



# REPORT TO COUNCIL

## City of Sacramento

# 12

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

CONSENT  
October 10, 2006

Honorable Mayor and  
Members of the City Council

**Title: Pass For Publication: Dunmore-Jessie Residential (P04-079)**

**Location/Council District:** Jessie Avenue and May Street; APN: 237-0140-026, -032, -033, and -056; 237-0200-056, -074, -082, -086; (District 2)

**Recommendation:** Staff recommends that the City Council 1) Review an **Ordinance** and pass for publication amending the Comprehensive Zoning Ordinance as required by Sacramento City Charter 32c to be adopted October 17, 2006; 2) review a) a **Resolution** approving the Negative Declaration & Mitigation Monitoring Plan; b) a **Resolution** adopting the General Plan Amendment; c) a **Resolution** adopting the North Sacramento Community Plan Amendment; and d) a **Resolution** adopting the Inclusionary Housing Plan to allow the development of the Dunmore Homes Jessie Avenue project.

**Contact:** Michael York, Associate Planner, (916) 808-8239; Gregory Bitter, Senior Planner, (916) 808-7816

**Presenter:** Not Applicable

**Department:** Development Services

**Division:** Planning

**Organization No:** 4875

### **Description/Analysis:**

**Issue:** The applicant is requesting to amend the General Plan and North Sacramento Community Plan land use designations and rezone the subject property to develop 184 residential units. The proposed Single Family Alternative (R-1A) zone, "Low Density Residential 4-15 du/na" and "Residential 7-15 du/na" designations allow development of a 184-unit residential project which are consistent with the North Sacramento Community Plan policies that promote neighborhood revitalization, ownership opportunities, and development in infill areas. The project is not controversial; however the project site does have issues with regards to drainage and noise. The latest site design is a result of staff and



the applicant ensuring the best possible layout with regards to parks, drainage, noise, and circulation.

**Policy Considerations:** The proposed project is consistent with the following land use designations and applicable policies of the General Plan and North Sacramento Community Plan. The applicable policies include: "To promote infill development as a means to meet future housing needs," "Develop residential land uses in a manner which is efficient and utilizes existing and planned urban resources," and "Provide a variety of housing densities, types and prices to enhance a neighborhood identity."

**Smart Growth Principles:** City Council adopted a set of Smart Growth Principles in December 2001 in order to promote growth or sustain existing development that is economically sound, environmentally friendly, and supportive of community livability. The subject proposal creates housing opportunities by promoting infill development to develop residential land that utilizes existing and planned urban resources, and fosters walkable neighborhoods by providing for future street connections.

**Strategic Plan Implementation:** The project conforms with the City of Sacramento Strategic Plan, specifically by advancing the goals to achieve sustainability, enhance livability, and increase opportunities for all Sacramento residents to live in safe and affordable housing.

**Inclusionary Housing Plan:** The proposed project is located in a new growth area, and is subject to the City's mixed income housing requirements. The Mixed Income Housing Ordinance requires that 15 percent of the units in the residential project be affordable to very low and low income households. The affordable housing for this project is 27 units, with 18 designated to 'very low' income and nine (9) designated to 'low' income households. The project complies with the affordable housing requirements by designating 27 lots on the tentative map as affordable.

**Committee/Commission Action:** On June 22, 2006, by a unanimous vote of six ayes and two absent, the Planning Commission approved the related Tentative Map and Special Permit to develop 184 single family residences and recommended approval and forwarded to City Council the General Plan and North Sacramento Community Plan Amendments, Rezone, and Inclusionary Housing Plan.

**Environmental Considerations:** A Mitigated Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act 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 transportation/circulation, biological resources, noise, and cultural resources. The mitigation measures are listed in the attached Mitigation Monitoring Plan (Exhibit A of the first Resolution, pg 15).

The Mitigated Negative Declaration was made available for a 30-day public review period, from May 15, 2006 through June 13, 2006. Comment letters, in response to the Mitigated Negative Declaration, were received from California Department of Water Resources, Robla Park Community Association, Caltrans, and the City's Parks Department. Responses to these letters are included in Attachment 4, pg 11.

**Rationale for Recommendation:** The project is consistent with the objectives of the General Plan and North Sacramento Community Plan policies to provide housing opportunities with commercial, civic, transit and park uses in close proximity. The development is consistent with the City's Single Family Design Guidelines and is being located in an area with other single family uses. Mitigation measures have been incorporated to address issues with noise, cultural resources, biological resources, and transportation/circulation. Additionally, 27 units have been designated as affordable.

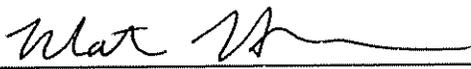
**Financial Considerations:** This project has no fiscal considerations.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased under this report.

Respectfully Submitted By:   
for DAVID KWONG  
Planning Manager, Planning Division

Approved By:   
WILLIAM THOMAS  
Director of Development Services

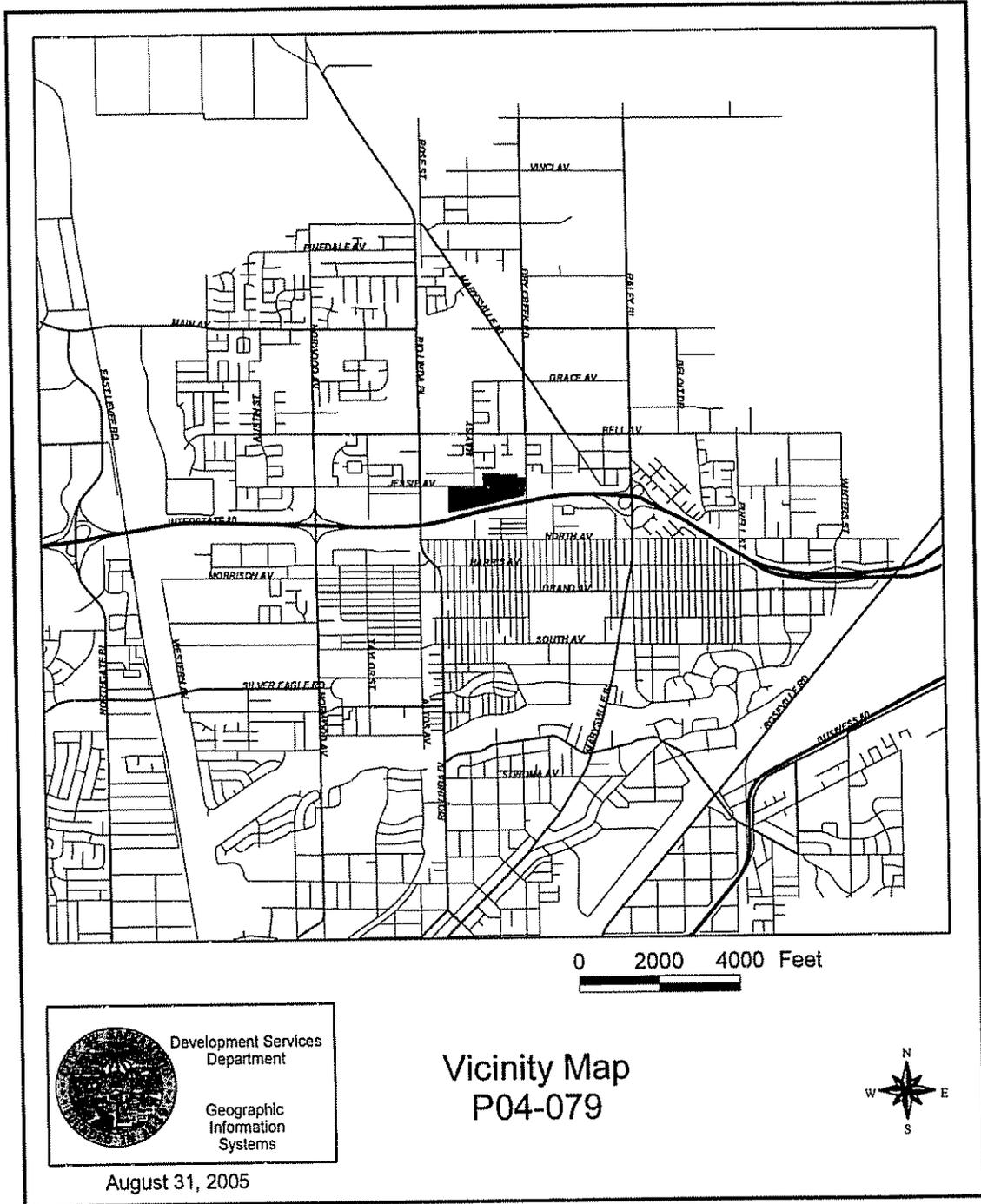
Recommendation Approved:

