# REPORT TO COUNCIL
# City of Sacramento

8

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

**CONSENT**
**April 3, 2007**

Honorable Mayor and
Members of the Sacramento City Council

**Title: Appeal of 8151 Sheldon Subdivision (P05-044)**

**Location/Council District:** 8151 Sheldon Road, Sacramento, CA. APN: 117-0220-002, 022, 023, 024, 025 (Council District 8)

**Recommendation:** 1) Review a **Resolution** approving the Mitigated Negative Declaration and Mitigation Monitoring Plan, 2) review a **Resolution** approving the General Plan Amendment, 3) review a **Resolution** denying the appeal and approving the Sheldon SubdivisionTentative Map, Special Permit, and Subdivision Modifications and 4) review a **Resolution** approving the Inclusionary Housing Plan, 5) review an **Ordinance** amending the Comprehensive Zoning Ordinance, 6) Pass for Publication the **Ordinance** title as required by Sacramento City Charter 32c to be adopted April 10, 2007.

**Contact:** Antonio Ablog, Associate Planner, (916) 808-7702; Tom Buford, Senior Planner, (916) 808-7931

**Presenter:** Antonio Ablog

**Department:** Development Services

**Division:** Current Planning

**Organization No:** 4881

**Description/Analysis**

**Issue:** The applicant is requesting to amend the General Plan designation and Rezone the subject property in order to subdivide 18.7± gross acres for the development of 162 single-family homes. Both the proposed Multi-Family (R-2B) zone and proposed Medium Density General Plan land use designation allow for the subdivision of the subject site at the proposed density approximately of 17 dwelling units per net acre. In addition to the requested Rezone and General Plan Amendment, a third party has appealed the Planning Commission's approval of the project (see Attachment 3). Since the project is in a New Growth area requires approval by the City Council, the Inclusionary Housing Plan must also be approved by the City Council.

**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. (General Plan 2-14)
- Develop residential land uses in a manner which is efficient and utilizes existing and planned urban resources. (General Plan 2-15)
- Maintain orderly residential growth in areas where urban services are readily available or can be provided in an efficient, cost-effective manner. (General Plan 2-17)

Smart Growth Principles: City Council adopted a set of Smart Growth Principles in December 2001 to promote growth or sustain existing development that is economically sound, environmentally friendly, and supportive of community livability. The proposed project promotes the development of alternative style single-family homes and a diverse range of affordable housing opportunities.

Strategic Plan Implementation: The project conforms to 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.

**Committee/Commission Action:** On February 8, 2007 the Planning Commission approved the Special Permit, Tentative Map, and Subdivision Modifications to allow the development of 162 single-family homes on the subject site. The Planning Commission also recommended that the City Council approve the requested Rezone, General Plan Amendment, and Inclusionary Housing Plan. On February 20, 2007, an appeal of the project was submitted by a third party citing opposition to the vehicular circulation pattern of the proposed subdivision.

**Environmental Considerations:** The Environmental Services Manager has reviewed the project for compliance with the requirements of the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration has been prepared describing the proposed 8151 Sheldon Subdivision Project and evaluating the potential environmental effects of the proposed project, and a Mitigation Monitoring Plan has been prepared (Attachment 4, Pg. 13).

A Notice of Intent to approve the Mitigated Negative Declaration was circulated for public comment for a 30-day public review period from December 28, 2006 through January 29, 2007. The notice was mailed to property owners within 500 feet of the project boundaries, published in the Daily Recorder, and posted with the Sacramento County Clerk Recorder. In addition, the site was posted, and the notice was mailed to local agencies. No comments were received on the Mitigated Negative Declaration.

**Rationale for Recommendation:** Staff recommends that the City Council adopt the attached ordinance and resolutions. The proposed project consists of an alternative single-family housing project that has been designed to fit appropriately in the neighborhood. This housing project is consistent with the objectives of the General Plan and Smart Growth Principles which promote the development of a variety of housing types and densities in areas where urban services are readily available.

**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: _____
DAVID KWONG
Planning Manager, Planning Division

Approved by: _____
WILLIAM THOMAS
Director of Development Services

Recommendation Approved:

for Patti Bishop
RAY KERRIDGE
City Manager

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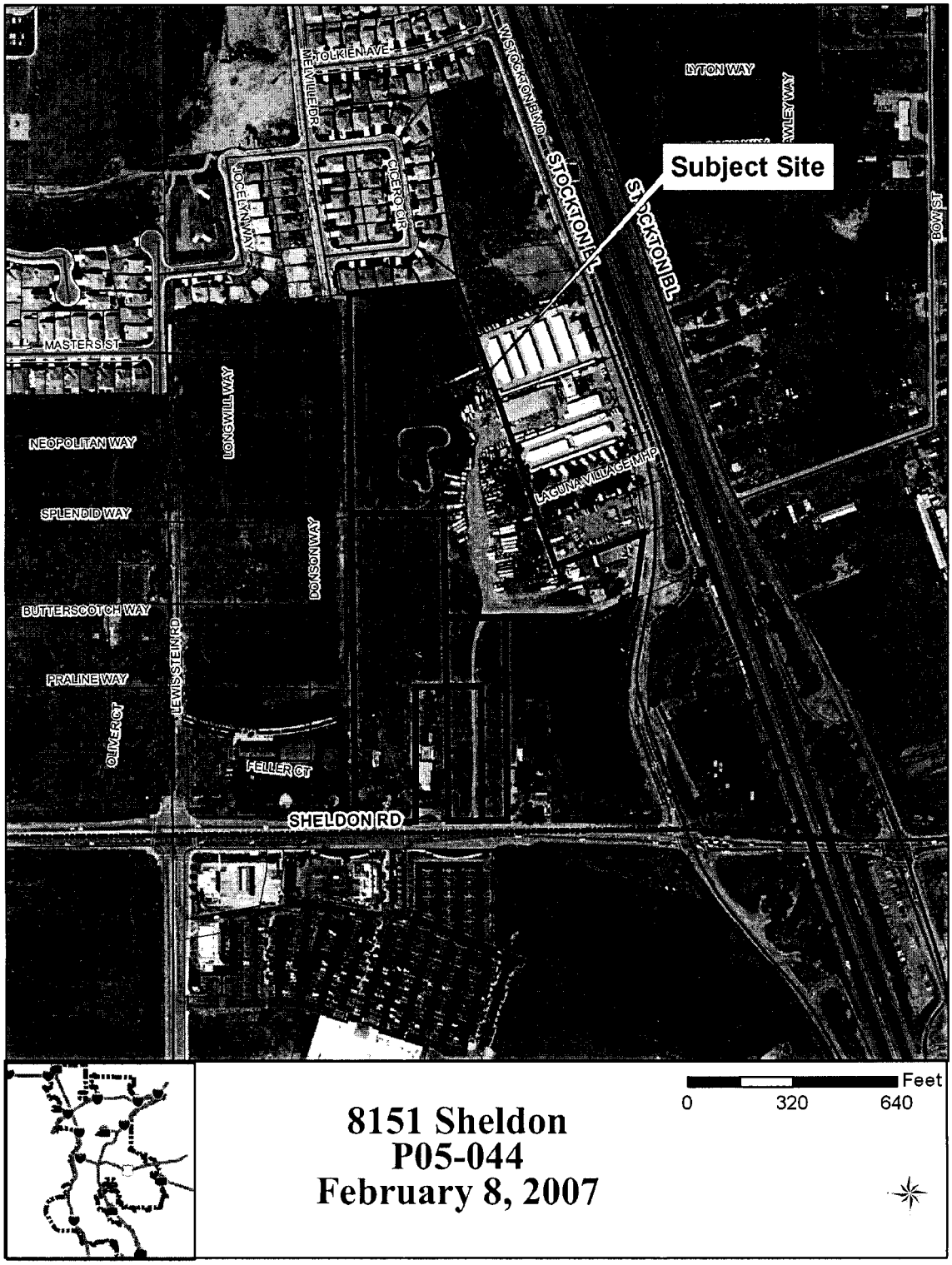
Attachment 1 – Vicinity Map



Attachment 2 - Background Information

The subject site consists of five parcels totaling 18.7± gross acres. The site is predominantly vacant, but a portion of the site has been used as a vehicle and equipment storage area and a portion of the site along West Stockton Boulevard is occupied by a small retail store. The subject site is surrounded by a mix of residential and commercial uses. To the west of the property is a single-family subdivision under construction. To the north of the project are existing single-family homes. To the east of the subject site is a mix of commercial and residential properties including a self-storage facility and a small mobile home park. Directly to the south of the subject site are a few single-family homes on large lots. There is an existing shopping center further to the south on the opposite side of Sheldon Road.

The proposed project was originally submitted on March 21, 2005. At the time, the subject site encompassed a single 5.0± acre parcel fronting on Sheldon Road. The original design proposed 72 lots facing open "paseos" and accessed via private driveways. Staff's concerns with the original plan were that the proposed homes turned away from the public street and onto the paseos, and that the project did not provide adequate private yards for each unit.

Since the original project submittal, the applicant has made several major revisions in an effort to provide public streets and homes with private yards. The final project, as approved by the Planning Commission, consists of a larger land area, and 162 single-family homes. All but 11 of the proposed homes have frontage on a public street. Because of the irregularly shaped site, the applicant proposes to construct two private streets to access the 11 parcels that do not have public street access.

After the Planning Commission approval of the Tentative Map, an appeal was submitted by Ram Kunwar who is the owner of the A & J market that currently sits on the parcel labeled "Lot C" on the Tentative Map. The appellant argues that:

**1. The approved Tentative Map does not provide access to his parcel from the west.**

The appellant's business is located on West Stockton Boulevard north of Sheldon Road. The applicant has worked with Development Services staff to arrive at a public circulation pattern that addresses both access to West Stockton Boulevard and the proposed redesign of the Sheldon Road interchange with State Highway 99. The applicant proposes three east-west connections shared with the developments under construction to the west. One of these connections, at the north end of the property, has been designed to allow future extension to West Stockton Boulevard. Staff believes that the connections proposed are adequate, and that the subdivision has been designed appropriately, and recommends approval of the tentative map.

**2. Access was required to the rear of the property with a prior lot line adjustment request.**

Staff has researched the prior lot line adjustment request, which was never approved. The applicant of the prior request was required to provide two Irrevocable Offers of Dedication (IOD's) for future street connections through a parcel that is included in the current subdivision request. This requirement, however, was imposed so that the lot line adjustment would not create a large landlocked parcel, and not for the retention of access to the commercial parcel along West Stockton Boulevard where the appellant's business currently exists.

