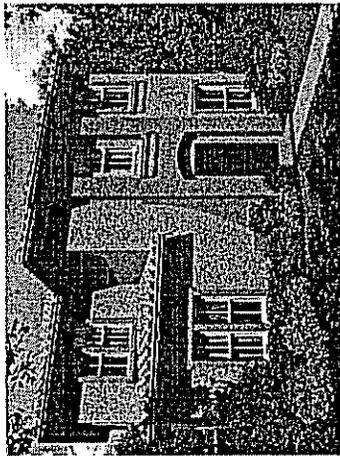


Somerset

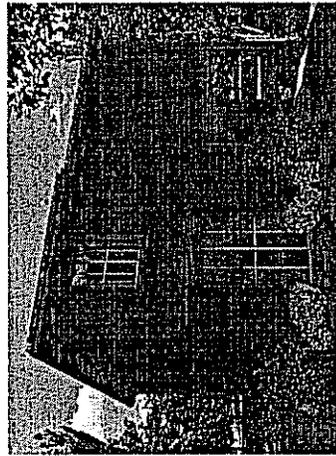
Harcourt

Spanish 3-Story

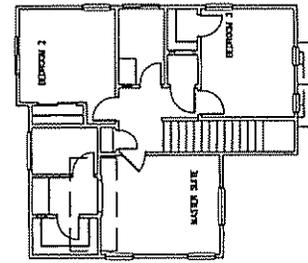
December 2005
Carter=Burgess



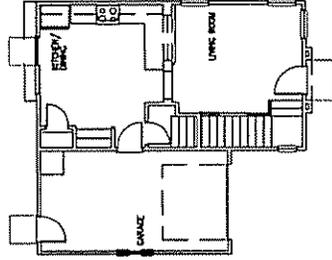
FRONT ELEVATION



REAR ELEVATION



SECOND FLOOR PLAN



MAIN FLOOR PLAN



LEFT ELEVATION



RIGHT ELEVATION



KIMBALL HILL
HOMES

Somerset

Candleberry

Italian 2-Story

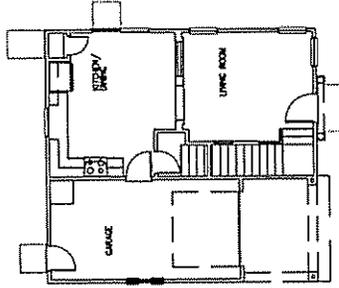
December 2005
Carter-Burgess



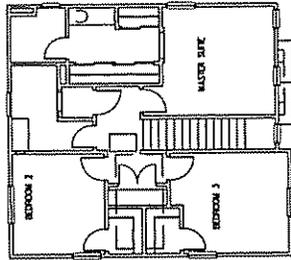
FRONT ELEVATION



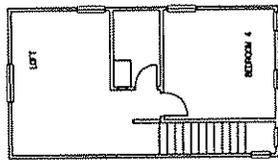
REAR ELEVATION



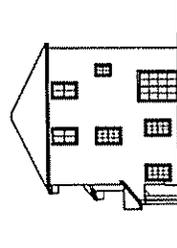
MAIN FLOOR PLAN



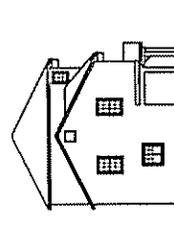
SECOND FLOOR PLAN



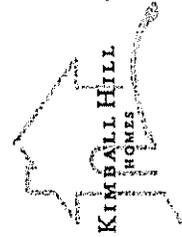
THIRD FLOOR PLAN



RIGHT ELEVATION



LEFT ELEVATION

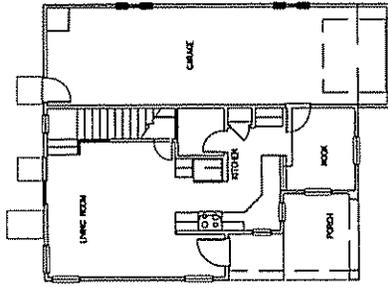


Somerset

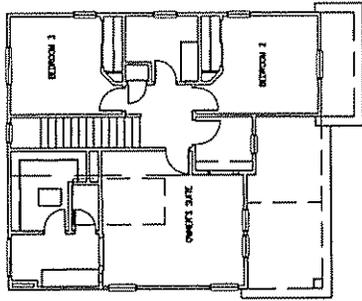
Devonport

French 3-Story

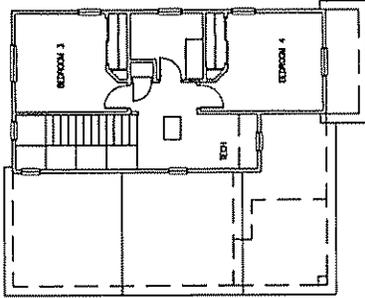
December 2005
Carter-Burgess



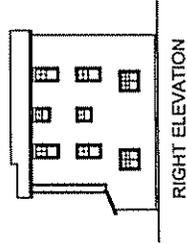
MAIN FLOOR PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN



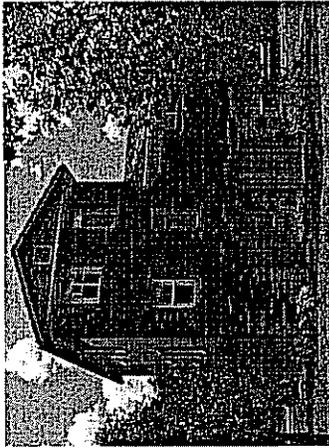
RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION



REAR ELEVATION



KIMBALL HILL
HOMES

December 2005
Carter=Burgess

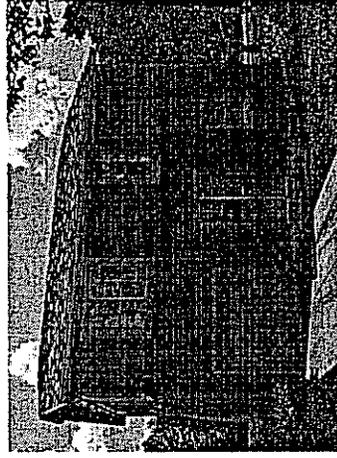
Traditional 3-Story

Palmetto

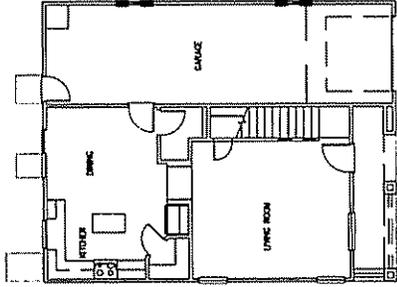
Somerset



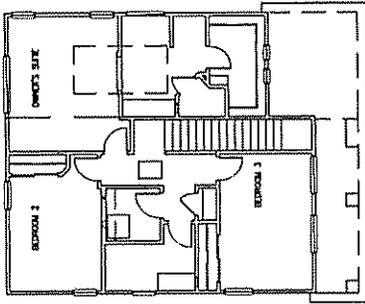
FRONT ELEVATION



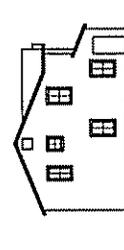
REAR ELEVATION



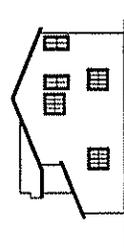
MAIN FLOOR PLAN



SECOND FLOOR PLAN



LEFT ELEVATION



RIGHT ELEVATION

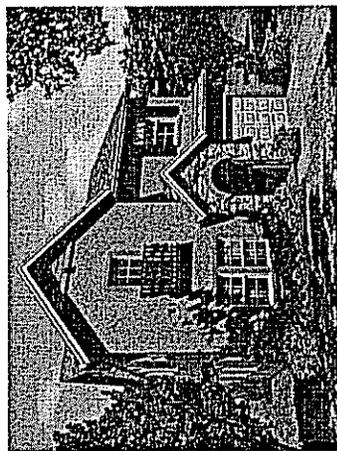


December 2005
Carter-Burgess

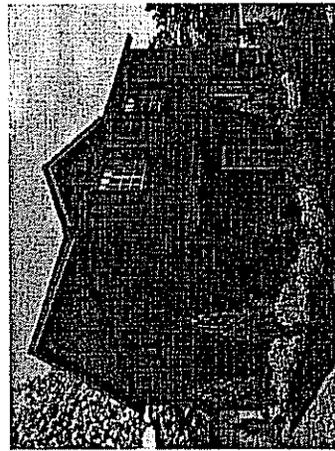
French 2-Story

Thistlewood

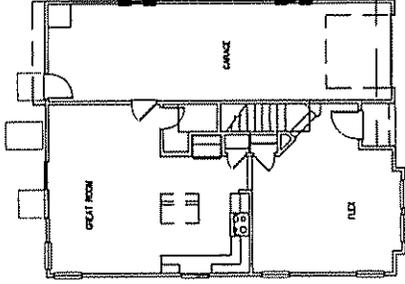
Somerset



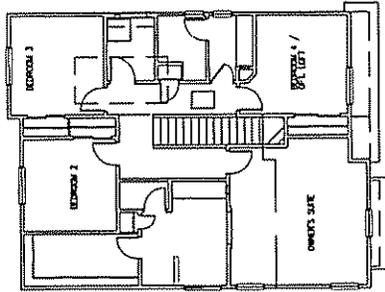
FRONT ELEVATION



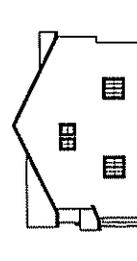
REAR ELEVATION



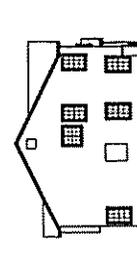
MAIN FLOOR PLAN



SECOND FLOOR PLAN



RIGHT ELEVATION



LEFT ELEVATION



KIMBALL HILL
HOMES

December 2005
Carter/Burgess

French 2-Story

Bridgewood

Somerset

Attachment 6 – Applicant Appeal Letter



April 24, 2006

City Council
City of Sacramento
915 I Street
Sacramento, CA 95814

Re: Somerset Subdivision
P04-256

Members of the City Council,

On April 13, 2006 the Planning Commission considered the Somerset Subdivision application for approval to build a small lot subdivision with 169 single family units. The ultimate decision by the commission was unanimous approval with the exception of two items: the Special Permit to allow the Subdivision to be gated; and the Special Permit to allow Alternative Ownership Housing Types. The Planning Commission denied the Special permit to allow the Subdivision to be gated and included an additional condition to the Special Permit to allow Alternative Ownership Housing Types. Kimball Hill Homes would like to formally appeal these two items.

As to the Special Permit to allow the Subdivision to be gated, Kimball Hill Homes disagrees with City Staff in that gating the development would impede access to and from the project to the existing neighborhood. While this community is surrounded by existing development, it is on the corner of Franklin Boulevard which is heavily traveled and access to Franklin would not be provided through this community. Since the community is located on a corner it is already isolated and not needed for existing traffic connections. Kimball Hill Homes also disagrees with City Staff that gating would isolate the new development from the existing