  
for RAY KERRIDGE  
City Manager

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Attachment 1 – Vicinity Map



Development Services  
Department

Geographic  
Information  
Systems

August 31, 2005

Vicinity Map  
P04-079



Attachment 2 – Land Use & Zoning Map

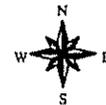


Development Services  
Department

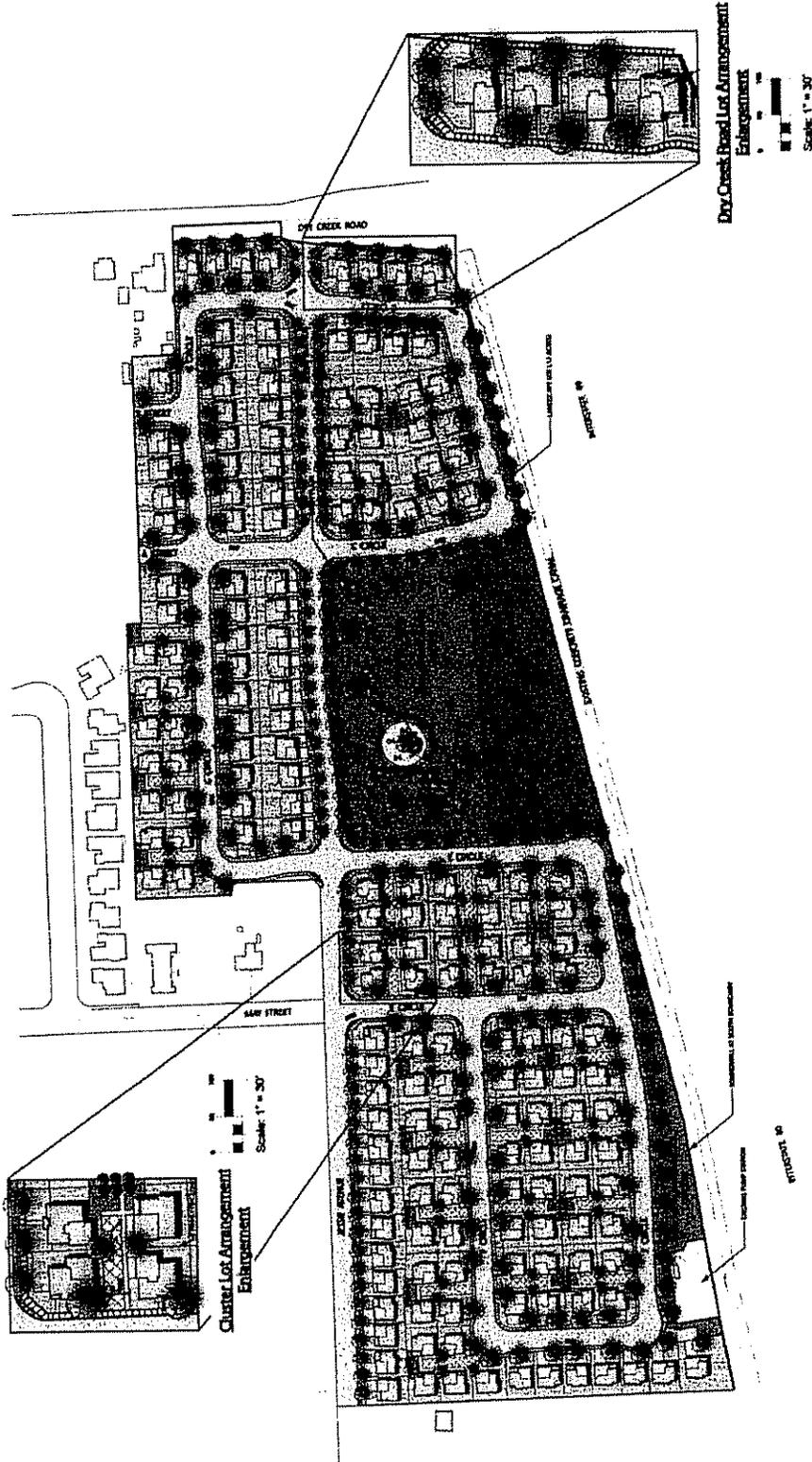
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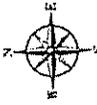
June 1, 2006

Land Use & Zoning  
P04-079



Attachment 3 – Site Plan




  
 June 22, 2006  
**Carter Burgess**  
 Scale: 1" = 30'

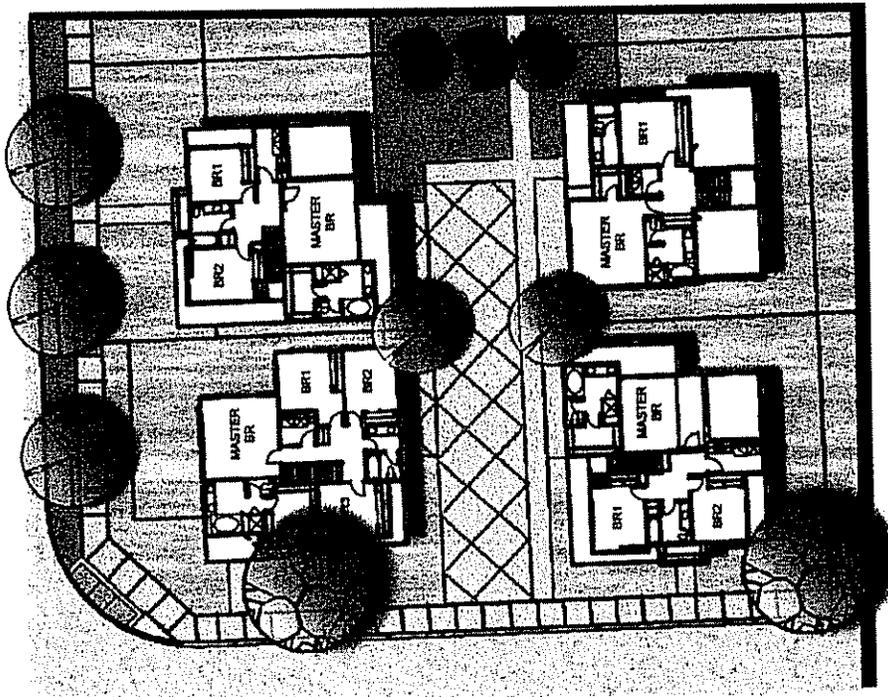
**Jessie Avenue**  
 Sacramento, California  
 Scale: 1" = 30'



P04-079  
 REVISED  
 RECEIVED 6-22-06

**Site Plan Illustrative**

Attachment 4 – Cluster Plan



Not To Scale



June 22, 2006  
**Carter-Burgess**

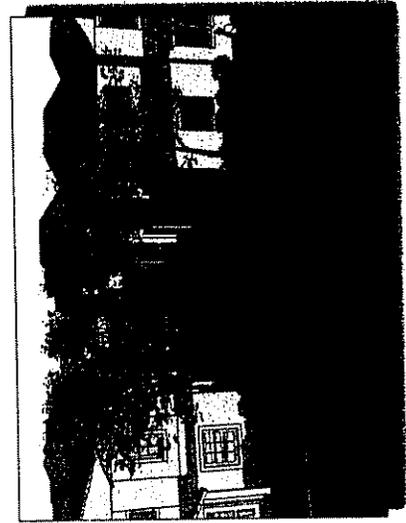
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**Jessie Avenue**  
 Sacramento, California

Cluster Lot Second Floor Plan Layout



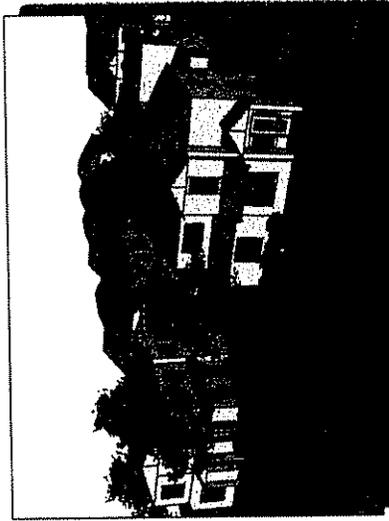
Attachment 5 – 3D View



View 1: Cluster Lot Shared Drive



View 2: Cluster Corner House Treatment



View 3: Cluster House Adjacent to Street



**Jessie Avenue**  
Sacramento, California

June 22, 2006  
**Carter Burgess**

**Typical Cluster Lot 3-D Views**

P04-079  
RECEIVED 6-22-06

## Attachment 6 – Project Background Information

There have been two previous proposals on different parcels, but encompassed within the current project site. On January 26, 1989 (P88-112), the Planning Commission approved a Special Permit for a 101-space mobile home park for property on the south side of Jessie Avenue. The Special Permit expired. On April 23, 1992 (P91-307), the Planning Commission approved a new Special Permit for a 99-space mobile home park. This Special Permit also expired. On April 28, 1988 (P88-132), the Planning Commission approved a second proposal for a tentative map for property on the north side of Jessie Avenue. On April 12, 1992 (P91-278), the Planning Commission approved a time extension for the map. The map was never recorded and the site has never been developed.

There have been numerous discussions between City staff and the applicant regarding a proper map design in order to address the inadequate infrastructure issues in the area. The final subdivision design, now before the Council, is a result of addressing many of the conflicting issues related to drainage facilities, park acreage and location, street circulation network, project density and freeway related noise. This final design has addressed these issues and staff is in support of the design.

## Attachment 7 – Responses to letters received regarding Negative Declaration

The California Department of Water Resources issued a form letter during the comment period, indicating that the project may be located within a regulated stream over which the State Reclamation Board could have jurisdiction. The letter further indicates that the list of regulated streams is included in Section 112 of Title 23 of the California Code of Regulations. Although an historic portion of Verano Creek is located on the project site, Verano Creek is not included on the list of regulated streams. Therefore, the Reclamation Board has no jurisdiction over Verano Creek, and the comment letter does not identify any new impacts and does not alter any of the conclusions or mitigation measures in the Mitigated Negative Declaration.

The letter received from the Robla Park Community Association indicated that the Mitigated Negative Declaration did not require a sound wall next to the park. Mitigation Measure N-1, included in the Mitigated Negative Declaration, requires a 9-foot sound wall along the southern property line of the project site, which includes the southern boundary of the park/detention basin; however, to provide additional clarity, Environmental Planning Services requested the noise consultant provide specific discussion with regard to noise impacts and the effectiveness of the required mitigation to reduce traffic noise impacts at the proposed park. An errata has been attached to the Mitigated Negative Declaration, which adds a discussion indicating that the proposed sound wall would provide adequate noise reduction to meet the City's noise standards for park uses. The discussion included in the errata did not identify any new impacts and did not alter any of the conclusions or mitigation measures in the Mitigated Negative Declaration.

The comment letter received from Caltrans indicated that a Traffic Impact Study (TIS) should be prepared for the project, and that the study should evaluate impacts to the I-80/Norwood Avenue interchange and the I-80/Raley Boulevard Interchange. The City's Development Engineering Division provided response, indicating that the TIS for the Jessie Avenue project was completed in November 2005 by Dowling Associates, at which time it was determined that the project would have no impact on the freeway. The subject intersections, as requested in Caltrans' letter, were studied, and it was determined the project impact on these intersections would be less-than-significant. As indicated on page 27 of the Mitigated Negative Declaration, the Traffic section, including the conclusions and mitigation measures, was based on the November 2005 TIS.