Attachment 3 - Appeal of the Tentative Map

**CITY OF SACRAMENTO**
**DEVELOPMENT SERVICES DEPARTMENT**
915 I Street, New City Hall, 3rd Floor
Sacramento, CA 95814

**PLANNING DIVISION**
916-808-5419

**APPEAL OF THE DECISION OF THE SACRAMENTO CITY PLANNING COMMISSION**

**DATE:** 02/19/07

**TO THE PLANNING DIRECTOR:**

**I do hereby make application to appeal the decision of the City Planning Commission on** 2/08 **(hearing date), for project number (P#)** P05-044 **when:.**

| | | |
|---|---|---|
| _____ | Special Permit | for _____ |
| _____ | Variance | for _____ |
| _____ | "R" Review | for _____ |
| X | Other Tentative Map | for _____ |

**was:** X Granted by the City Planning Commission

_____ Denied by the City Planning Commission

**Grounds For Appeal: (explain in detail, you may attach additional pages)**

- See attached letter -

⇒ Property Location: Lot C as per tentative map 8700 W. Stockton Blvd, Elk Grove, CA 95758

⇒ Appellant: RAM B. KUNWAR (please print) Daytime Phone: 916 835 4192

⇒ Address: 8700 W. Stockton Blvd, Elk Grove, CA 95758

⇒ Appellant's Signature: Ram B Kunwar

**THIS BOX FOR OFFICE USE ONLY**

FILING FEE: ____ $1,192.00 By Applicant
X $298.00 By Third Party

RECEIVED BY: J. Baker
DATE: 2-19-07

Distribute Copies To: CAS; DK; Project Planner; Mae Saetern (original & receipt)
P# 05-044 Forwarded to City Clerk: _____

S:\Admin\Forms\Planning Templates\CPC Appeal Form.doc
10/14/2005

**Ram B. Kunwar**
**8700 W. Stockton Blvd.,**
**Elk Grove, CA 95758**
**Tel: 916-689-0417, Fax: 916-689-0517**

February 19, 2007

To City of Sacramento
Development Services Department
915 I Street, New City Hall, 3rd Floor
Sacramento, CA 95814

Re: P05-044

Dear sir/madam:

I would like to appeal the decision of tentative map granted by the City of Planning Commission on 02/08/07. I own the store called A & J Market located on LOT C as per the tentative map in question, and according to the tentative map there is no access to our property from back, thus killing our business. This is the only income producing property for my family of four kids and two parents living with us.

We applied for the lot line adjustment back in 2004 with the City of Sacramento and the City required the access road to the back of the property. I am unable to understand why the City requires to close that access now as per Mr. Kalwani. I feel that this is discrimination as I am the minority owner, otherwise what is the reason that City is not allowing the access now? When in 2004 the City required us to give the 40' access to the back of the property, because at that time I applied for the lot line adjustment. and now the tentative map was submitted by Mr. Robert Nelson requesting to close the back access to our property and the City is granting it without any question. The question is if this is not discrimination then what is this?

You will be aware of the Sheldon Ramp project, which will close the front access to our store from the freeway. So we really need the access from the back at least and I don't think this should be any problem as there is already have access to the back of the property. I really need your kind and immediate attention to this matter, otherwise I will lose a lot of business.

I would like to request you to permit the access to the store from the back of the property. In case of any questions please feel free to call me at 916-689-0417 (office), 916-835-4192 (cell). Thanks for your understanding and cooperation.

Sincerely your's

RAM B. KUNWAR

Attachment 4 - Mitigated Negative Declaration and MMP Resolution

# RESOLUTION NO.

Adopted by the Sacramento City Council

**APPROVING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING PLAN FOR THE 8151 SHELDON SUBDIVISION, LOCATED AT 8151 SHELDON ROAD, SACRAMENTO, CALIFORNIA** (P05-044) (APN: 117-0220-002, 022, 023, 024, 025)

## BACKGROUND

**A. Environmental Determination:** Mitigated Negative Declaration

1. The City Council of the City of Sacramento finds as follows:

   a. The City of Sacramento's Environmental Planning Services conducted or caused to be conducted an Initial Study on 8151 Sheldon Subdivision (P05-044) ("Project") 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 California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures as follows:

      i. On December 28, 2006 a Notice of Intent (NOI) to Adopt the MND dated December 28, 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.

ii. On December 28, 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.

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

- Environmental Determination: Mitigated Negative Declaration;
- Mitigation Monitoring Plan;
- General Plan Amendment to amend the General Plan designation from 15.6± acres of Low Density Residential to 14.4± acres of Medium Density Residential, and 1.2+/- acres of Open Space;
- Rezone of 15.6± acres from Rural Estates (RE - 1/4) to 14.4± acres of Multi-Family Residential (R-2B), and 1.2± acres of Agriculture/Open Space (AOS);
- Tentative map to subdivide 18.7± acres into 171 lots for residential development;
- Inclusionary Housing Plan.

3. 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.

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

Section 1. The City Council approves the Mitigated Negative Declaration for 8151 Sheldon Subdivision (P05-044).

A. 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. The Project has potential for adverse effects on wildlife resources or the habitat upon which the wildlife depends; however, mitigation measures have been required to reduce these impacts to less than significant.

B. With respect to the entitlements over which the City Council has final approval authority, the City Council adopts the MND for the Project.

C. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination (NOD) 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.

Section 2. **Mitigation Monitoring Program:** Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the City Council adopts the 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 Program.

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Exhibit A: Mitigation Monitoring Plan

# MITIGATION MONITORING PLAN

**FOR:**
8151 SHELDON SUBDIVISION (P05-044)

**PREPARED BY:**
CITY OF SACRAMENTO
DEVELOPMENT SERVICES DEPARTMENT

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

**DATE:**

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

**DATE:**

**ATTEST:**

_____

## 8151 SHELDON SUBDIVISION (P05-044)
## 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 Boulevard, Second Floor, Sacramento, CA 95834, pursuant to CEQA Guidelines Section 21081.6.

### SECTION 1: PROJECT IDENTIFICATION

**Project Name/File Number:** 8151 Sheldon Subdivision (P05-044)

**Owner/Developer:** Robert Nelson
Nouveau Homes
6620 Sierra College Boulevard, Suite 200
Rocklin, CA 95677

**Project Location:**

The proposed project is located north of Sheldon Road, west of State Highway 99, east of Bruceville Road, and north of the City/County line, within the Jacinto Creek Planning Area
(APNs #117-0220-002,022,023,024 & 025).

**Project Description:**

The project consists of entitlements to develop a 18.7± acre site in the Rural Estates-Four Residential Units per Acre (RE ¼) zone of the Jacinto Creek Planning Area (JCPA) within the South Sacramento Community Plan area. Specific entitlements include:

**Environmental Determination:** Mitigated Negative Declaration;
**Mitigation Monitoring Plan;**
**General Plan Amendment** to amend the General plan designation from 15.6± acres of low density residential to 14.4± acres of medium density residential, and 1.2± acres of Open Space;
**Community Plan Amendment** to amend the community plan designation of 15.6± acres from Residential 11-21 to 14.1± acres of Residential 11-21 and 1.2± acres of Parks/Open Space;
**Rezone** of 15.6± acres from Rural Estates (RE - 1/4) to 14.1± acres of Multi-Family Residential (R-2B, and 1.2± acres of Agroculture/Open Space (AOS);
**Tentative Map** to subdivide 18.7± acres into 175 lots for residential development:
**Special Permit** to develop 167 single-family homes in the R-2B zone;
**Inclusionary housing plan;**
**Subdivision Modification** to construct a non-standard intersection at Splendid Way and B Street;
**Subdivision Modification** to construct a non-Standard intersection at A Street and Praline Way;
**Subdivision Modification** to construct a 41-foot wide Public Street at A Court;
**Subdivision Modification** to construct a 40-foot outside radius Cul-De-Sac at A Court; and,
**Subdivision Modification** to create lots with less than 20 feet of public street frontage (Lots 53, 78, 79, and 92).

Lots A, B, and C, are properties to be subdivided by the applicant. However, they are proposed to be "remainder" parcels in that they will not be rezoned for development. The Lots are zoned Rural Estates, which allows for only residential development at 4 units per acre, and will remain that zone until rezoned at a later time with a different application.

## SECTION 2: GENERAL INFORMATION

The Mitigation Monitoring Plan (MMP) includes mitigation for 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 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 with the MMP. The City of Sacramento will be responsible for ensuring compliance.

**8151 SHELDON SUBDIVISION (P05-044)**
**MITIGATION MONITORING PLAN**

| Mitigation Measure | Implementing Responsibility | Monitoring Responsibility | Compliance Standards | Timing | Verification of Compliance (Initials and Date) |
|---|---|---|---|---|---|
| **Biological Resources: Mitigation Measures for nesting birds and foraging habitat:**<br>BR-1 The applicant/developer/construction contractor shall submit to the City of Sacramento, Department of Development Services verification from the California Department of Fish and Game (DFG) that the applicant has satisfied DFG requirements for mitigating loss of Swainson's hawk foraging habitat. The project applicant shall purchase compensatory Swainson's hawk foraging habitat at a ratio acceptable to DFG from an approved mitigation bank or develop other arrangements acceptable to the DFG prior to building/grading permits being issued.<br><br>BR-2 If any construction or grading activity is going to occur during the nesting season of February to August, a qualified biologist shall prepare a pre-construction survey within thirty (30) days prior to any grading or construction activity to determine if any special status species or species of special concern are present (that is, nesting raptor species [including Swainson's hawk] and western burrowing owls).<br><br>BR-3 If active raptor nests are found on the site, the applicant/developer/contractor shall work with the DFG to determine the | Project Applicant/ Developer | City of Sacramento – Development Services Department; Development Engineering and Finance Division, Environmental Planning Services<br><br>Ca. Dept. of Fish and Game (DFG)<br><br>US Fish and Wildlife Service (USFWS)<br><br>Army Corps of Engineers (ACOE) | Measures shall be included with construction specifications | Construction specifications shall be included on the construction plans prior to the issuance of a grading permit.<br><br>Measures shall be implemented prior to and during construction activities . | |

**8151 SHELDON SUBDIVISION (P05-044)**
**MITIGATION MONITORING PLAN**

| Mitigation Measure | Implementing Responsibility | Monitoring Responsibility | Compliance Standards | Timing | Verification of Compliance (Initials and Date) |
|---|---|---|---|---|---|
| appropriate mitigation actions needed prior to proceeding. A copy of the pre-construction study and DFG concurrence with proposed actions shall be submitted to the Department of Development Services prior to issuance of grading or construction permits.<br><br>BR-4 If an adults-only active burrowing owl burrow(s) nest is discovered during the pre-construction survey the monitoring biologist shall install a one-way door on the burrow(s) and monitor and inspect per Department of Fish and Game Guidelines. If an active nest with chicks is encountered one-way doors shall not be used unless authorized by DFG in writing. No construction shall occur near the nest until the monitoring biologist has consulted with the DFG on the allowing construction to proceed. The monitoring biologist shall through consultations with DFG determine an appropriate buffer between the nest and any construction activity allowed to proceed on the project site prior to the fledging of the chicks. No construction or grading activities shall begin until the monitoring biologist has submitted a written clearance to the Department of Development Services that the burrowing owl(s) have vacated or been safely relocated by the monitoring biologist. | | | | | |