neighborhood. We have specifically designed this community to blend into the existing community by facing homes on to Ehrhardt Avenue. The proposed gate is set back from Ehrhardt Avenue, allowing for adequate stacking and providing a turn around should someone accidentally turn into the community. Because of traffic concerns by neighboring residents as well as Planning Commission we have included an exit only access point along Franklin Boulevard. This provides two exits for residents of this community, as well as alleviates traffic concerns on Ehrhardt Boulevard. In further response to traffic concerns we have agreed to add a traffic calming roundabout at our community entrance. Kimball Hill Homes has determined that gating this community is the only way to ensure that the amenities and private streets we have proposed are properly maintained and remain for the benefit

April 24, 2006
Somerset Subdivision
P04-256
Page 2

of the homeowners paying association dues. Should the gating not be approved, Kimball Hill Homes would have to provide internal fencing to control the proposed amenities for the benefit of our homeowners.

The additional condition that was included in the Special Permit to Allow an Alternative Ownership Housing Type at the Planning Commission Meeting was related to traffic at the intersection of Franklin Boulevard and Idaho Street. Idaho Street is located south of the Somerset community and as such will not be affected by the community as homeowners utilizing the Franklin Boulevard exit would be traveling along a northern route along Franklin Boulevard. City Staff conducted a traffic study as part of the Environmental Impact Report and determined that the proposed subdivision will not significantly impact traffic. Kimball Hill Homes agrees with City Staff that this community will not impact traffic at the Franklin Boulevard and Idaho Street intersection and would therefore request not be included in a traffic investigation of that intersection.

Along with this letter of appeal, Kimball Hill Homes is submitting a check in the amount of \$1,192 for the appeal fee. We would like an opportunity to discuss these issues at the City Council meeting when the Somerset Subdivision will be heard. Should City Staff or Council Members have any questions, or would like to discuss these issues further, please do not hesitate to contact either Tina Dittman or myself at (916) 525-4100

Sincerely,



Bill Stanton
Entitlements Director

Attachment 7 – Aerial Image of Project Site