In addition, the mitigation fees suggested in the Caltrans letter for impacts to the interchanges would not be required, as the TIS indicated that significant impacts would not occur at these interchanges as a result of the project.

Furthermore, the Caltrans letter indicates that noise attenuation measures are the responsibility of the developer, and mitigation for noise impacts should be included as conditions of approval. Mitigation Measure N-1 requires the construction of a sound barrier along the southern property line (outside of the I-80 right-of-way), and this mitigation has been included as a condition of approval on the project. Therefore, the developer, not Caltrans, is responsible for construction of the noise barrier.

For the above reasons, Caltrans' comment letter does not alter the conclusions made or mitigation measures required in the Mitigated Negative Declaration.

The comment letter received from the Parks Department requested that additional details related to the proposed park be added to the Mitigated Negative Declaration. The requested additional language has been included in the errata attached to the Mitigated Negative Declaration. The discussion included in the errata did not identify any new impacts and did not alter any of the conclusions or mitigation measures in the Mitigated Negative Declaration.

It should also be noted that, due to minor revisions made to the Tentative Subdivision Map during the public review process, the errata includes a table identifying changes to lot numbers, which were referred to in the Mitigated Negative Declaration. As noted in the errata, the change in lot numbering did not create any new impacts and did not alter any of the conclusions or mitigation measures in the Mitigated Negative Declaration.

The Mitigation Agreement was updated to reflect the current lot numbers, and the applicant has signed the new Mitigation Agreement.

Finally, Mitigation Measure CR-1, which required a records search to be conducted for known cultural resources, has been eliminated from the conditions of approval because the applicant has already fully complied with this mitigation measure by submitting a Cultural Resources Survey for the project. The Survey identified no known cultural resources on the project site.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

**AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE, TITLE 17 OF THE CITY CODE, BY REMOVING 19.2± ACRES FROM THE MULTI-FAMILY (R-2A) ZONE AND 7.5± ACRES FROM THE STANDARD SINGLE FAMILY (R-1) ZONE AND PLACING 20.7± ACRES IN THE SINGLE FAMILY ALTERNATIVE (R-1A) ZONE AND 6.0± ACRES IN THE AGRICUTURAL-OPEN SPACE (A-OS) ZONE, FOR THE PROPERTY LOCATED ALONG JESSIE AVENUE BETWEEN RIO LINDA BOULEVARD AND DRY CREEK ROAD IN NORTH SACRAMENTO, SACRAMENTO, CALIFORNIA (P04-079) (APN: 237-0200-056, -074, -082, -086; 237-0140-026, -032, -033, -056)**

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

SECTION 1

The property generally described, known and referred to as APN: 237-0200-056, -074, -82, -086; 237-0140-026, -032, -033, -056 which is shown on attached Exhibit A, consists of 26.7± acres and is currently in the Multi-Family (R-2A) and Single Family (R-1) zones established by the Comprehensive Zoning Ordinance (Title 17 of the City Code). Said territory is hereby removed from the R-2A and R-1 zones and placed in the R-1A and A-OS zones.

SECTION 2

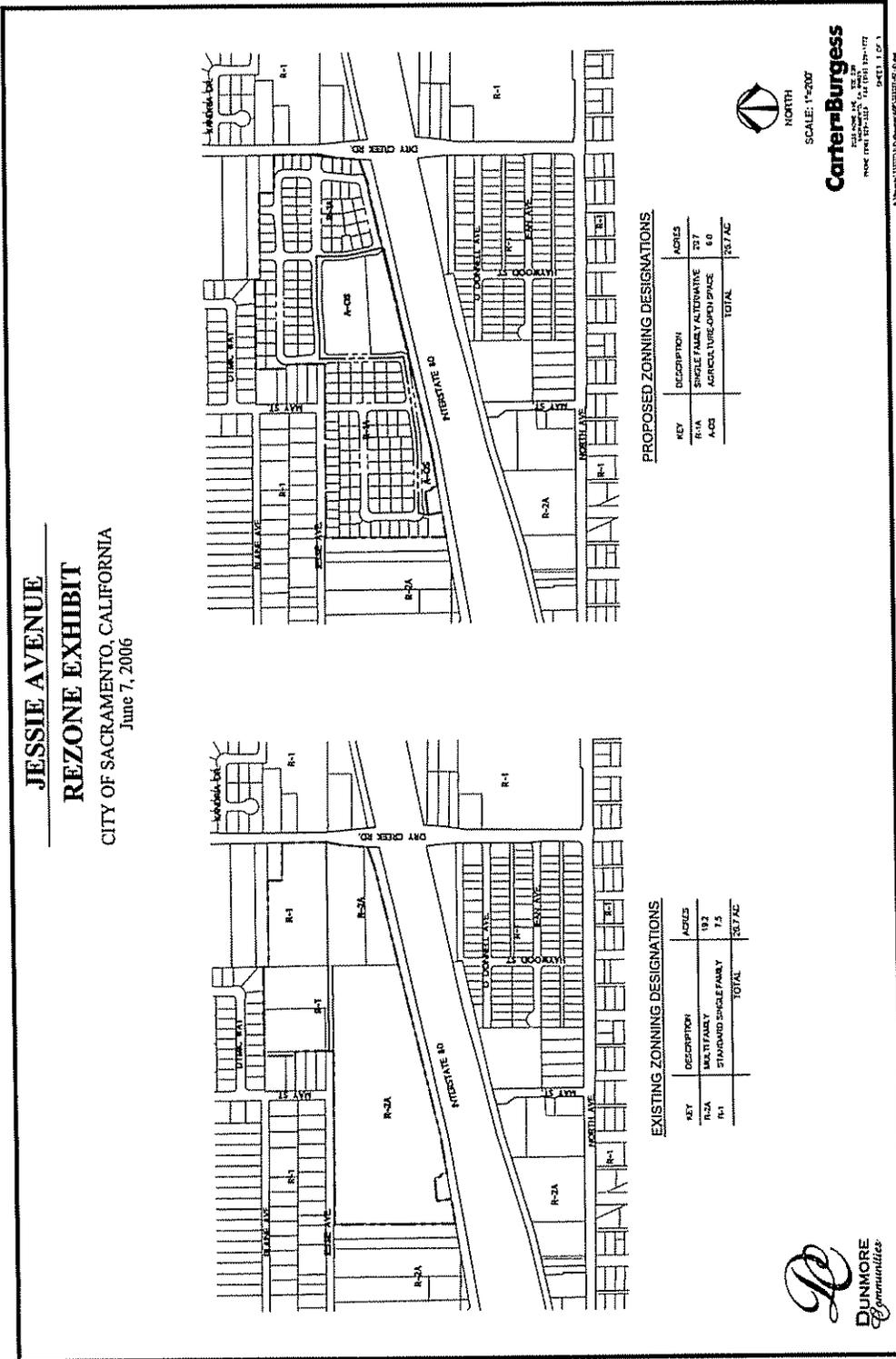
Rezoning of the property shown in the attached Exhibit A, by the adoption of this Ordinance will be considered to be in compliance with the requirements for the rezoning of property described in the Comprehensive Zoning Ordinance, Title 17 of the City Code, as amended, as those procedures have been affected by recent court decisions.

SECTION 3

The City Clerk of the City of Sacramento is hereby directed to amend the official zoning maps, which are part of said Ordinance to conform to the provisions of this Ordinance.

**Table of Contents:**

Exhibit A: Jessie-Dunmore Residential Rezoning Map – 1 Page



P04-079  
 REVISED  
 RECEIVED 6-7-06

Attachment 9 – Resolution (Mitigated Negative Declaration & Mitigation Monitoring Plan)

**RESOLUTION NO. 2006-**

Adopted by the Sacramento City Council

**APPROVING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING PLAN FOR THE DUNMORE-JESSIE PROJECT, LOCATED ALONG JESSIE AVENUE BETWEEN RIO LINDA BOULEVARD AND DRY CREEK ROAD IN NORTH SACRAMENTO, SACRAMENTO, CALIFORNIA. (P04-079) (APN: 237-0200-056, -074, -082, -086; 237-0140-026, -032, -033, -056)**

**BACKGROUND**

A. The City of Sacramento’s Environmental Planning Services conducted or caused to be conducted an initial study on “Dunmore-Jessie Residential, P04-079” to determine if the Project may have a significant effect on the environment.

B. The initial study identified potentially significant effects of the Project. Revisions to the Project made by or agreed to by the Project applicant before the proposed mitigated negative declaration and initial study were released for public review were determined by the 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 State California Environmental Quality Act (CEQA) and the Sacramento Local Environmental Procedures as follows:

1. On May 15, 2006 a Notice of Intent (NOI) to Adopt the MND dated May 14, 2006 was circulated for public comments for 30 days. 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.

2. On May 19, 2006 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. The City Council has reviewed and considered the information contained in the MND, including the initial study, the revisions and conditions incorporated into the Project, and the comments received during the public review process and the hearing

on the Project. The City Council has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.

D. 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 [add, if applicable for waiver of DFG fees: or that the Project has any potential for adverse effects on wildlife resources or the habitat upon which the wildlife depends.

E. The City Council has final approval authority over the following Project entitlements:

1. Environmental Determination: Negative Declaration;
2. Mitigation Monitoring Plan;
3. General Plan Amendment to re-designate 26.7± acres from Medium Density Residential and Low Density Residential to Low Density Residential and Parks-Recreation-Open Space;
4. North Sacramento Community Plan Amendment to re-designate 26.7± acres from 7.5± acres of Residential (4-8 du/na) and 19.2± acres of Residential (11-29 du/na) to 21.5± acres of Residential (7-15 du/na) and 5.2± acres of Parks/Open Space;
5. Rezone 26.7± acres from 19.2± acres of Multi-Family (R-2A) zone and 7.5± acres of Standard Single-Family (R-1) zone to 21.5± acres of Single-Family Alternative (R-1A) zone and 5.2± acres of Agriculture-Open Space (A-OS) zone;
6. Inclusionary Housing Plan;

F. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

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

- Section 1.** With respect to the entitlements over which the City Council has final approval authority, the City Council adopts the Mitigated Negative Declaration for the Project.
- Section 2.** 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 reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Plan.
- Section 3.** 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.