**8151 SHELDON SUBDIVISION (P05-044)**
**MITIGATION MONITORING PLAN**

| Mitigation Measure | Implementing Responsibility | Monitoring Responsibility | Compliance Standards | Timing | Verification of Compliance (Initials and Date) |
|---|---|---|---|---|---|
| BR-5 After active burrows are vacated, the burrow must be destroyed completely by the monitoring biologist prior to grading or construction activity.<br><br>**Mitigation Measures for Invertebrates:**<br><br>BR-6 Prior to the issuance of a grading permit, the Applicant shall provide to the City of Sacramento Development Services Department evidence of compliance with Federal Endangered Species Act (FESA). The following measures shall be implemented and documented for compliance with FESA:<br><br>a. The Applicant will provide compensatory mitigation as required by USFWS for VPFS and VPTS.<br><br>b. Under the consultation process, the Applicant will be required to prepare a mitigation plan for submittal to USFWS. The mitigation plan will include the following components for direct and indirect impacts:<br><br>o Avoidance Component. Demonstrate how the project has been designed to minimize impacts to federal-listed vernal pool crustaceans and their habitat (e.g. ESA, biological monitor, and special-status species training for construction personnel).<br><br>o Preservation | | | | | |

**8151 SHELDON SUBDIVISION (P05-044)**
**MITIGATION MONITORING PLAN**

| Mitigation Measure | Implementing Responsibility | Monitoring Responsibility | Compliance Standards | Timing | Verification of Compliance (Initials and Date) |
|---|---|---|---|---|---|
| Component. For every acre of habitat directly or indirectly affected, at least two (2) vernal pool credits will be dedicated within a USFWS-approved ecosystem preservation bank (2:1 ratio).<br>o Conservation Component. For every acre of habitat directly affected, at least one (1) vernal pool creation credit will be dedicated within a USFWS-approved habitat mitigation bank.<br>o In the event that preservation or conservation credits are not available for purchase at the time of mitigation implementation, the deposit of funds, the amount of money to be deposited determined by USFWS, into a USFWS Species Fund in lieu fee program shall be acceptable to satisfy both the preservation and conservation components of the mitigation plan.<br>c. The USFWS will review the mitigation plan and issue a Biological Opinion. The Biological Opinion will include an incidental take statement and approval of the mitigation plan.<br>d. The Applicant will notify the City of Sacramento Development Services Department that VPFS and VPTS mitigation is complete by submitting a copy of the Biological Opinion and bill of sale for the mitigation credits to the City of Sacramento. | | | | | |

**8151 SHELDON SUBDIVISION (P05-044)**
**MITIGATION MONITORING PLAN**

| Mitigation Measure | Implementing Responsibility | Monitoring Responsibility | Compliance Standards | Timing | Verification of Compliance (Initials and Date) |
|---|---|---|---|---|---|
| BR-7 Prior to the issuance of a grading permit the Owner shall provide to the City of Sacramento Development Services Department evidence of compliance with FESA. The following measures will be implemented to document for the City the Owner's compliance with FESA:<br><br>BR-8 The Owner will provide compensatory mitigation as required by USFWS for VPFS and VPTS.<br><br>BR-9 Under the consultation process, the Owner will be required to prepare a mitigation plan for submittal to USFWS. The mitigation plan will include the following components for direct and indirect impacts:<br><br>a. Avoidance Component. Demonstrate how the project has been designed to minimize impacts to federal-listed vernal pool crustaceans and their habitat (e.g. ESA, biological monitor, and special-status species training for construction personnel).<br><br>b. Preservation Component. For every acre of habitat directly or indirectly affected, at least two (2) vernal pool credits will be dedicated within a USFWS-approved ecosystem preservation bank (2:1 ratio).<br><br>c. Conservation Component. For every acre of habitat directly affected, at least one (1) vernal pool creation credit | | | | | |

**8151 SHELDON SUBDIVISION (P05-044)**
**MITIGATION MONITORING PLAN**

| Mitigation Measure | Implementing Responsibility | Monitoring Responsibility | Compliance Standards | Timing | Verification of Compliance (Initials and Date) |
|---|---|---|---|---|---|
| will be dedicated within a USFWS-approved habitat mitigation bank.<br>d. In the event that preservation or conservation credits are not available for purchase at the time of mitigation implementation, the deposit of funds, the amount of money to be deposited determined by USFWS, into a USFWS Species Fund in lieu fee program shall be acceptable to satisfy both the preservation and conservation components of the mitigation plan.<br>BR-10 The USFWS will review the mitigation plan and issue a Biological Opinion. The Biological Opinion will include an incidental take statement and approval of the mitigation plan.<br>BR-11 The Owner will notify the City of Sacramento Development Services Department that VPFS and VPTS mitigation is complete by submitting a copy of the Biological Opinion and bill of sale for the mitigation credits to the City of Sacramento.<br>**Mitigation Measures for Wetlands subject to Section 404 CWA jurisdiction:**<br>BR-12 Prior to issuance of a grading permit, the Developer shall provide verification of status of the wetlands from the Corps.<br>BR-13 The Developer shall submit a wetland | | | | | |

**8151 SHELDON SUBDIVISION (P05-044)**
**MITIGATION MONITORING PLAN**

| Mitigation Measure | Implementing Responsibility | Monitoring Responsibility | Compliance Standards | Timing | Verification of Compliance (Initials and Date) |
|---|---|---|---|---|---|
| mitigation and monitoring plan to the City:<br>a. The mitigation plan will be prepared in accordance with the requirements of the Army 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).<br>b. 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.<br>c. A copy of the bill of sale for the purchase of wetland mitigation credits will be submitted to the City.<br>BR-14 The Grading Permit shall be conditioned to not allow grading within 250 feet of any jurisdictional wetland until the Developer provides the City of Sacramento evidence that the discharge of fill into jurisdictional wetlands is authorized under Section 404 of the Clean Water Act.<br>**Mitigation Measures for Isolated wetlands subject to Porter-Cologne Act:**<br>BR-15 Prior to issuance of a grading permit, the Developer shall provide | | | | | |

**8151 SHELDON SUBDIVISION (P05-044)**
**MITIGATION MONITORING PLAN**

| Mitigation Measure | Implementing Responsibility | Monitoring Responsibility | Compliance Standards | Timing | Verification of Compliance (Initials and Date) |
|---|---|---|---|---|---|
| verification of status of the wetlands from the Corps.<br>BR-16 Prior to issuance of a grading permit, the Developer will submit a wetland mitigation and monitoring plan to the City:<br>a. The mitigation plan will be prepared in accordance with the requirements of the RWQCB's Water Quality Order No. 2004-0004-DWQ wetland mitigation.<br>b. The mitigation plan will describe how the isolated wetlands will be mitigated. Mitigation may include the purchase of wetland mitigation credits at a mitigation bank.<br>c. A copy of the bill of sale verifying the purchase will be included in the mitigation plan.<br>BR-17 The Grading Permit shall be conditioned to not allow grading within 250-feet of the isolated wetlands until the Developer provides the City of Sacramento evidence that the discharge of fill into the isolated wetlands is authorized under the Porter-Cologne Act.<br>BR-18 The Grading Permit shall be conditioned to require temporary fencing to be installed around the isolated wetlands and the buffer to exclude construction equipment until the Developer provides the City of Sacramento evidence that the discharge of fill into the | | | | | |

**8151 SHELDON SUBDIVISION (P05-044)**
**MITIGATION MONITORING PLAN**

| Mitigation Measure | Implementing Responsibility | Monitoring Responsibility | Compliance Standards | Timing | Verification of Compliance (Initials and Date) |
|---|---|---|---|---|---|
| isolated wetlands is authorized under the Porter-Cologne Act. | | | | | |
| **Noise:**<br>To reduce exterior sound levels in the backyards of the lots adjacent to Sheldon Road to 60 dB Ldn or less, the normally acceptable level, at a minimum the following mitigation measures shall be incorporated into the project:<br><br>N-1. For lots adjacent to Sheldon Road (lots 35-36), a sound wall shall be constructed as follows:<br>a. Along the south property line of Lots 35-36.<br>b. On the east property line of Lot 36 (unless a wall is constructed first by future development west of the site).<br>c. To a position even with the back corner of the home on the west property line of Lot 36.<br><br>N-2. The sound walls must be constructed as follows:<br>a. Continuous along their widths and heights with no gaps, including at the ground.<br>b. A minimum height of seven (7) feet shall be required.<br>c. Suitable materials for the sound wall include earthen berms, masonry block, pre-cast concrete panels, or combinations thereof, provided that it meets all of the other requirements listed above. | Project Applicant/ Developer | City of Sacramento – Development Services Department; Development Engineering Division | Measures shall be included with construction specifications | Construction specifications shall be included on the construction plans prior to the issuance of a grading permit.<br><br>Measures shall be implemented during construction activities | |

**8151 SHELDON SUBDIVISION (P05-044)**
**MITIGATION MONITORING PLAN**

| Mitigation Measure | Implementing Responsibility | Monitoring Responsibility | Compliance Standards | Timing | Verification of Compliance (Initials and Date) |
|---|---|---|---|---|---|
| To ensure that interior noise levels do not exceed the threshold of 45 dB $L_{dn}$, the following measures shall be incorporated into the development project<br><br>N-3. At a minimum, air conditioning shall be included for all lots where the 45 dB Ldn interior threshold would potentially be exceeded (lots 35-36) to allow the occupants to close doors and windows as desired to achieve acoustical isolation | | | | | |
| **Cultural Resources:**<br><br>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.<br><br>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 | Project Applicant/ Developer | City of Sacramento Development Services Department | Incorporate the protocol and procedures into grading and construction contracts.<br><br>If any cultural resources are discovered:<br><br>a) Cease all work in the immediate area<br><br>b) Retain a qualified archaeologist or cultural resources consultant to perform a site investigation and take appropriate action. | During grading and construction contract agreements During construction activities | |

**8151 SHELDON SUBDIVISION (P05-044)**
**MITIGATION MONITORING PLAN**

| Mitigation Measure | Implementing Responsibility | Monitoring Responsibility | Compliance Standards | Timing | Verification of Compliance (Initials and Date) |
|---|---|---|---|---|---|
| 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. | | | | | |

Attachment 5 – General Plan Amendment Resolution

# RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

**AMENDING THE GENERAL PLAN LAND USE MAP FROM 15.6± ACRES OF LOW DENSITY RESIDENTIAL TO 14.4± ACRES OF MEDIUM DENSITY RESIDENTIAL, AND 1.2± ACRES OF OPEN SPACE FOR THE PROPERTY LOCATED AT 8151 SHELDON ROAD, SACRAMENTO, CALIFORNIA**
(P05-044) (APN: 117-0220-002, 022, 023, 024, 025)

**Background**

The City Council conducted a public hearing on April 10, 2007 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

