

RESOLUTION NO. 2006-506

Adopted by the Sacramento City Council

June 27, 2006

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 |

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|---------------------|---------|--------------------------|
| #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 |
| #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 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/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.

- 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

3. 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.P04-256

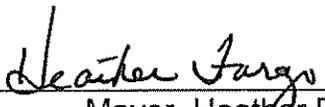
Adopted by the City of Sacramento City Council on June 27, 2006 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: Tretheway.



Mayor, Heather Fargo

Attest:



Shirley Concolino, City Clerk