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Exhibit A: Mitigation Monitoring Plan – 17 Pages

**MITIGATION MONITORING PLAN**

**FOR:**  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)

**PREPARED BY:**  
CITY OF SACRAMENTO  
DEVELOPMENT SERVICES DEPARTMENT  
ENVIRONMENTAL PLANNING SERVICES  
MIKE PARKER  
808-7483

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

**DATE:**  
MAY 12, 2006

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

**DATE:**

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**ATTEST:**

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**DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)  
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., Ste. 200, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6.

**SECTION 1: PROJECT IDENTIFICATION**

**Project Name/File Number:** Dunmore Sacramento, Jessie Avenue (P04-079)

**Owner/Developer:** Ted Kozak  
Dunmore Communities, Inc.  
1115 Orlando Avenue  
Roseville, CA 95661  
(916) 676-1115

**City of Sacramento Contact:** Mike Parker, Assistant Planner  
Environmental Planning Services  
Development Services Dept  
2101 Arena Blvd., Ste. 200  
Sacramento, CA 95834  
(916) 808-7483

**Project Location**

The proposed project site is located directly north of Interstate 80. The site is bounded on the east by Dry Creek Road, and Jesse Avenue borders the project site to the north (although the roadway partially transects the eastern portion of the site). May Street is located adjacent to the western border of the northeastern portion of the site. The project site is comprised of the following Assessor's Parcel Numbers (APNs): 237-0200-056, -074, -082, -086; 237-0140-026, -032, -033, -056; and 237-0200-082.

**Project Components**

The proposed project consists of entitlements to construct 184 single-family detached homes and a Neighborhood Park on approximately 26.7 vacant acres in the proposed Single Family Alternative (R-1A) and Agriculture-Open Space (A-OS) zones. Specific entitlements include:

- A. Inclusionary Housing Plan;**
- B. General Plan Map Amendment** to re-designate 26.7 acres from 19.2 acres of Medium Density Residential and 7.5 acres of Low Density Residential to 20.6 acres of Low Density Residential and 6.1 acres of Parks-Recreation-Open Space;
- C. North Sacramento Community Plan Map Amendment** to re-designate 26.7 acres from 19.2 acres of Residential (11-29 du/ac) and 7.5 acres of Residential (4-8 du/ac) to 20.6 acres of Residential (7-15 du/ac) and 6.1 acres of Parks/Open Space;
- D. Rezone** of 26.7 acres from 19.2 acres of Multi-Family (R-2A) zone and 7.5 acres Standard Single Family (R-1) zone to 20.6 acres of Single Family Alternative (R-1A) zone and 6.1 acres of Agriculture-Open Space (A-OS) zone;
- E. Tentative Subdivision Map** to subdivide 26.7 acres into 184 single-family lots, 1 park lot, 1 landscape lot, and 1 detention basin lot in the proposed Single Family Alternative (R-1A) and Agriculture-Open Space (A-OS) zones;
- F. Subdivision Modifications;** and
- G. Special Permit** to develop 184 detached single-family residences on 15.3 acres in the proposed Single Family Alternative (R-1A) zone.

**SECTION 2: GENERAL INFORMATION**

The Mitigation Monitoring Plan (MMP) includes mitigation for Transportation/Circulation, Biological Resources, 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, along with other applicable local, state or federal agencies, will be responsible for ensuring compliance.

**MITIGATION MONITORING PLAN  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<b>TRANSPORTATION/CIRCULATION</b>					
T-1 At the Dry Creek Road / Bell Avenue intersection, the applicant shall pay a fair-share for construction of a traffic signal with protected left-turn phasing (green arrows) for the east and west approaches and permitted left-turn phasing (green ball displays) for the north and south approaches.	Applicant	City of Sacramento – Development Engineering Division, Development Services Department	Payment of fair share contribution to the City of Sacramento via the Development Engineering Division, Development Services Department	Fair Share Payment shall be paid prior to issuance of building permits	
<b>BIOLOGICAL RESOURCES</b>					
BR-1 Prior to issuance of grading permit, the applicant shall submit a copy of a Botanical Survey Report to the City of Sacramento. The Botanical Surveys shall be conducted by a qualified botanist in April or May to determine presence or absence of the following plants: Big-scale balsamroot ( <i>Balsamorhiza macrolepis</i> var. <i>macrolepis</i> ), Dwarf downingia ( <i>Downingia pusilla</i> ), Stinkbells ( <i>Fritillaria agrestis</i> ), Boggs Lake hedge hyssop ( <i>Gratiola heterosepala</i> ), Ahart's dwarf rush ( <i>Juncus leiospermus</i> var. <i>ahartii</i> ), Red bluff dwarf rush ( <i>Juncus leiospermus</i> var. <i>leiospermus</i> ), Legenere ( <i>Legenere limosa</i> ), Hoary navarretia ( <i>Navarretia ericocephala</i> ), Pincushion navarretia ( <i>Navarretia myersii</i> spp. <i>myersii</i> ), and Sanford's arrowhead ( <i>Sagittaria sanfordii</i> ). If the	Applicant	City of Sacramento – Development Services Department (DSD)	Submittal of a Botanical Survey Report	Measure shall be implemented prior to issuance of grading permit.	

**MITIGATION MONITORING PLAN  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>Botanical Survey indicates the presence of any of the above-listed special-status plants, then the following additional mitigation measures shall be implemented:</p> <ul style="list-style-type: none"> <li>• Prior to issuance of a grading permit, all grading and improvement plans shall indicate that no grading shall occur within 50 feet of wetlands occupied by these species until the applicant provides the City of Sacramento a copy of a mitigation plan approved by the Department of Fish and Game. The mitigation plan shall require documentation of the transplantation of the plants to a wetland mitigation site approved by DFG.</li> </ul>	<p>Applicant</p>	<p>City of Sacramento -- DSD  California Department of Fish and Game (DFG)</p>	<p>Grading plans shall indicate 50-foot buffer around wetlands until a copy of a DFG approved mitigation plan is received.</p>	<p>Measure shall be implemented prior to issuance of grading permits.</p>	
<ul style="list-style-type: none"> <li>• if take of Boggs lake hedgehysop will occur, the applicant shall provide evidence to the City of Sacramento that compensatory mitigation has been implemented in accordance with an Incidental Take Permit issued by DFG.</li> <li>• Implement BR-7.</li> </ul>	<p>Applicant</p>	<p>City of Sacramento -- DSD  DFG</p>	<p>Proof provided to City that, if Boggs lake hedge hysop is identified, mitigation has been implemented in accordance with a Take Permit issued by DFG</p>	<p>Measure shall be implemented prior to issuance of grading permits</p>	
<p><i>Burrowing Owl</i> BR-2a. Prior to issuance of grading permits, the applicant shall retain a qualified biologist to conduct preconstruction surveys of</p>	<p>Applicant</p>	<p>City of Sacramento -- DSD</p>	<p>Mitigation Measures shall be included on the Construction</p>	<p>Prior to issuance of any grading, and/or construction</p>	

**MITIGATION MONITORING PLAN  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>suitable burrowing owl habitat within the project site within 30 days prior to construction to ensure that no burrowing owls have become established at the site. If ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be re-surveyed. If no burrowing owls are located, then no further mitigation is required.</p> <p>2b If located, occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by California Department of Fish and Game (CDFG) verifies through noninvasive methods that either the birds have not begun egg-laying and incubation; or that juveniles from the occupied burrows are foraging independently and are capable of independent survival.</p> <p>2c If destruction of occupied burrows is unavoidable, the applicant shall coordinate with CDFG to identify existing suitable burrows located on protected land to be enhanced or new burrows will be created by installing artificial burrows at a ratio of 2:1.</p> <p>2d If owls must be relocated away</p>			<p>Specifications. Pre-construction biological surveys shall be completed as specified and submitted with grading/ building plans.</p>	<p>permit, measures identified on plans shall be verified for compliance. The Development Services Dept. shall assure that measures are identified on construction plans and confirm compliance prior to issuance of any grading permit. Measures shall be implemented prior to and concurrent with construction activities.</p>	

**MITIGATION MONITORING PLAN  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>from the site the applicant shall coordinate with CDFG to relocate the owls using passive relocation techniques (as described in the CDFG's October 17, 1995, Staff Report on burrowing owl mitigation, or latest version).</p> <p>2e if avoidance is the preferred method of mitigating potential project impacts, then no disturbance shall occur within 160 feet of occupied burrows during the non-breeding season (September 1 through January 31) or within 250 feet during the breeding season (February 1 through August 31).</p>					
<p><i>Swainson's Hawk</i></p> <p>BR-3a. Prior to issuance of a grading permit, a pre-construction survey shall be completed by a qualified biologist, within 30 days prior to construction, to determine whether any Swainson's hawk nest trees will be removed on-site, or active Swainson's hawk nest sites occur within 1/2 mile of the development site. These surveys shall be conducted according to the Swainson's Hawk Technical Advisory Committee's (May 31, 2000) methodology or updated methodologies, as approved by the U.S. Fish and Wildlife Service</p>	Applicant	City of Sacramento – DSD DFG	Mitigation Measures, including construction-timing restrictions, shall be included on the Construction Specifications. Pre-construction biological surveys shall be completed as specified and submitted with grading/ building	Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. DSD shall ensure that measures are identified on construction plans and confirm compliance prior to issuance of	