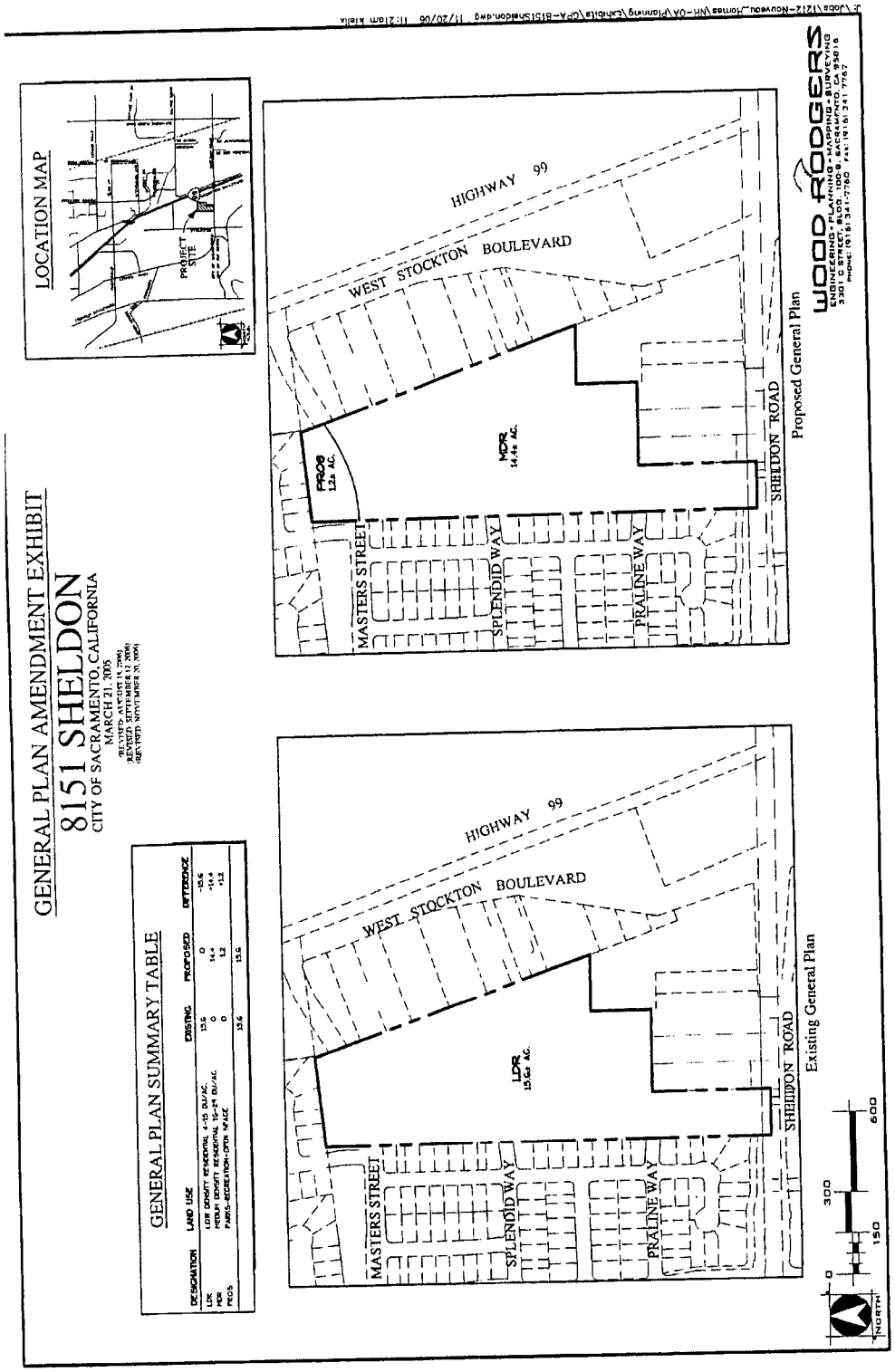
3. The proposal is consistent with the policies of the General Plan.

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

The property described on the attached Exhibit A in the City of Sacramento is hereby redesignated on the General Plan land use map from 15.6± acres of Low Density Residential to 14.4± net acres of Medium Density Residential (16-29 du/na) and 1.2± acres of Open Space.
(APN: 117-0220-002, 022, 023, 024, 025)

**Table of Contents:**
Exhibit A - General Plan Amendment

## Exhibit A - General Plan Amendment



# RESOLUTION NO.

Adopted by the Sacramento City Council

**DENYING THE APPEAL, ADOPTING THE FINDINGS OF FACT, AND APPROVING THE TENTATIVE MAP, SPECIAL PERMIT, AND SUBDIVISION MODIFICATIONS FOR THE 8151 SHELDON SUBDIVISION LOCATED AT 8151 SHELDON ROAD, SACRAMENTO, CALIFORNIA.** (P05-044) (APN: 117-0220-002, 022, 023, 024, 025)

## BACKGROUND

A. On February 8, 2007, the City Planning Commission approved the Tentative Map to subdivide 18.7± acres into 171 lots for the development of 162 single-family homes;

B. On February 20, 2007, an appeal was made of the decision of the City Planning Commission to approve the Tentative Map to subdivide 18.7± acres into 171 lots for the development of 162 single-family homes; and

C. On April 10, 2007, 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 April 10, 2007, 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. Denied the appeal and approved the Tentative Map, Special Permit, and Subdivision Modifications to subdivide 18.7± gross acres into 171 lots for residential development (162 single-family homes).

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

## FINDINGS OF FACT

Tentative Map: The **Tentative Map** to subdivide 18.7± gross acres into 171 lots for

residential development (162 single-family homes) is approved based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474 subsection (a) through (g), inclusive, exist with respect to the proposed subdivision.

2. The proposed subdivision, together with the provisions for its design and improvement is consistent with the City's General Plan, South Sacramento Community Plan, and Subdivision Ordinance Chapter 16.12.020 of the Sacramento City Code. The City's General Plan and zoning designations are being amended to allow medium density residential development.

3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in violation of the applicable waste discharge requirements prescribed by the California Regional Quality Control Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision.

4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

Special Permit: The **Special Permit** to allow the development of 162 single-family homes within the Multi-Family (R-3A) Zone is approved based on the following Findings of Fact:

**1.** Granting the Special Permit is based upon sound principles of land use in that:

a. Single-Family homes on compact lots provide an additional housing type to supplement the existing standard single-family homes in the area.

b. The proposed single-family homes are compatible with the existing surrounding residential development.

**2.** Granting the Special Permit would not be detrimental to public welfare nor result in the creation of a public nuisance in that:

a. The proposed single-family homes are compatible with the existing neighborhood.

b. The project has been designed to meet all requirements for circulation and emergency access.

3. Granting of the Special Permit would be consistent with the objectives of the General Plan in that it preserves neighborhood character by providing housing consistent with the adjacent residential uses. The proposed project also develops residential land uses in a manner that is efficient and makes use of existing infrastructure.

Subdivision Modification: The **Subdivision Modification** to construct a non-standard intersection at Splendid Way and B Street is approved based on the following findings of fact:

1. The property to be divided is of such a size shape that it is impractical or undesirable to conform to the intersection standards as the configuration and shape of the property require modifications to the intersection standards to property function.

2. The cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification.

3. The modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity in that the modifications have been reviewed and have not been found to adversely affect circulation or safety.

4. The Subdivision Modification is consistent with the General Plan and the South Sacramento Community Plan in that it facilitates efficient utilization of a development site as a means to meet alternative housing needs.

Subdivision Modification: The **Subdivision Modification** to construct a non-standard intersection at A Street and Praline Way is approved based on the following findings:

1. The property to be divided is of such a size shape that it is impractical or undesirable to conform to the intersection standards as the configuration and shape of the property require modifications to the intersection standards to property function.

2. The cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification.

3. The modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity in that the modifications have been reviewed and have not been found to adversely affect circulation or safety.

4. The Subdivision Modification is consistent with the General Plan and the South Sacramento Community Plan in that it facilitates efficient utilization of a development site as a means to meet alternative housing needs.

Subdivision Modification: The **Subdivision Modification** to construct a 41-foot wide public street at A court is approved based on the following findings:

1. The property to be divided is of such a size shape that constructing to the 53-foot street standard would not allow the project to adequately accommodate the single-family housing development.

2. The cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification.

3. The modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity in that the 41-foot street standard is a standard still used for certain portions of the City.

4. The Subdivision Modification is consistent with the General Plan and the South Sacramento Community Plan in that it facilitates efficient utilization of a development site as a means to meet alternative housing needs.

Subdivision Modification: The **Subdivision Modification** to construct a 47-foot wide public street at A Street between B Street and Praline Way:

1. The property to be divided is of such a size shape that constructing to the 53-foot street standard would not allow the project to adequately accommodate the single-family housing development.

2. The cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification.

3. The modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity in that the 47-foot street section proposed is a transition from a 41-foot section to a 53-foot section. Furthermore this section is less than 125-feet in length.

4. The Subdivision Modification is consistent with the General Plan and the South Sacramento Community Plan in that it facilitates efficient utilization of a development site as a means to meet alternative housing needs.

## CONDITIONS OF APPROVAL

The **Tentative Map** to subdivide 18.7± acres into 171 lots for residential development (162 single-family homes) is approved subject to the following conditions:

**NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P05-044). The design of any improvement not covered by these conditions shall be to City standard.**

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City approved improvement agreement may be considered satisfied:

**GENERAL**: All Projects

1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments.

2. Pursuant to City Code Section 16.40.190, indicate easements on the Final Map to allow for the placement of centralized mail delivery units. The specific locations for such easements shall be subject to review and approval of the Development Engineering Division after consultation with the U.S. Postal Service.

3. Private reciprocal ingress, egress and maneuvering easements are required for future development of the area covered by this Tentative Map. The applicant shall enter into and record an Agreement For Conveyance of Easements with the City stating that a private reciprocal ingress/egress, maneuvering, and parking easement shall be conveyed to and reserved from Parcels 149, 150, 151, 152, 153, 154, 155 and Lot I, and from parcels 116, 117, 118, 119, 120, 121, 122, 123 and Lot H at no cost, at the time of sale or other conveyance of either parcel.

4. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P05-044).

5. Show all continuing and proposed/required easements on the Final Map.

6. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition.

**JCPA**: Special Conditions

7. Improvement plans shall be consistent with the Infrastructure and Utilities Plan, and the Drainage Master Plan that will provide for ultimate development of the Jacinto Creek Planning Area (JCPA).

8. The Applicant shall participate in the JCPA Financing Plan.

9. Place a 2 inch (minimum) sleeve(s) under the sidewalks for each single-family lot along all 53 foot street sections, adjacent to single family residences in order to

allow for landscaping and irrigation of the required 7 foot landscape planter. Sleeves shall be placed at the time sidewalks are constructed. Landscaping may be deferred until construction of the homes.

**DEVELOPMENT SERVICES**: Streets

10. Submit a Geotechnical Analysis prepared by a registered engineer to be used in street design. The analysis shall identify and recommend solutions for groundwater related problems, which may occur within both the subdivision lots and public right-of-way. Construct appropriate facilities to alleviate those problems. As a result of the analysis street sections shall be designed to provide for stabilized subgrades and pavement sections under high groundwater conditions.

11. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering Division.

12. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Costs associated with offsite or overwidth improvements may be subject to reimbursement. The City shall determine improvements required for each phase prior to recordation of each phase. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards.