**MITIGATION MONITORING PLAN  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>(USFWS) and California Department of Fish and Game (CDFG), using experienced Swainson's hawk surveyors.</p> <p>3b. If breeding Swainson's hawks (i.e. exhibiting nest building or nesting behavior) are identified, no new disturbances (e.g. heavy equipment operation associated with construction) shall occur within 1/2 mile of an active nest between March 15 and September 15, or until a qualified biologist, with concurrence by CDFG, has determined that young have fledged or that the nest is no longer occupied. If the active nest site is located within 1/4 mile of existing urban development, the no new disturbance zone can be limited to the 1/4 mile versus the 1/2 mile.</p> <p>3c. If construction or other project related activities which may cause nest abandonment or forced fledging are proposed within the 1/4 mile buffer zone, intensive monitoring (funded by the project sponsor) by a Department of Fish and Game approved raptor biologist will be required. Exact implementation of this measure will be based on specific site conditions.</p> <p>BR-4. Prior to issuance of grading permits, the project applicant shall</p>	Applicant	City of Sacramento -	Proof of purchase of credits	Measure shall be implemented	

**MITIGATION MONITORING PLAN  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>be required to purchase compensatory Swainson's hawk foraging habitat credits for each developed acre, at a ratio of 0.5:1, from an approved mitigation bank, or develop other arrangements acceptable to and approved by the CDFG.</p> <p><i>Other Raptors</i></p> <p><b>BR-5a</b> Prior to issuance of grading permits, the applicant shall retain a qualified biologist to conduct preconstruction surveys of suitable raptor nesting habitat within the project site within 30 days prior to construction. If ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be re-surveyed. If no raptor nests are located, then no further mitigation is required.</p> <p><b>5b</b> If nests are found, then a qualified biologist will establish an avoidance area around each raptor nest site a minimum of 500 feet from the nearest construction activity. If the establishment of an avoidance area for a nest is not possible, then DFG shall be consulted. If DFG determines that avoidance is still infeasible, the applicant shall not initiate construction until a qualified</p>	Applicant	DSD DFG	<p>provided to the Development Services Department</p> <p>Mitigation Measures shall be included on the Construction Specifications. Pre-construction biological surveys shall be completed as specified and submitted with grading/ building plans.</p>	<p>prior to issuance of grading permits</p> <p>Prior to issuance of any grading or building permit, measures identified on plans shall be verified for compliance. DSD shall ensure that measures are identified on construction plans and confirm compliance prior to issuance of any grading or building permit. Measures shall also be implemented concurrent with construction activities.</p>	

**MITIGATION MONITORING PLAN  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>biologist has determined that the young have fledged. In addition, the applicant shall implement any additional measures indicated during consultation with DFG.</p> <p><i>Vernal Pool Branchiopods</i></p> <p>BR-6 Prior to issuance of grading permit, the applicant shall provide proof that either fee payment has been made to the US Fish and Wildlife Service's vernal pool species fund, or that vernal pool credits have been purchased from a Sacramento County mitigation bank, as follows:</p> <ul style="list-style-type: none"> <li>• One creation credit shall be purchased for every acre of vernal pool habitat (1:1 ratio) that is determined by the USFWS to be habitat for the listed branchiopods; and</li> <li>• Two preservation credits shall be purchased for every acre of vernal pool habitat disturbed (2:1 ratio), as determined by the USFWS.</li> </ul> <p>The credits shall be purchased only after the US Army Corps of Engineers has provided verification of the wetland delineation, and the US Fish and Wildlife Service has provided a biological opinion.</p>	<p>Applicant</p>	<p>City of Sacramento – DSD US Fish and Wildlife Service (USFWS)</p>	<p>Proof of fee payment to USFWS or proof of purchase of vernal pool credits provided to the Development Services Department</p>	<p>Measure shall be implemented prior to issuance of grading permits.</p>	
<p>BR-7 Prior to issuance of a grading permit, the Building Department</p>	<p>Applicant</p>	<p>City of Sacramento –</p>	<p>Indicated on all grading and</p>	<p>Measure shall be implemented</p>	

**MITIGATION MONITORING PLAN  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>shall verify that all grading and improvement plans state: "It is the Contractor's responsibility to comply with all applicable state and federal laws and regulations including the Federal Endangered Species Act and Clean Water Act. The City Grading Permit does not authorize Contractor to conduct activities not permitted by applicable State and federal laws in areas subject to State and federal jurisdiction."</p> <p>BR-8 Prior to issuance of a grading permit, the project applicant shall submit a wetland mitigation and monitoring plan to the City. The mitigation and monitoring plan shall meet the following requirements:</p> <ul style="list-style-type: none"> <li>• The mitigation plan shall be prepared in accordance with the requirements of the Corps of Engineers</li> <li>• The mitigation plan shall indicate that the applicant shall either purchase one seasonal wetland credit at a Corps-approved mitigation bank for each acre of seasonal wetland habitat disturbed (1:1 ratio), as indicated on the wetland delineation verified by the US Army Corps of Engineers, or the applicant shall construct a minimum of 1 acre of seasonal wetland habitat for each acre of</li> </ul>	<p>Applicant</p>	<p>DSD</p>	<p>improvement plans</p>	<p>prior to issuance of grading permits.</p>	
		<p>City of Sacramento – DSD US Army Corps of Engineers</p>	<p>Wetland Mitigation and Monitoring Plan approved by City of Sacramento Development Services Department, including a copy of bill of sale for purchase of wetland mitigation credits, or proof of construction of seasonal wetland habitat, as approved by the US Army Corps of Engineers</p>	<p>Measures shall be implemented prior to issuance of grading permits.</p>	

**MITIGATION MONITORING PLAN  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>seasonal wetland habitat disturbed (minimum 1:1 ratio). The specific acreage of habitat to be constructed must be determined by the US Army Corps of Engineers.</p> <ul style="list-style-type: none"> <li>A copy of the bill of sale for the purchase of wetland mitigation credits shall be submitted to the City.</li> </ul> <p>BR-9 Prior to issuance of a grading permit the Building Department shall ensure that the grading plan indicates that no construction activities shall occur within 50 feet of any swale, seasonal wetland, or vernal pool (indicated on the wetland delineation verified by the US Army Corps of Engineers) until the applicant provides the City of Sacramento with documentation that the applicant has satisfied the mitigation plan through the construction of wetlands or a bill of sale for the purchase of mitigation credits. In addition, the grading plan shall require temporary fencing to be installed around the 50-foot buffer to exclude construction equipment until the applicant provides the City of Sacramento with documentation that the applicant has satisfied the mitigation plan through the construction of wetlands, or a bill of sale for the purchase of mitigation credits.</p>	<p>Applicant</p>	<p>City of Sacramento – DSD US Army Corps of Engineers</p>	<p>Grading Plan indicates 50-foot buffer around any jurisdictional wetland until proof of Section 404 compliance is provided to the City of Sacramento Development Services Department</p>	<p>Measure shall be implemented prior to issuance of grading permits and during construction activities.</p>	

**MITIGATION MONITORING PLAN  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
BR-10 Prior to issuance of grading permits, the Building Department shall verify that the Stormwater Pollution Prevention Plan (SWPPP) for the project indicates the location of the wetlands (consistent with the wetland delineation verified by the US Army Corps of Engineers), including the 50-foot buffer, and includes water quality control measures to prevent any discharge of construction-related pollutants or sediment into the identified wetlands.	Applicant	City of Sacramento -- DSD	Verify location of wetlands and water quality control measures in SWPPP	Measure shall be implemented prior to issuance of grading permits and during construction activities.	
<b>NOISE</b>					
N-1 Prior to issuance of occupancy permits, a traffic noise barrier shall be constructed along the full length of the south property line. The barrier height shall be 9 feet above pad elevation from the east end of the project site to a point aligned with the west end of lot 23. Moving to the west from that point, the barrier height shall step down at equal intervals to a height of 8 feet above the adjoining pad elevation. The barrier shall enclose the north side of the Sump 144 lot.	Applicant	City of Sacramento -- DSD	Construction of wall	Prior to issuance of occupancy permits	
N-2 The Building Department shall verify that the building plans for units on lots 1-8, 12, 23, 24, 27, 28, 97, 98, 99, 100, 111, 112, 125, 126, 127, 128, 141, 142, and 170	Applicant	City of Sacramento -- DSD	Inclusion of measures on building plans	Prior issuance of building permits	

**MITIGATION MONITORING PLAN  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>contain the following measures:</p> <ul style="list-style-type: none"> <li>• Exterior walls facing I-80 must be finished with stucco or brick siding.</li> <li>• Windows on the facades of the homes on lots 5-8, 12, 23, 24, 27, 28, 97, 98, 99, 100, 111, 112, 125, 126, 127, 128, 141, 142, and 170 that have a line of sight to I-80 must have an STC rating of at least 40.</li> <li>• Windows on the facades of the homes on Lots 1-4 that have a line of sight to I-80 must have an STC rating of at least 35.</li> <li>• Air conditioning or other suitable mechanical ventilation must be provided to allow residents to close windows for the desired acoustical isolation.</li> </ul>					
<p><b>CULTURAL RESOURCES</b></p> <p>CR-1 The applicant shall hire a qualified archaeologist to conduct a records search for the project site, including a search of the North Central Information System at CSU Sacramento. The qualified archaeologist shall provide recommendations for mitigation should any resource be identified on the project site by the records search. Prior to issuance of</p>	Applicant	City of Sacramento--DSD	Statement from a qualified archeologist indicating that either no record of cultural resources was identified on the site, or that any previously recorded cultural	Prior to issuance of grading permits	

**MITIGATION MONITORING PLAN  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>grading permits, the applicant shall provide proof that the records search has been performed and that any cultural resources identified on the project site have been mitigated according to the recommendations of the qualified archaeologist.</p> <p>CR-2a In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("middens"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction-related earth-moving activities, all work within 50 meters of the resources shall be halted, and the City shall consult with a qualified archeologist to assess the significance of the find. Archeological test excavations shall be conducted by a qualified archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.</p>	<p>Applicant</p>	<p>City of Sacramento-- DSD Native American Heritage Commission</p>	<p>resource existing on the site has been appropriately mitigated</p> <p>Measures shall be included on all grading plans</p>	<p>Measures shall be implemented during construction activities, as specified.</p>	

**MITIGATION MONITORING PLAN  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>CR-2b</p> <p>If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</p>					
<p>CR-3</p> <p>If a human bone or bone of unknown origin is found during</p>	Applicant	City of Sacramento--	Measures shall be included on all	Measures shall be implemented	