13. Dedicate sufficient right-of-way and construct Sheldon Road with a 60.5-foot half section to the satisfaction of the Development Engineering Division. Sheldon Road shall be constructed with a 25-foot landscape setback consistent with other projects in the area. The design and construction of Sheldon Road shall be coordinated with the City of Elk Grove Public Works Department. The applicant is responsible for the construction of Sheldon Road to the centerline unless it is constructed by others. Construction of Sheldon Road may be subject for reimbursement for overwidth pavement from the major street construction tax or any other existing applicable financing mechanism. The limit of construction shall include the remainder lots A and B along Sheldon Road.

14. Dedicate sufficient right-of-way and construct Masters Street as a 69-foot street section within the project boundary to the satisfaction of the Development Engineering Division.

15. The applicant shall pay a fair share contribution for one third of the design and construction costs for the planned signal at Masters Street and Lewis Stein Road intersection to the satisfaction of Development Engineering Division.

16. All right-of-way and street improvement transitions that result from changing the right-of-way of any street shall be located, designed and constructed to the

satisfaction of the Development Engineering Division. The center lines of such streets shall be aligned.

17. This project shall require street lighting. There is an existing street lighting system in this project area. Improvements of right-of-way may require modifications to the existing system. Electrical equipment shall be protected and remain functional during construction.

18. Developer is required to install permanent street signs to the satisfaction of the Development Engineering Division.

19. The City may, at its discretion, require the inclusion of traffic calming devices along residential streets, to be constructed as part of the public improvements. These devices may include, but are not limited to, traffic circles, intersection portals, chicanes, and undulations.

20. The design and placement of walls, fences, signs and landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering Division.

21. The applicant shall make provisions (if needed) for bus stops, shelters, transit centers, etc. to the satisfaction of Regional Transit.

**PUBLIC/PRIVATE UTILITIES**

22. Dedicate a standard 12.5 foot public utility easement (PUE) for underground and overhead facilities and appurtenances adjacent to West Stockton Boulevard.

23. Dedicate a standard 10-foot public utility easement for underground facilities and appurtenances adjacent to all public street right of ways.

24. Dedicate any private drives and 10-feet adjacent to as a public utility easement for underground facilities and appurtenances.

25. Dedicate lots E, F & G the landscape corridors as a public utility easement for overhead and underground facilities and appurtenances.

26. The owner/developer must disclose to future/potential owners the existing 69KV electrical facilities on Sheldon Road and existing Substation Site north of Lot C.

27. Connection to the District's sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction.

28. Each lot and each building with a sewage source shall have a separate connection to CSD-1 sewer system.

29. CSD-1 shall require an approved sewer study prior to the approval of Final Map or submittal of improvement plans for plan check to CSD-1, whichever comes first. The sewer study shall demonstrate the quantity of discharge and any "flow through sewage", along with appropriate pipe sizes and related appurtenances from this subject site and other upstream areas, and shall be done in accordance with the District's most recent "Minimum Sewer Study Requirements". The study shall be done on a no "shed shift" basis unless approved by the District in advance and in compliance with Sacramento County Improvement Standards.

30. In order to obtain sewer service, construction of CSD-1 infrastructure will be required.

31. Sewer easements will be required. All sewer easements shall be dedicated to CSD-1 in a form approved by the District Engineer. All CSD-1 sewer easements shall be at least 20-feet in width and ensure continuous access for installation and maintenance. CSD-1 will provide maintenance only in public right-of-ways and in minimum 20-foot easements dedicated to CSD-1.

32. The subject property owners and successors in interest thereof, shall be responsible for repair and/or replacement of all non-asphalt and/or enhanced surface treatments of streets and drives within these easements damaged by District maintenance and repair operations, including landscaping, channelizations, lighting, and any other appurtenances conflicting therein. This requirement shall be set forth in easement grant documents, and be a covenant running with the land, be responsibility of successors in interest in future land transfers and divisions, and by language approved by the District. It shall also be shown on the Final Map in like language. Surface enhancements include, but are not limited to, non-asphaltic paving, landscaping, lighting, curbing and all non-driveable street appurtenances.

33. CSD-1 requires their sewers to be located 10-feet from other parallel utilities (water, drain, electrical, etc.). Prior to recording the Final Map, the applicant shall prepare a utility plan that will demonstrate that this condition is met.

34. All structures along private drives shall have a minimum 10-foot setback so that CSD-1 can properly maintain sewer service.

**CITY UTILITIES**

35. Construct water pipes and appurtenances, storm drainage pipes and appurtenances, and sewer pipes and appurtenances in A Court, A Street, B Street, D Street, Splendid Way, Master Street and Sheldon Road. Improvement plans shall be consistent with the Infrastructure and Utilities Plan, and Drainage

Master Plan that will provide for the ultimate development of the Jacinto Creek Planning Area (JCPA). The construction shall be to the satisfaction of the Department of Utilities (DOU) and County Sanitation District 1 (CSD1).

36. Water and drainage facilities located within the private drive (Lot H and Lot I) shall be private facilities maintained by the homeowner association. Private easements shall be dedicated for these facilities. Public mains are not allowed within the private drive.

37. Public streets with City maintained water or drainage facilities and CSD1 maintained sewer facilities shall have a minimum paved AC (asphalt concrete) width of 25-feet from lip of gutter to lip of gutter. Drain inlets, curb and gutter shall be constructed to City Standards for residential streets.

38. Provide separate metered domestic water services to each lot. Only one water domestic water service is allowed per lot.

39. Per Sacramento City Code, water meters shall be located at the point of service which is the back of curb for separated sidewalks or the back of walk for connected sidewalks.

40. Traffic rated meter boxes are required if water meters are located within driveways.

41. Residential water taps and meter shall be sized per the City's Building Division on-site plumbing requirements (water taps and meter may need to be larger than 1-inch depending on the length of the house service, number of fixture units, etc.).

42. The applicant shall enter into and record an Agreement for Conveyance of Easements with the City, in a form acceptable to the City Attorney, requiring that each lot shall grant to the adjacent lots, as needed, private reciprocal drainage, water, sewer and home maintenance easements at no cost at the time of sale or other conveyance of any lot. A note stating the following shall be placed on the Final Map: "The lots created by this map shall be developed in accordance with recorded agreement for conveyance of easements # (Book___, Page___)."

43. Landscaping corridor that fronts Sheldon Road shall have a minimum of one (1) separate tap from the public distribution system in Sheldon Road for a metered irrigation service.

44. The remainder Lots A and B and Lots F and G are not contiguous to an existing public water main, and storm drain main. The property owner/developer shall construct water, and storm drain main extensions in Sheldon Road to the east boundary of Lot B/Lot G. Off-site water main to be constructed in Sheldon Road shall be 12-inches.

45. Prior to the submittal of improvement plans, a project specific water study shall be approved by the Department of Utilities. The water distribution system shall be designed to satisfy the more critical of the two following conditions: (1) at maximum day peak hour demand, the operating or "residual" pressure at all water service connections shall be a least 30 pounds per square inch and (2) at average maximum day demand plus fire flow, the operating or "residual" pressure in the area of the fire shall not be less than 20 pounds per square inch. The water study shall determine if the existing and proposed water distribution system is adequate to supply fire flow demands for the project. A water supply test may be required for this project. Contact the Department of Utilities, Brett Ewart at 808-1725 for the pressure boundary conditions to be used in the water study.

46. Two points of service for the water distribution system for this subdivision or any phase of this subdivision are required. All public water lines shall be placed within the asphalt section of public right-of-ways as per the City's Design and Procedures Manual unless otherwise approved by DOU.

47. Properly abandon under permit, from the City and County Environmental Management Department, any well or septic system located on the property.

48. Prepare a drainage study for this subdivision consistent with the JCPA Drainage Master Plan for the review and approval of the Department of Utilities. The drainage system within Watershed 5 shall discharge to a water quality detention basin prior to entry into Jacinto Creek consistent with the Drainage Master Plan. The Department of Utilities and Development Services Special Districts Section shall approve any proposed changes to the Drainage Master Plan. The 10-year HGL shall be no higher than 6 inches below the lowest DI. Finished lot pad elevations shall be a minimum of 1.2 feet above the 100-year HGL and 1.5 feet above the controlling overland release. The 10-year and 100-year HGL's shall be shown on the improvement plans and shall be approved by the Department of Utilities.

49. Per City Code, the Subdivider may not develop the project in anyway that obstructs, impedes, or interferes with the natural flow of existing off-site drainage that crosses the property. The project shall construct the required public and/or private infrastructure to handle off-site runoff to the satisfaction of the DOU. If private infrastructure is constructed to handle off-site runoff, the applicant shall dedicate the required private easements and/or, at the discretion of the DOU, the applicant shall enter into and record an Agreement for Maintenance of Drainage with the City, in a form acceptable to the City Attorney. Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff. The drainage study shall include an overland flow release map that is designed to overland release to the proposed water quality basin for the JCPA drainage shed 5 for the proposed project.

50. All lots shall be graded so that drainage does not cross property lines.

51. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.

52. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.

53. This project will disturb greater than 1 acre of property, therefore the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained at www.swrcb.ca.gov/stormwtr/construction.html. The SWPPP will be reviewed by the Department of Utilities prior to issuing a grading permit or acceptance of improvement plans to assure that the following items are included: 1) vicinity map, 2) site map, 3) list of potential pollutant sources, 4) type and location of erosion and sediment BMPs, 5) name and phone number of person responsible for SWPPP and 6) signed certification page by property owner or authorized representative.

54. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. The project is within Watershed 5 of the JCPA Drainage Master Plan. A new water quality basin is required for this watershed and shall be constructed prior to the Final Map approval for Lot D. Landscaping and irrigation system may be required for Lot D. The new water quality basin shall conform to the JCPA Drainage Master Plan, shall be sized to handle the entire area within Watershed 5, and shall be constructed to the satisfaction of the Department of Utilities (DOU). The applicant shall coordinate with the adjacent property owners, (proposed development applications: Laguna Ranch/Sheldon Farms and Sheldon 20, P04-118 and P04-219 respectively) regarding the location and design of the water quality basin, consistent with the JCPA Drainage Master Plan and any DOU requirements. Source control measures are also required for this subdivision. Improvement plans must include the source controls and on site treatment control measures selected for the site. Refer to the "Guidance Manual for On-Site Stormwater Quality Control Measures", dated January 2000, for appropriate source control measures.

55. The developer shall maintain the Water Quality Facility for a period of two (2) years or until acceptance by the City into the District, whichever is less. The two-

year period shall begin following the issuance of a notice of completion by the City for the Water Quality Facility. At the time of acceptance by the City, the developer shall remove any sediment or debris that has accumulated prior to acceptance.

56. Upon construction and DOU acceptance, the water quality basin (Lot D), including all necessary property rights and all associated improvements, shall be dedicated to the City in Fee Title at no cost to the City. The dedication shall be to the satisfaction of the Department of Utilities.

57. Prior to Final Map, Lot D shall be annexed into the City of Sacramento Neighborhood Water Quality District, which will provide maintenance of the water quality basin.

58. Dedicate all necessary easements, right-of-way, fee title property on the final map as required to implement the approved drainage, water and sanitary sewer studies per each approving agency requirements. Drainage and water easements, right-of-way, or fee title property shall be to the satisfaction of the Department of Utilities.

59. An as-built survey of the drainage basin is required prior to issuance of a notice of completion for the subdivision.