**MITIGATION MONITORING PLAN  
DUNMORE SACRAMENTO, JESSIE AVENUE (P04-079)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.</p>		<p>DSD Native American Heritage Commission</p>	<p>grading plans</p>	<p>during construction activities, as specified.</p>	

## **RESOLUTION NO. 2006-**

Adopted by the Sacramento City Council

**AMENDING THE GENERAL PLAN LAND USE MAP TO RE-DESIGNATE 26.7± ACRES OF MEDIUM DENSITY & LOW DENSITY RESIDENTIAL TO 20.7± ACRES OF LOW DENSITY RESIDENTIAL 4-15 DU/NA AND 6.0± ACRES OF PARKS-RECREATION-OPEN SPACE, FOR THE PROPERTY LOCATED ALONG JESSIE AVENUE BETWEEN RIO LINDA BOULEVARD AND DRY CREEK ROAD IN NORTH SACRAMENTO, SACRAMENTO, CALIFORNIA. (P04-079) (APN: 237-0200-056, -074, -082, -086; 237-0140-026, -032, -033, -056)**

### **BACKGROUND**

The City Council conducted a public hearing on October 17, 2006 concerning the General Plan land use map, and, based on documentary and oral evidence submitted at the public hearing, the City Council hereby finds:

- A. The proposed plan amendment is compatible with the surrounding uses;
- B. The subject site is suitable for single family residential development; and
- C. The proposal is consistent with the policies of the General Plan and the North Sacramento Community Plan that promote neighborhood revitalization, ownership opportunities, and development in infill areas.

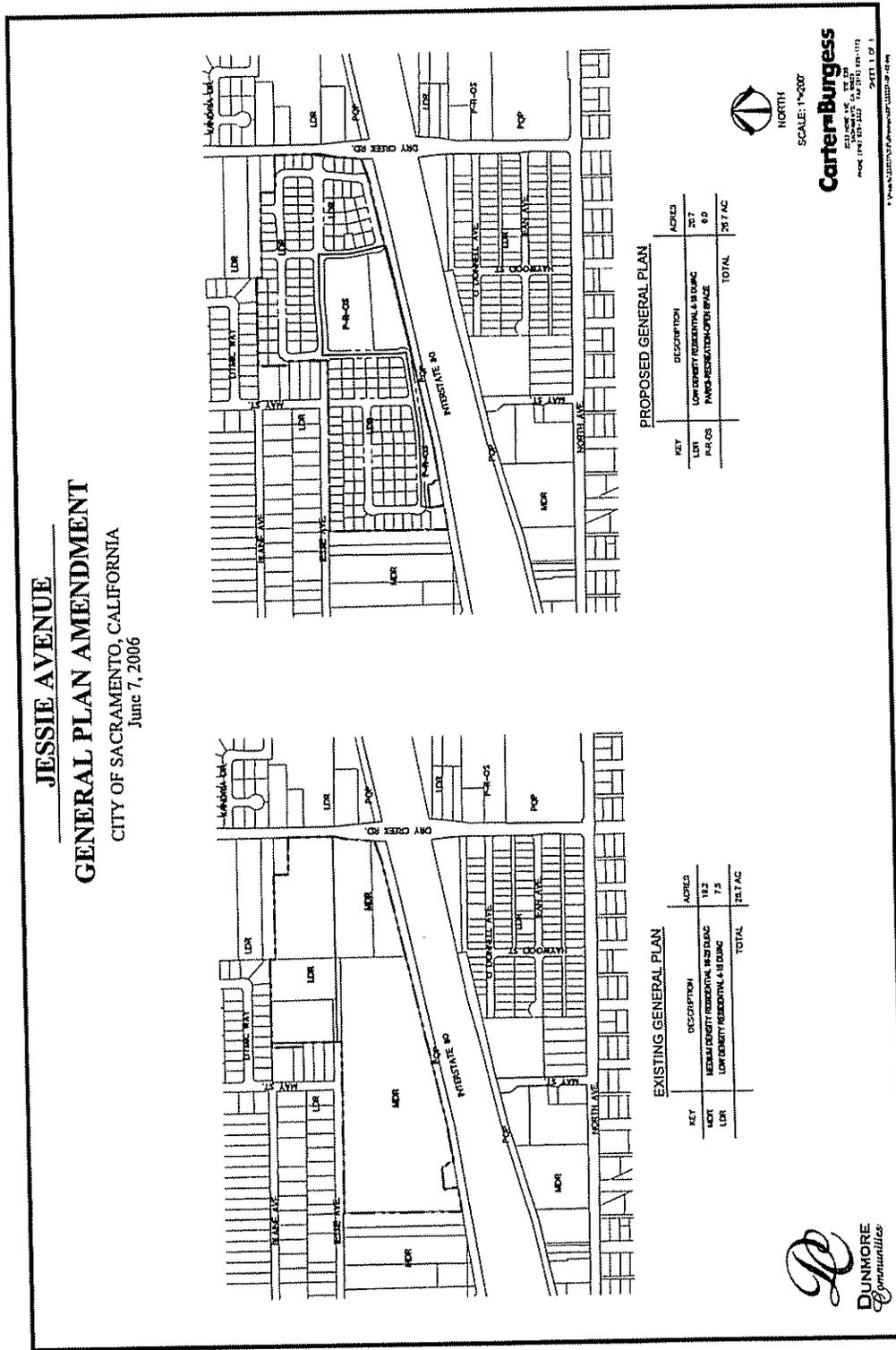
### **BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

**Section 1.** The City Council adopts the General Plan Amendment for the property, as described on the attached Exhibit A, in the City of Sacramento which is hereby re-designated on the General Plan land use map from 26.7± acres of Medium Density and Low Density Residential to 20.7± acres of Low Density Residential 4-15 du/na and 6.0± acres of Parks-Recreation-Open Space (APN: 237-0200-056, -074, -082, -086; 237-0140-026, -032, -033, -56).

### **Table of Contents:**

Exhibit A: General Plan Amendment – 1 Page

EXHIBIT A



P04-079  
 REVISED  
 RECEIVED 6-7-06

**RESOLUTION NO. 2006-**

Adopted by the Sacramento City Council

**AMENDING THE NORTH SACRAMENTO COMMUNITY PLAN LAND USE MAP TO RE-DESIGNATE 26.7± ACRES OF RESIDENTIAL 4-8 DU/NA AND RESIDENTIAL 11-29 DU/NA TO 20.7± ACRES OF RESIDENTIAL 7-15 DU/NA AND 6.0±ACRES OF PARKS/OPEN SPACE, FOR THE PROPERTY LOCATED ALONG JESSIE AVENUE BETWEEN RIO LINDA BOULEVARD AND DRY CREEK ROAD IN NORTH SACRAMENTO, SACRAMENTO, CALIFORNIA. (P04-079) (APN: 237-0200-056, -074, -082, -086; 237-0140-026, -032, -033, -056)**

**BACKGROUND**

The City Council conducted a public hearing on October 17, 2006 concerning the North Sacramento land use map and based on documentary and oral evidence submitted at the public hearing, the City Council hereby finds:

- A. The proposed plan amendment is compatible with the surrounding uses;
- B. The subject site is suitable for single family residential development; and
- C. The proposal is consistent with the policies of the General Plan and the North Sacramento Community Plan that promote neighborhood revitalization, ownership opportunities, and development in infill areas.

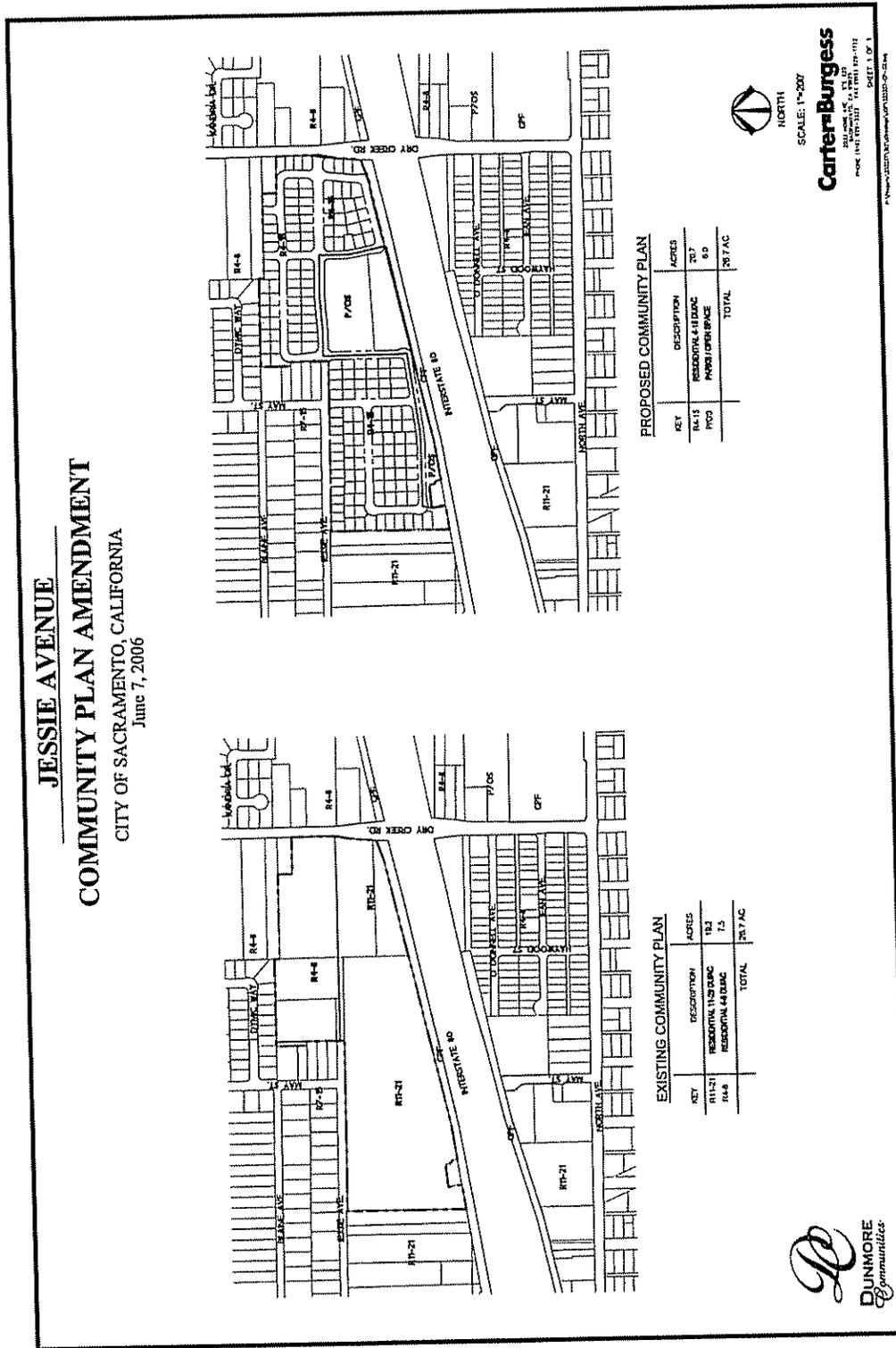
**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