**SPECIAL DISTRICTS**: Assessment Districts

60. Dedicate to the City those areas identified on the Tentative Subdivision Map as Landscape Corridors and Open Space areas (Lots E, F, and G). Annex the project area to the appropriate Landscape Maintenance District, or other financing mechanism acceptable to the City, prior to recordation of the Final Map. Design and construct landscaping, irrigation and masonry walls (or wood fences) in dedicated easements or rights of way, to the satisfaction of the Development Services Department, Parks Planning, Design and Development (PPDD), and the Planning Division. Acceptance of the required landscaping, irrigation and walls or fences by the City into the Landscape Maintenance District shall be coordinated with the Development Services and Plannnig Department (Special Districts and Development Engineering Division) and PPDD. The Developer shall maintain the landscaping, irrigation and walls for two years or until acceptance by the City into the District (whichever is less). The two year period shall begin following the issuance of a notice of completion by the City for the landscaping, irrigation and walls or fences.

**PPDD:** Parks

61. **Payment of In-lieu Park Fee**: Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall pay to City an in-lieu park fee in the amount determined under SCC §§16.64.040 and 16.64.050 equal to the

value of land prescribed for dedication under 16.64.030 and not satisfied by dedication.

62. **Maintenance District**: The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annex the project into an existing parks maintenance district. The applicant shall pay all city fees for formation of or annexation to a parks maintenance district. (Contact the Planning Department, Special Districts, Project Manager. In assessment districts, the cost of neighborhood park maintenance is equitably spread on the basis of special benefit. In special tax districts, the cost of neighborhood park maintenance is spread based upon the hearing report, which specifies the tax rate and method of apportionment.)

**FIRE**

63. Roads used for Fire Department access shall have an unobstructed paved width of not less than 20' and unobstructed vertical clearance of 13'6" or more.

64. Provide the required fire hydrants in accordance with CFC 903.4.2 and Appendix III-B, Section 5. Average hydrant spacing for residential developments is generally 500 feet. Regardless of the average spacing, the maximum point to any point on road frontage shall not exceed the maximum distance listed in Table A-III-B-1. Ensure lot frontage off of private streets does not exceed 250 feet from a hydrant.

65. Provide an easement for emergency vehicle access for all private roads.

**MISCELLANEOUS**

66. Title to any property required to be dedicated to the City in fee shall be conveyed free and clear of all rights, restrictions, easements, impediments, encumbrances, liens, taxes, assessments or other security interests of any kind (hereafter collectively referred to as "Encumbrances"), except as provided herein. The applicant shall take all actions necessary to remove any and all Encumbrances prior to approval of the Final Map and acceptance of the dedication by City, except that the applicant shall not be required to remove Encumbrances of record, including but not limited to easements or rights-of-way for public roads or public utilities, which, in the sole and exclusive judgment of the City, cannot be removed and/or would not interfere with the City's future use of the property. The applicant shall provide title insurance with the City as the named beneficiary assuring the conveyance of such title to City.

67. Form a Homeowner's Association. CC&R's shall be approved by the City and recorded assuring maintenance of private drives (Lots I and H). The Homeowner's Association shall maintain all private drives, common open areas, and common landscaping.

**ADVISORY NOTES:**

The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

68. The proposed project is located in the Flood zone designated as **Shaded X** zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the Shaded X zone, there are no requirements to elevate or flood proof.

69. Any use of CSD-1 sewer easements, which is not compatible or interferes with the construction, reconstruction, operation, maintenance, or repair of the District's sanitary sewers, shall not be allowed. Each proposed use shall be reviewed and approved in writing by the District's Engineer prior to the use of the easement by the grantor. This includes landscaping.

70. Developing this property will require the payment of sewer impact fees. Impact fees for CSD-1 shall be paid prior to filing and recording of the Final Map or issuance of building permits, which ever is first. Applicant should contact the Fee Quote Desk at (916) 876-6100 for sewer impact fee information.

71. Special consideration should be given during the design phase of a development project to address the benefits derived from the urban forest by installing, whenever possible, large shade trees and thereby increasing the shade canopy cover on residential lots and streets. Trees in the urban environment reduce air and noise pollution, furnish habitat for wildlife, provide energy saving shade and cooling, enhance aesthetics and property values, and contribute to community image and quality of life.

72. Park Development Impact Fees shall also be required for development of the three commercial lots, due at the time of issuance of building permit. The Park Development Impact fee shall be calculated at $0.32 per square foot for retail or commercial service uses and $0.43 per square foot for commercial office uses.

73. As per City Code, the applicant will be responsible to meet his/her obligations regarding:

    a. Title 16, 16.64 Park Dedication / In Lieu (Quimby) Fees, due prior to approval of the final map. The Quimby fee due for this project is estimated at $985,367. This is based on 162 single-family residential units and an average land value of $330,000 per acre for the South Sacramento (south of Florin Road) Planning Area, plus an additional 20% for off-site park infrastructure improvements, less acres in land dedication. Any change in these factors will change the amount of the Quimby fee due. The final fee is calculated using factors at the time of payment.

b. Title 18, 18.44 Park Development Impact Fee (PIF), due at the time of issuance of building permit. The Park Development Impact Fee due for this project is estimated at $750,331. This is based on 162 single-family residential units at $4,493 each. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit. Park Development Impact Fees shall also be required for development of the three commercial lots, due at the time of issuance of a building permit. The Park Development Impact Fee shall be calculated at $0.32 per square foot fur retail or commercial service uses and $0.43 per square foot for commercial office uses.

c. Community Facilities District 2002-02, Neighborhood Park Maintenance CFD Annexation.

The **Special Permit** to develop 162 alternative single-family homes is in the Multi-Family residential (R-2B) Zone is approved subject to the following conditions.

**Planning**

1. The design and construction materials of the single family residences shall be consistent with the attached elevations. Modifications/Plan substitution will require additional planning review and may require the approval of additional entitlements prior to the issuance of building permits.

2. Identical plans with identical elevations shall not be permitted side-by-side.

3. Garage doors shall be metal sectional with raised panels or of similar architectural quality.

4. Provide seamless gutters along all appropriate roof lines with down spouts where applicable.

5. The front windows for all homes shall be constructed consistent with the approved plans.

6. Roofing material shall be a concrete tile or equivalent architectural material.

7. Houses with the same color scheme shall not be located adjacent to one another.

8. Plan 5 shall not be located on lots 1 through 35.

**Fire**

9. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of

construction. (CFC 901.3) Failure to comply will result in the job site shut down until timing and installation requirements are met.

10. A Water Supply Test must be requested by the project applicant for all projects involving the construction of new commercial buildings, additions to commercial buildings, or four or more residential units. Contact the Utilities Department at 808-7065.

11. Provide a minimum setback of 5 feet, unobstructed, for emergency ladder access to second-story bedroom egress windows. (Provide clear access to building openings, free of landscaping and other obstructions. Exterior doors and openings required by this code or the Building Code shall be maintained readily accessible for emergency access by the Fire Department. CFC 902.3.1).

12. Roads used for Fire Department access that are less than 28 feet in width shall be marked "No Parking Fire Lane" on both sides; roads less than 36 feet in width shall be marked on one side.

13. The applicant shall comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.

14. This project will disturb greater than 1 acre of property, therefore the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained at www.swrcb.ca.gov/stormwtr/construction.html. The SWPPP will be reviewed by the Department of Utilities prior to issuing a grading permit or acceptance of improvement plans to assure that the following items are included: 1) vicinity map, 2) site map, 3) list of potential pollutant sources, 4) type and location of erosion and sediment BMPs, 5) name and phone number of person responsible for SWPPP and 6) signed certification page by property owner or authorized representative.

15. A final map shall be recorded prior to issuance of any building permit.

**Advisory notes:**

16. Residential water taps and meter shall be sized per the City's Building Department on-site plumbing requirements (water taps and meter may need to be larger than 1-inch depending on the length of the house service, number of fixture units, etc.)