**Section 1.** The City Council adopts the North Sacramento Community Plan Amendment for the property, as described on the attached Exhibit A, in the City of Sacramento which is hereby re-designated on the North Sacramento land use map from 26.7± acres of Residential 4-8 du/na and Residential 11-29 du/na to 20.7± acres of Residential 7-15 du/na and 6.0± acres of Parks/Open Space (APN: 237-0200-056, -074, -082, -086; 237-0140-026, -032, -033, -056).

**Table of Contents:**

Exhibit: North Sacramento Community Plan Amendment – 1 Page

EXHIBIT A



P04-079  
REVISED  
RECEIVED 6-7-06

**RESOLUTION NO. 2006-**

Adopted by the Sacramento City Council

**ADOPTING THE INCLUSIONARY HOUSING PLAN FOR THE DUNMORE-JESSIE PROJECT LOCATED AT JESSIE AVENUE BETWEEN RIO LINDA BOULEVARD AND DRY CREEK ROAD IN THE NORTH SACRAMENTO COMMUNITY PLAN AREA, SACRAMENTO, CALIFORNIA. (P04-079) (APN: 237-0200-056, -074, -082, -086; 237-0140-026, -032, -033, -056)**

**BACKGROUND**

The City Council conducted a public hearing on October 17, 2006 concerning the Inclusionary Housing Plan, and, based on documentary and oral evidence submitted at the public hearing, the City Council hereby finds:

- A. The proposed project is located in a new growth area and is subject to the City's mixed income housing requirements that 15 percent of the residential units be affordable to "low" and "very low" income households; and
- B. 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 Inclusionary Housing Plan for the Dunmore-Jessie Project (P04-079) is hereby adopted as attached hereto as Exhibit A.

**Table of Contents:**

Exhibit A: Inclusionary Housing Plan – 8 Pages

**Inclusionary Housing Plan  
Jessie Avenue**

Approval Date: \_\_\_\_\_

**Proposed Project**

Hanzlick Family Partnership, a California Limited Partnership and Douglas M. Hanzlick are the owners (collectively, "Owner") and GSJ Company, LLC, a California limited liability company dba Dunmore Communities is the developer ("Developer") of that certain real property in the City of Sacramento ("City") in which the Developer proposes to develop and construct the Jessie Avenue residential community ("Project"). This 26.70 +/- acre (gross) Project is located at the extension of Jessie Avenue and is generally bounded by Interstate 80 to the south and Dry Creek Road to the east. The Project consists of 184 single-family lots.

**Mixed Income Housing Policy**

The Project site is located in a new growth area and the project is subject to the City's Mixed Income Housing Policy. The Mixed Income Housing Policy was adopted in the City of Sacramento Housing Element and required by the City's Mixed Income Housing Ordinance, Sacramento City Code ("City Code"), Chapter 17.190 (the "Ordinance"). Section 17.190.030.B.1 of the City Code sets forth the standard inclusionary housing component requiring that ten percent (10%) of the total units in a Residential Project be affordable to very low income households and five percent (5%) for low income households (the "Inclusionary Requirement" and "Inclusionary Housing Units").

Pursuant to City Code Section 17.190.110.B, an Inclusionary Housing Plan ("Plan") must be approved prior to or concurrent with the approval of legislative, or as applicable in this case, adjudicatory entitlements for the Project. City Code Section 17.190.110.A requires that the Plan set forth the number, unit mix, location, structure type, affordability and phasing of the Inclusionary Units in the Project. The Plan, as supplemented and amended from time to time, is intended to begin the implementation of the Inclusionary Requirement for the Project. All future approvals for the Project shall be consistent with this Plan.

The Inclusionary Requirement for the Project will be set forth in more detail in the Inclusionary Housing Agreement executed by the Developer and the Sacramento Housing and Redevelopment Agency ("SHRA") and recorded against all the residential land in the Project. The Inclusionary Housing Agreement shall be executed no later than the approval of the final map for the subdivision and recorded concurrently with the recordation of the final map. The Inclusionary Housing Agreement will describe with particularity the site and building schematics and phasing for the construction and of the Inclusionary Units, pursuant to City Code Section 17.190.110.C. The Inclusionary Housing Agreement shall be consistent with this Plan.

**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 Very Low Income Households, as defined in City Code Section 17.190.020 ("Very Low Income Units") and Low Income Households, as defined in City Code Section 17.190.020 ("Low Income Units"), equal to ten percent (10%) and five percent (5%) of the total number of housing units approved for the Residential Project, respectively, as provided for in city Code Section 17.190.030.B. Based on the current Project proposal, the Inclusionary Requirement for the Project is 18 units for Very Low Income Households and 9 units for Low Income Households.

Total Number of Units within the Project	184
Very Low Income Units (10% of units)	18
Low Income Units (5% of units)	9
Total Number of Inclusionary Units	27

If the Project approvals are amended to increase the number of units in the Project, this Plan will be amended to reflect a number equal to ten percent (10%) and five percent (5%) of the increased total residential units in the amended entitlements for Very Low Income Units and Low Income Units, respectively. If the Project approvals are amended to decrease the number of residential units in the Project, this Plan will be amended to reflect a number equal to ten percent (10%) and five percent (5%) for the decreased total residential units in the amended entitlements for Very Low Income Units and Low Income Units, respectively. However, after a building permit has been issued for a structure to contain 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 in the Project.

**Units by Type and Tenure**

The on-site Inclusionary Housing Units shall consist of 18 single-family units affordable to and occupied by Very Low Income Households and 9 single-family units affordable to and occupied by Low Income Households. It is the intent of the Developer to market the Inclusionary Housing Units as ownership units. An initial owner who purchases a for-sale Inclusionary Housing Unit shall occupy that unit as their principal residence and shall certify to the Developer/Builder of the unit that he/she qualifies as a "first-time home buyer" as defined in City Code Section 17.190.020. SHRA and the initial owner who purchases a for-sale Inclusionary Housing Unit shall enter into an Inclusionary Housing Individual Regulatory Agreement for Homeownership of Property ("Individual Regulatory Agreement") which the SHRA will record against the applicable Inclusionary Housing Unit, detailing the recapture difference between the market sales...

price and the affordable price (adjusted for inflation) if the home is resold to a non-income qualified buyer in the future.

**Size and Bedroom Count**

The Inclusionary Housing Units shall consist of single-family units. The single-family units will be 1,560 square feet each, shall include 3 bedrooms and be two-story units.

**Location of Inclusionary Housing Units within the Project**

Inclusionary Housing Units shall be located on-site within the proposed Project as part of the single-family residential development. Single-family units are planned to be located generally in pairs, as shown on the Project tentative map.

Inclusionary Housing Units will be located on lots designated for cluster units. The Inclusionary Housing Units are placed at appropriate spacing throughout the single-family residential neighborhood at the entrance of the Project due to lot size constraints and in an effort to maintain a mix of product types with respect to elevation throughout the 26.70 +/- acre Project.

Specific lots identified for Inclusionary Housing Units have been identified on the Inclusionary Housing Unit Map for the Project, attached hereto as "Attachment 1". Table 1, below, summarizes the locations of the Inclusionary Housing Units within the Project.

**Table 1  
Location of Inclusionary Housing Units**

Inclusionary Unit	Level of Affordability	Lot Number	Size of Unit	Number of Bedrooms
1	Very Low Income	15	1,560 +/- sq. feet	3 per Unit
2	Very Low Income	25	1,560 +/- sq. feet	3 per Unit
3	Very Low Income	26	1,560 +/- sq. feet	3 per Unit
4	Very Low Income	29	1,560 +/- sq. feet	3 per Unit
5	Very Low Income	74	1,560 +/- sq. feet	3 per Unit
6	Very Low Income	79	1,560 +/- sq. feet	3 per Unit

7	Very Low Income	82	1,560 +/- sq. feet	3 per Unit
8	Very Low Income	86	1,560 +/- sq. feet	3 per Unit
9	Very Low Income	89	1,560 +/- sq. feet	3 per Unit
10	Very Low Income	93	1,560 +/- sq. feet	3 per Unit
11	Very Low Income	102	1,560 +/- sq. feet	3 per Unit
12	Very Low Income	107	1,560 +/- sq. feet	3 per Unit
13	Very Low Income	116	1,560 +/- sq. feet	3 per Unit
14	Very Low Income	124	1,560 +/- sq. feet	3 per Unit
15	Very Low Income	145	1,560 +/- sq. feet	3 per Unit
16	Very Low Income	149	1,560 +/- sq. feet	3 per Unit
17	Very Low Income	154	1,560 +/- sq. feet	3 per Unit
18	Very Low Income	157	1,560 +/- sq. feet	3 per Unit
19	Low Income	75	1,560 +/- sq. feet	3 per Unit
20	Low Income	106	1,560 +/- sq. feet	3 per Unit
21	Low Income	121	1,560 +/- sq. feet	3 per Unit
22	Low Income	123	1,560 +/- sq. feet	3 per Unit
23	Low Income	129	1,560 +/- sq. feet	3 per Unit
24	Low Income	138	1,560 +/- sq. feet	3 per Unit
25	Low Income	161	1,560 +/- sq. feet	3 per Unit
26	Low Income	162	1,560 +/- sq. feet	3 per Unit
27	Low Income	170	1,560 +/- sq. feet	3 per Unit

The location of the Inclusionary Housing Units within the Project are subject to amendment, consistent with City Code Section 17.190.110 B 3.