**Table of Contents:**

Exhibit A – Tentative Map
Exhibit B – Site Plan
Exhibit C – House Plans

**Exhibit A – Tentative Map**

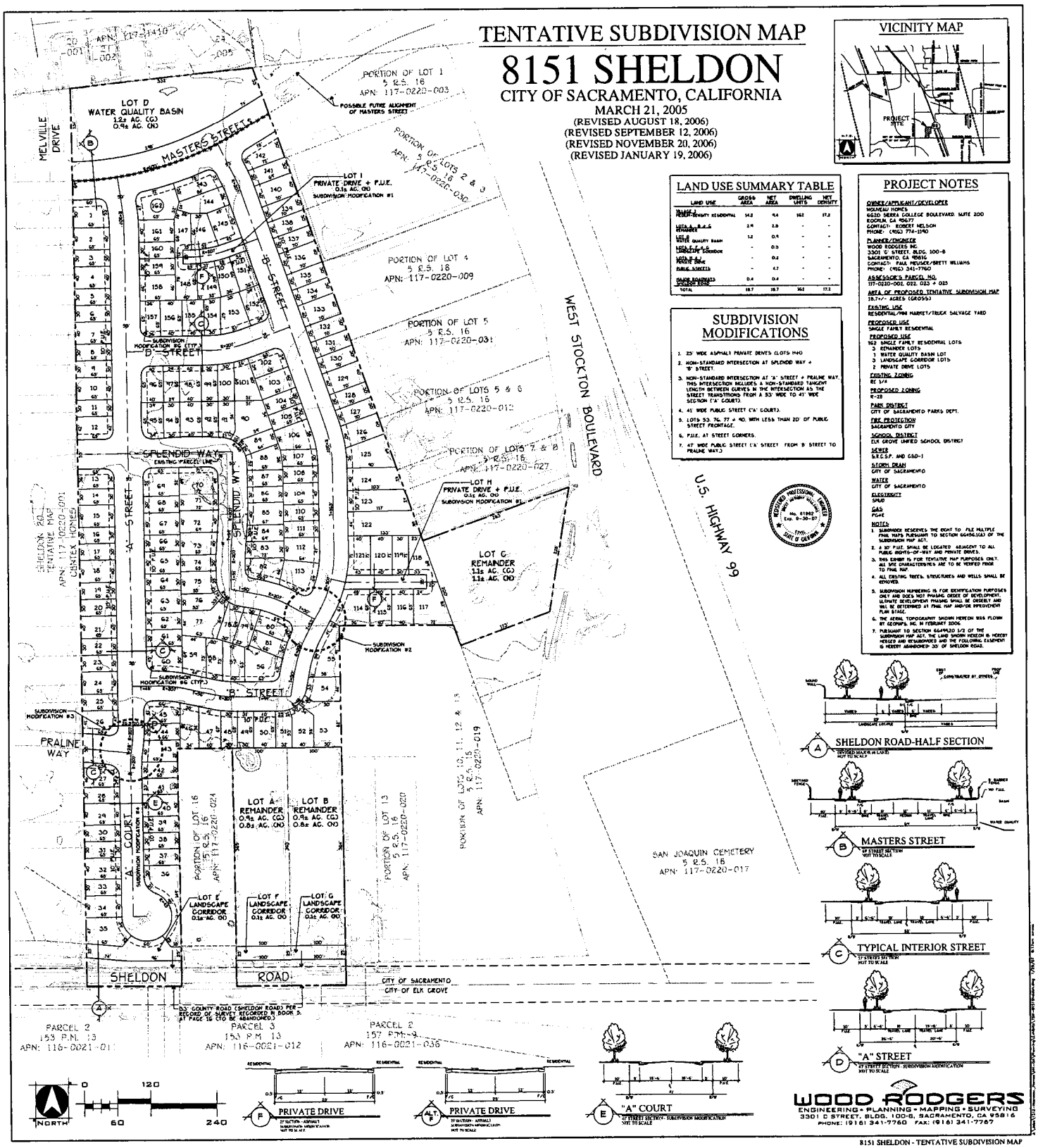


**Exhibit B – Site Plan**

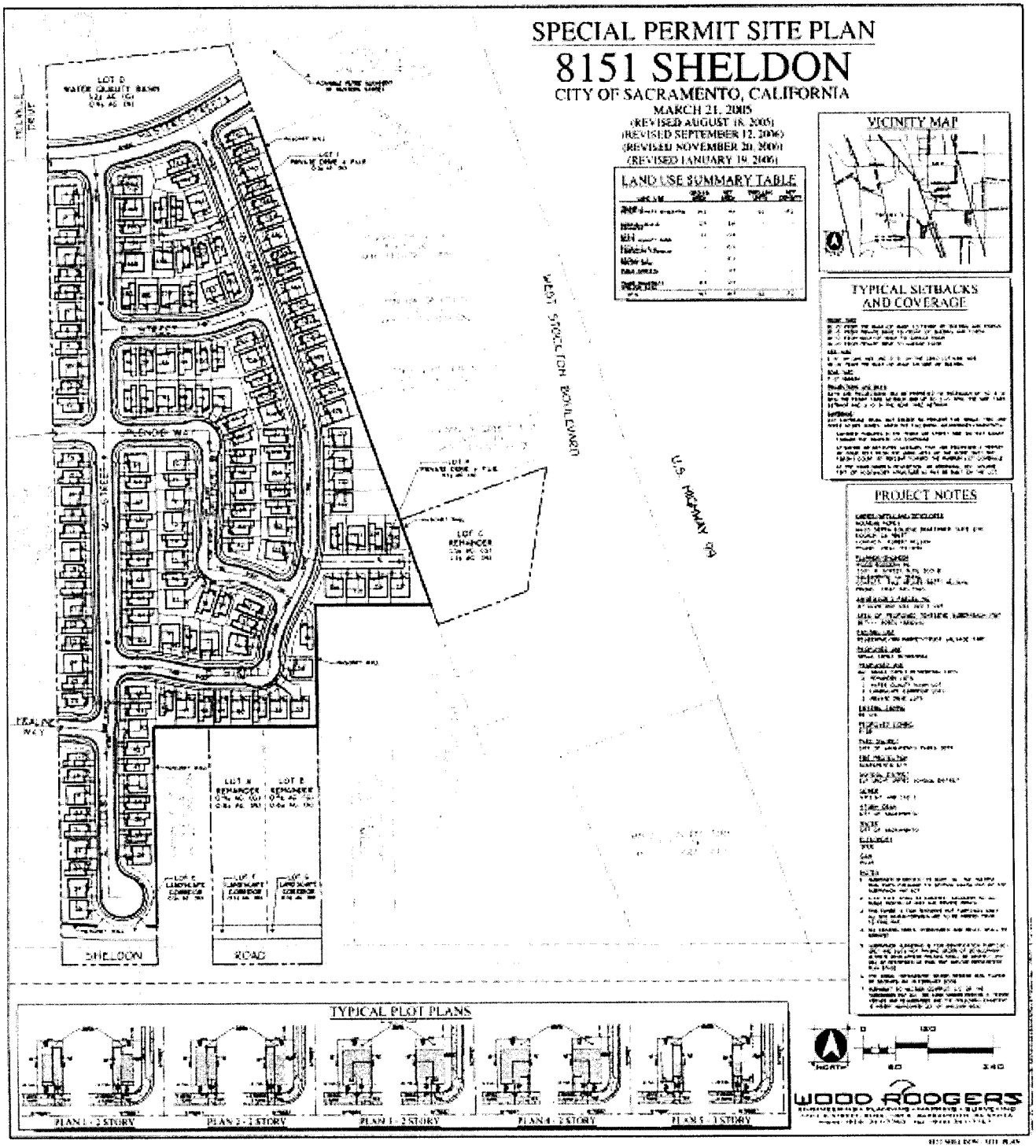
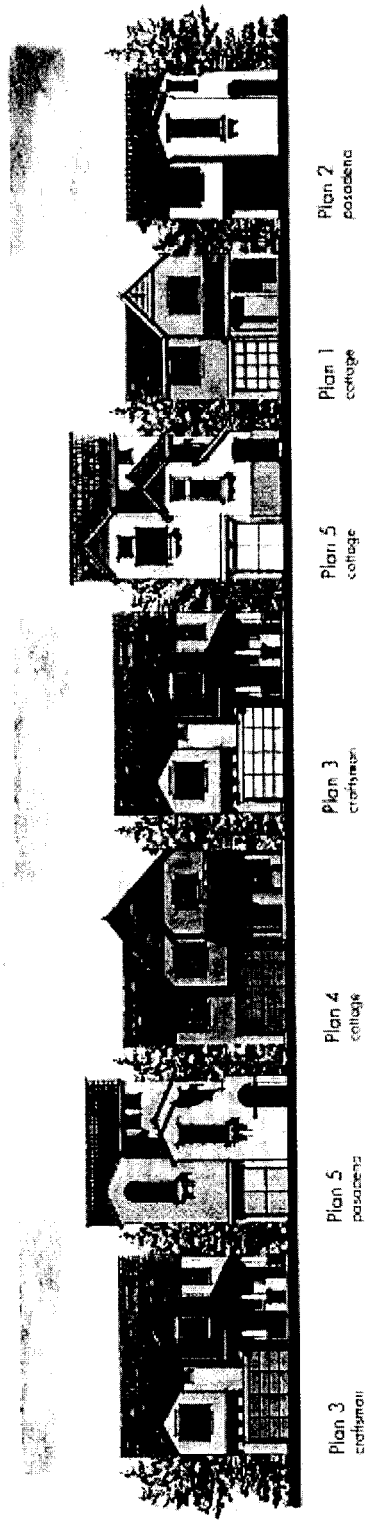
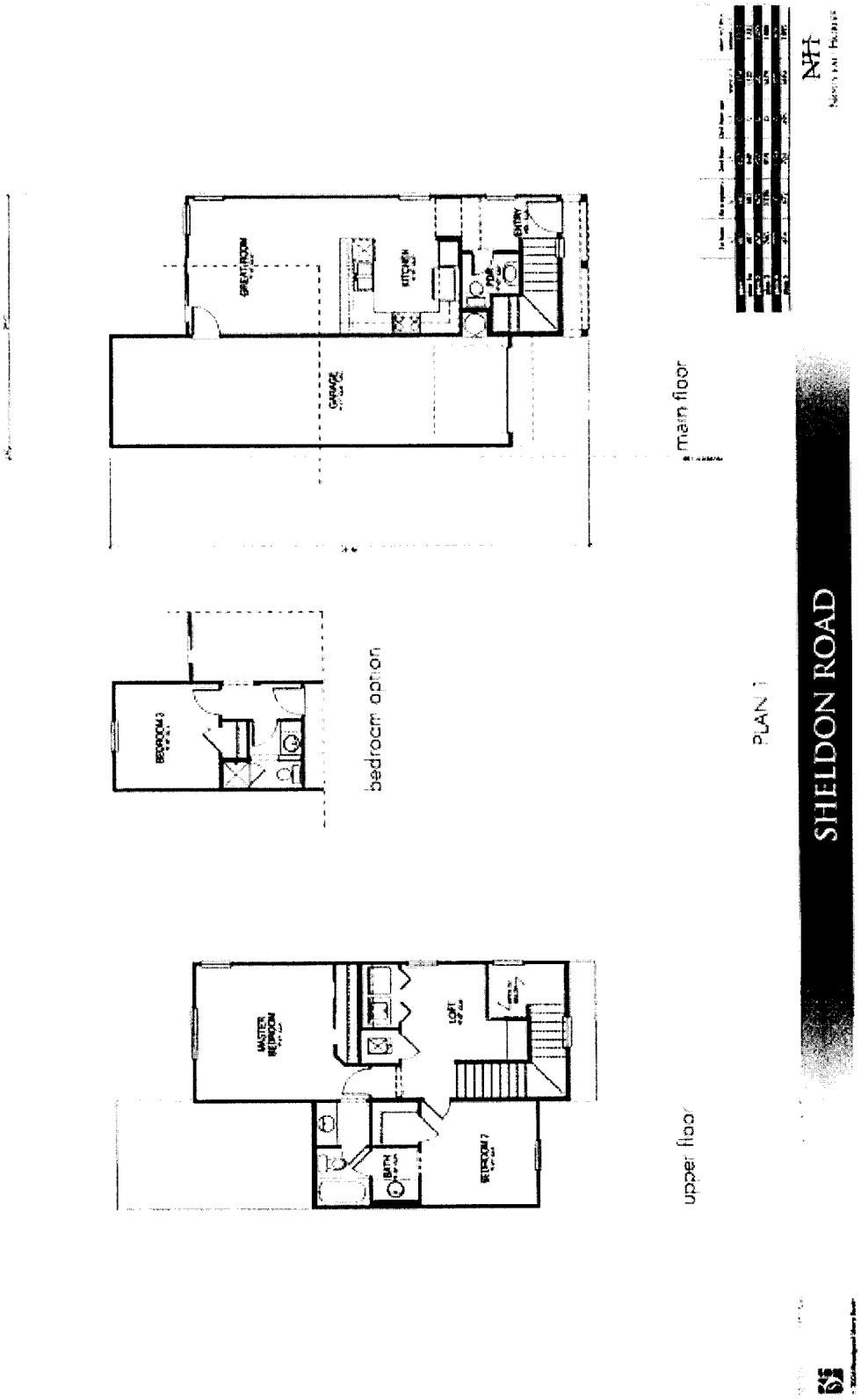