### Marketing of Units

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The Developer will use their typical newspaper, internet, toll free number and signage to market the Project. Information will be made available in the Developer's (i) off-site sales office; and (ii) on-site sale office, regarding the availability of Inclusionary Housing Units and such information will also be incorporated into internet advertising for the Project.

### Affordability Requirements

Sale and occupancy of the Inclusionary Housing Units shall be restricted to households with incomes, at the time of initial occupancy, that do not exceed (i) fifty percent (50%) of the median income for Sacramento County, adjusted for household size, for Very Low Income Households; and (ii) eighty percent (80%) of the median income for Sacramento County, adjusted for household size, for Low Income Households, and shall be consistent with the SHRA guidelines. Median income figures are those published and periodically updated by the United States Department of Housing and Urban Development.

The sale price of the Inclusionary Housing Units will be set so that Low Income Households and Very Low Income Households can qualify for the purchase of the single-family 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 expenses. SHRA will provide the Developer with a schedule of maximum sales prices affordable to the applicable income ranges.

Sales prices of Inclusionary Housing Units will be outlined in the Inclusionary Housing Agreement as provided for by the Ordinance (as such Ordinance may be amended from time to time). The Inclusionary Housing Units will be sold initially at an Affordable Housing Price (as defined in City code Section 17 190 020) to Low Income Households or Very Low Income Households as first-time home buyers as provided for by the Ordinance (as such Ordinance may be amended from time to time). An SHRA 30-year note will govern the Inclusionary Housing Unit's resale, allowing SHRA one hundred twenty days (120) to refer an income-eligible buyer after notification of the owner's intent to sell, as provided for by the Ordinance (as such Ordinance may be amended from time to time). If an income-eligible purchaser is not found, the Inclusionary Housing Unit may be resold, provided that SHRA recaptures the difference between the Inclusionary Housing Unit's market value and its Affordable Housing Price as well as any other City or SHRA contributions, as provided for by the Ordinance (as such Ordinance may be amended from time to time). The owner occupant will receive his or her initial equity in the Inclusionary Housing Unit and a portion of the Inclusionary Housing Unit's appreciated value as provided for by the Ordinance (as such Ordinance may be amended from time to time). The terms of this arrangement will be outlined in the Inclusionary Housing Agreement between SHRA and the Developer as provided for by the Ordinance (as such Ordinance may be amended from time to time).

### Phasing of Development of the Inclusionary Units

The Inclusionary Housing Units shall be developed concurrently with the development of the "Market Rate" (as defined in City Code Section 17.190.020) units contained within the Project. The nature of the concurrency of such development shall be defined by a series of linkages between approvals in respect to the Market Rate units and the development of the Inclusionary Housing Units.

### Market Rate Housing/Inclusionary Unit Linkages

The following checklist outlines the relationship between the Market Rate unit development activity and the Inclusionary Housing Unit development activity. The items outlined in the checklist below are necessary to ensure that the development of Inclusionary Housing Units occurs concurrently with the development of the Market Rate Units:

- The Inclusionary Housing Plan shall be approved concurrently with the approval of the Project's tentative map.
- The Inclusionary Housing Agreement shall be executed prior to the approval of the Project's final map.
- The Inclusionary Housing Agreement shall be recorded concurrently with the recordation of the Project's final map.
- Up to 65% of the building permits for Market Rate units may be pulled prior to the issuance of building permits for all Inclusionary Housing Units in the Project.
- The final 35% of the building permits for Market Rate units may be pulled after issuance of building permits for all Inclusionary Housing Units in the Project.
- Marketing of Inclusionary Housing Units within the Project shall occur concurrently with the marketing of Market Rate units.

### Amendment and Administration of the Inclusionary Housing Plan

The Planning Director, with the advice of the Executive Director of the SHRA, shall administer this Plan. The Planning Director may make minor administrative amendments to the text of this Plan as provided in City Code Section 17.190.110 B.3 d.

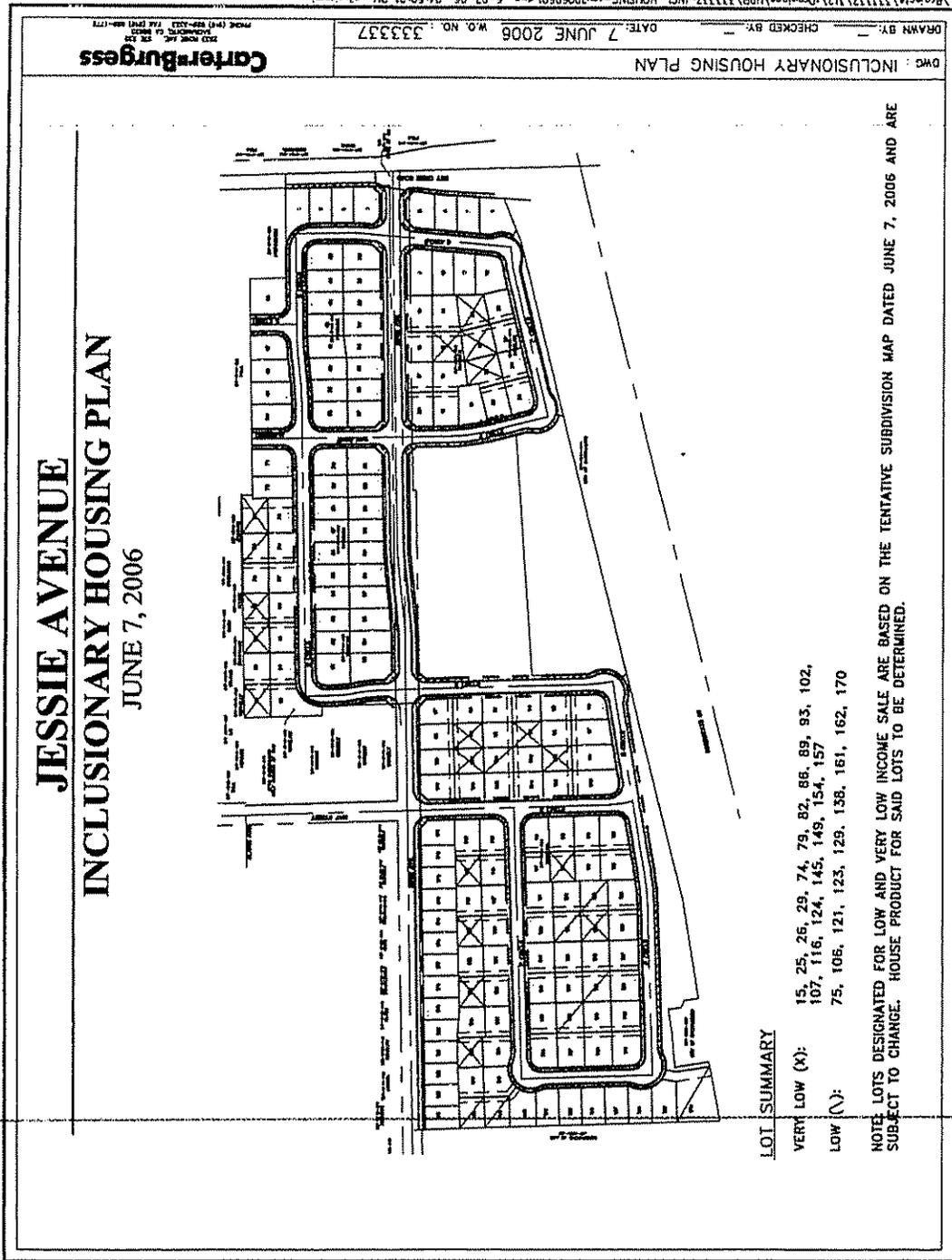
### Waiver of Conflict

**THE PARTIES AGREE AND ACKNOWLEDGE THAT WAGNER KIRKMAN BLAINE KLOMPARENS & YOUMANS LLP ("WKBY") REPRESENTS ONLY GSJ COMPANY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY WITH RESPECT TO THIS PLAN AND ANY TRANSACTIONS CONTEMPLATED THEREBY. ALL CONSTITUENT MEMBERS OF OWNER (INCLUDING, WITHOUT LIMITATION, HANZLICK FAMILY PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP AND DOUGLAS M. HANZLICK) HAVE BEEN ADVISED TO AND HAVE HAD THE**

REASONABLE OPPORTUNITY TO PROCURE INDEPENDENT COUNSEL OF THEIR OWN CHOICE IN ORDER TO HAVE SEPARATE REPRESENTATION, AND ~~HEREBY WAIVES ANY CONFLICT. THE PARTIES~~ (INCLUDING, WITHOUT LIMITATION, THE CONSTITUENT MEMBERS OF EACH PARTY) FURTHER AGREE THAT EACH HAS READ AND UNDERSTANDS THIS AGREEMENT, HAS HAD A REASONABLE OPPORTUNITY TO CONSIDER THE TERMS OF THIS AGREEMENT, AND AGREES THAT SUCH TERMS ARE FAIR AND REASONABLE. BECAUSE OF THE HIGH DEGREE OF SOPHISTICATION AND EXPERTISE OF THE PARTIES (INCLUDING, WITHOUT LIMITATION, THE CONSTITUENT MEMBERS OF EACH PARTY), EACH PARTY (INCLUDING, WITHOUT LIMITATION, THE CONSTITUENT MEMBERS OF EACH PARTY) WAIVES ANY CONFLICT OF INTEREST WITH WKBKY.

**List of Attachments:**

Attachment 1 – Inclusionary Housing Unit



ATTACHMENT 1