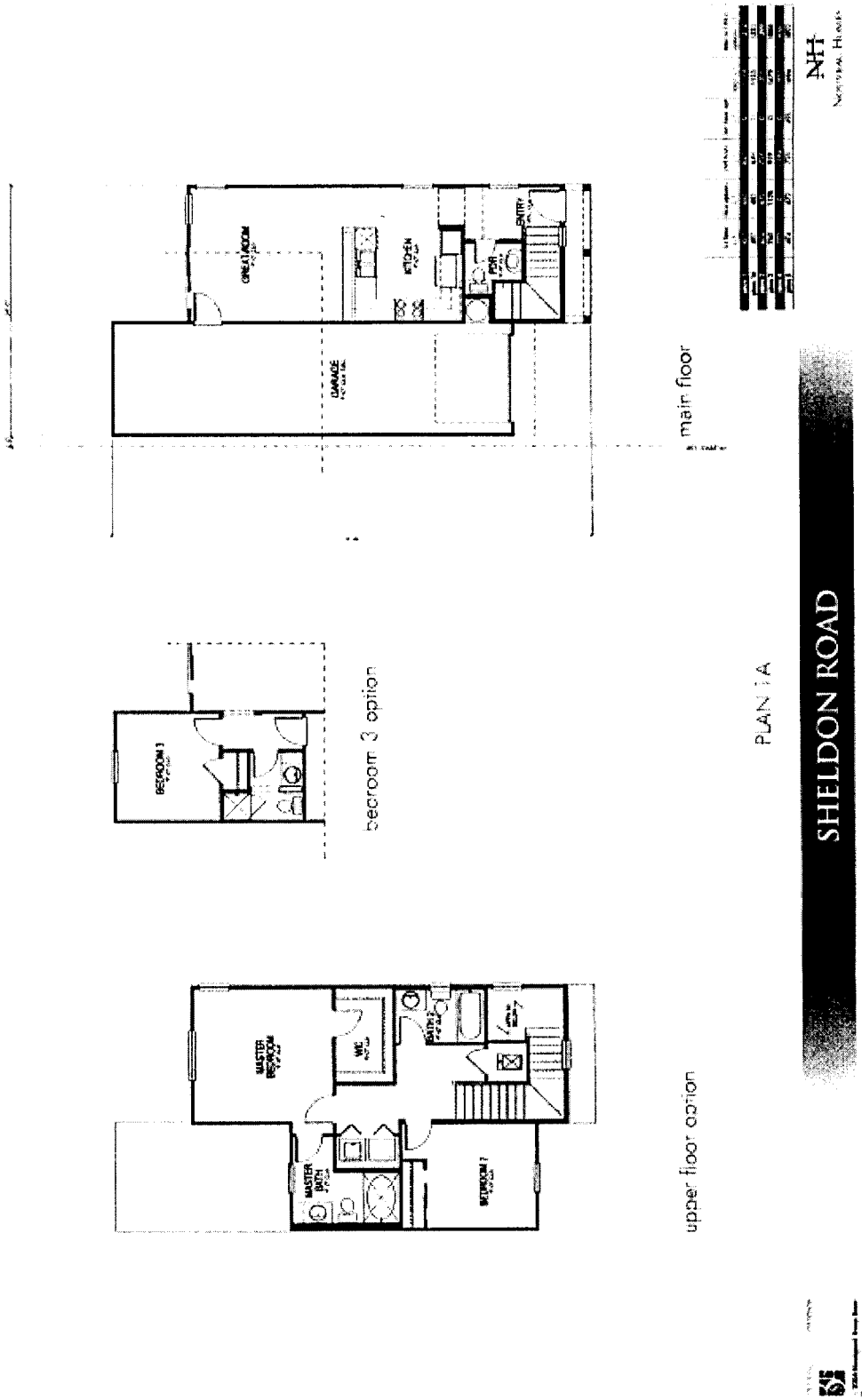
**Exhibit C - House Plans**

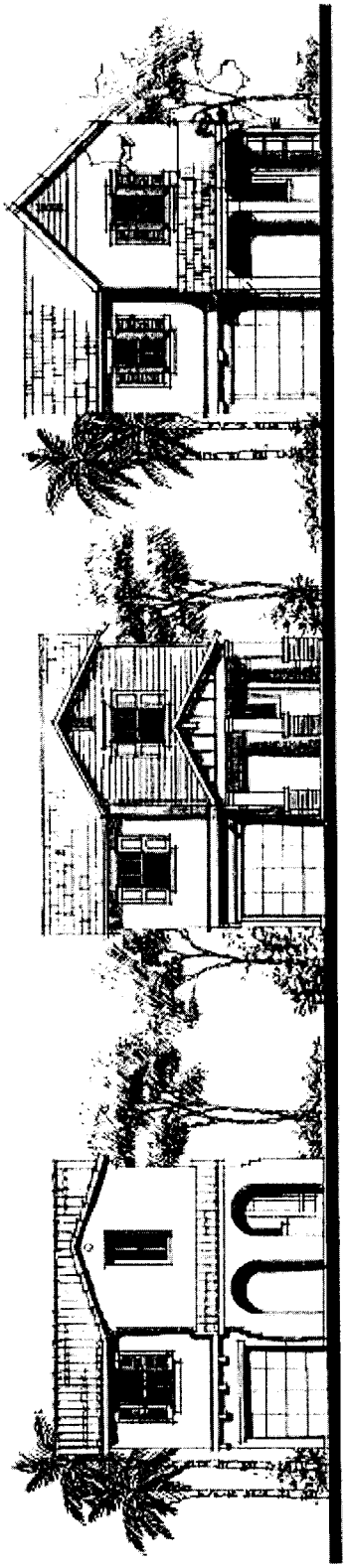



main floor
bedroom apron
upper floor
PLAN 1
SHELDON ROAD

ELEVATIONS

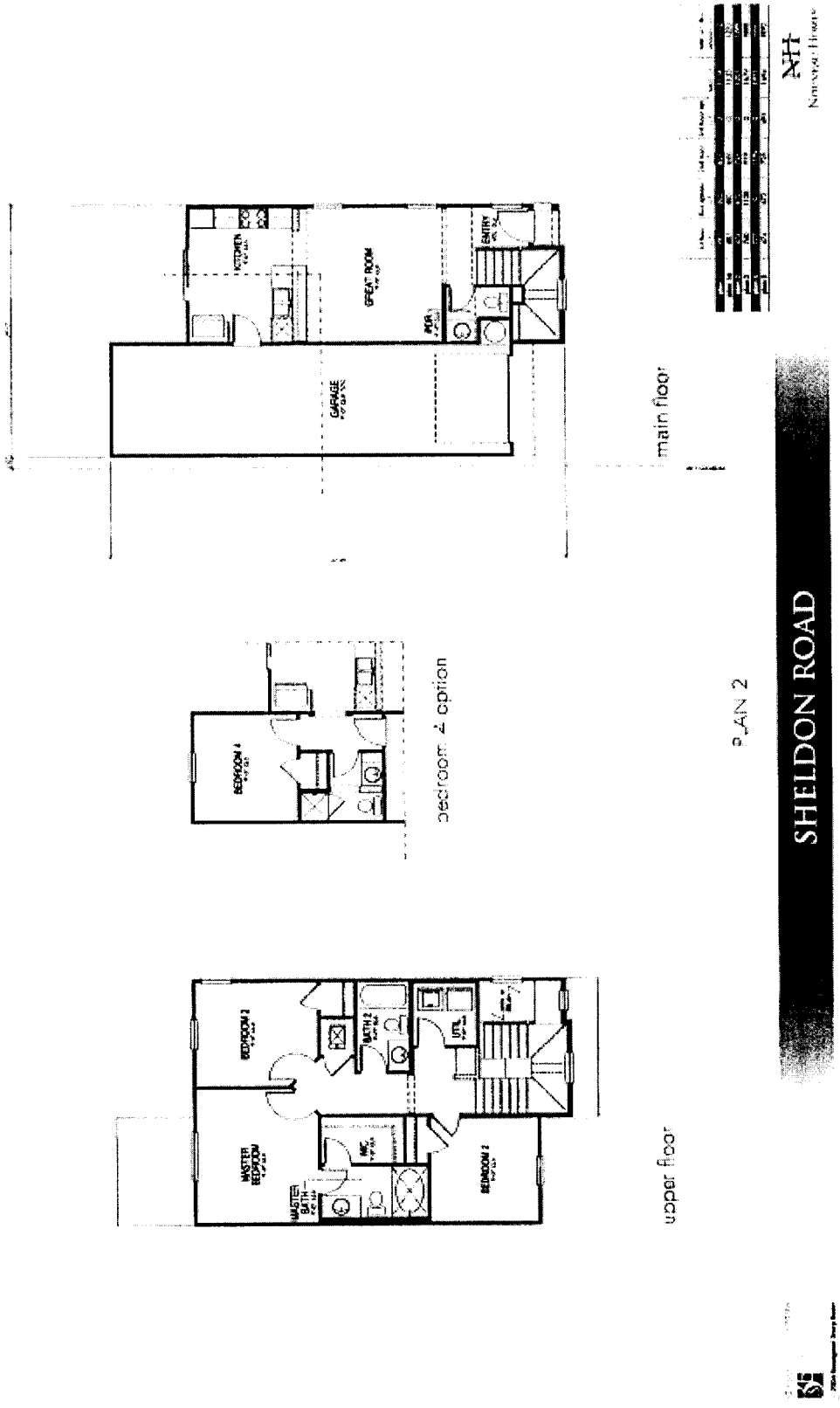
SHELDON ROAD

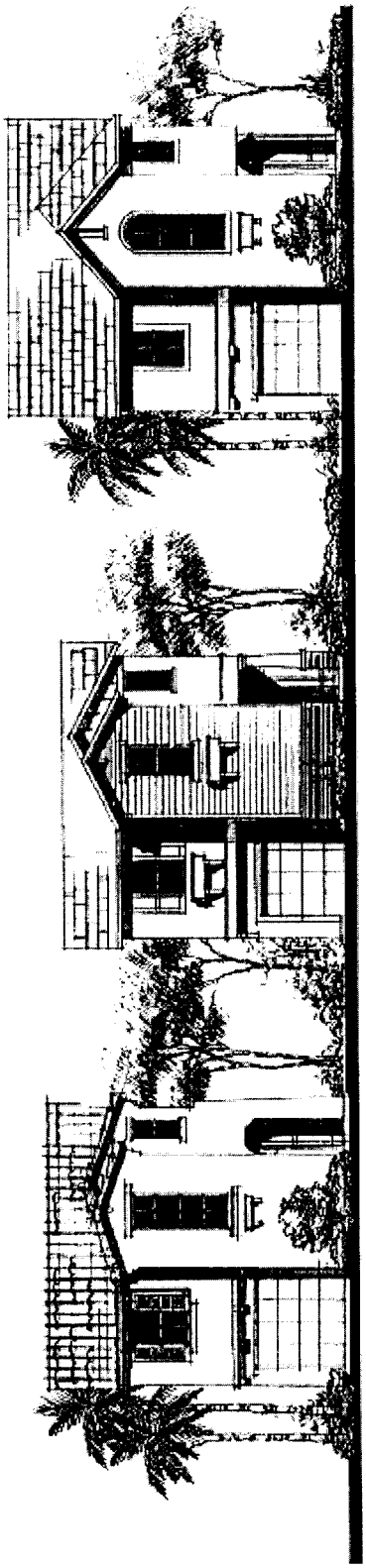

main floor
bedroom 3 option
upper floor option
PLAN 1A
SHELDON ROAD




ELEVATIONS

SHELDON ROAD


SHELDON ROAD
PLAN 2
main floor
upper floor
bedroom 4 option
GARAGE
GREAT ROOM
KITCHEN
ENTRY
BEDROOM 4
BEDROOM 2
BATH 2
UTIL
MASTER BEDROOM
MASTER BATH
MIC
BEDROOM 2



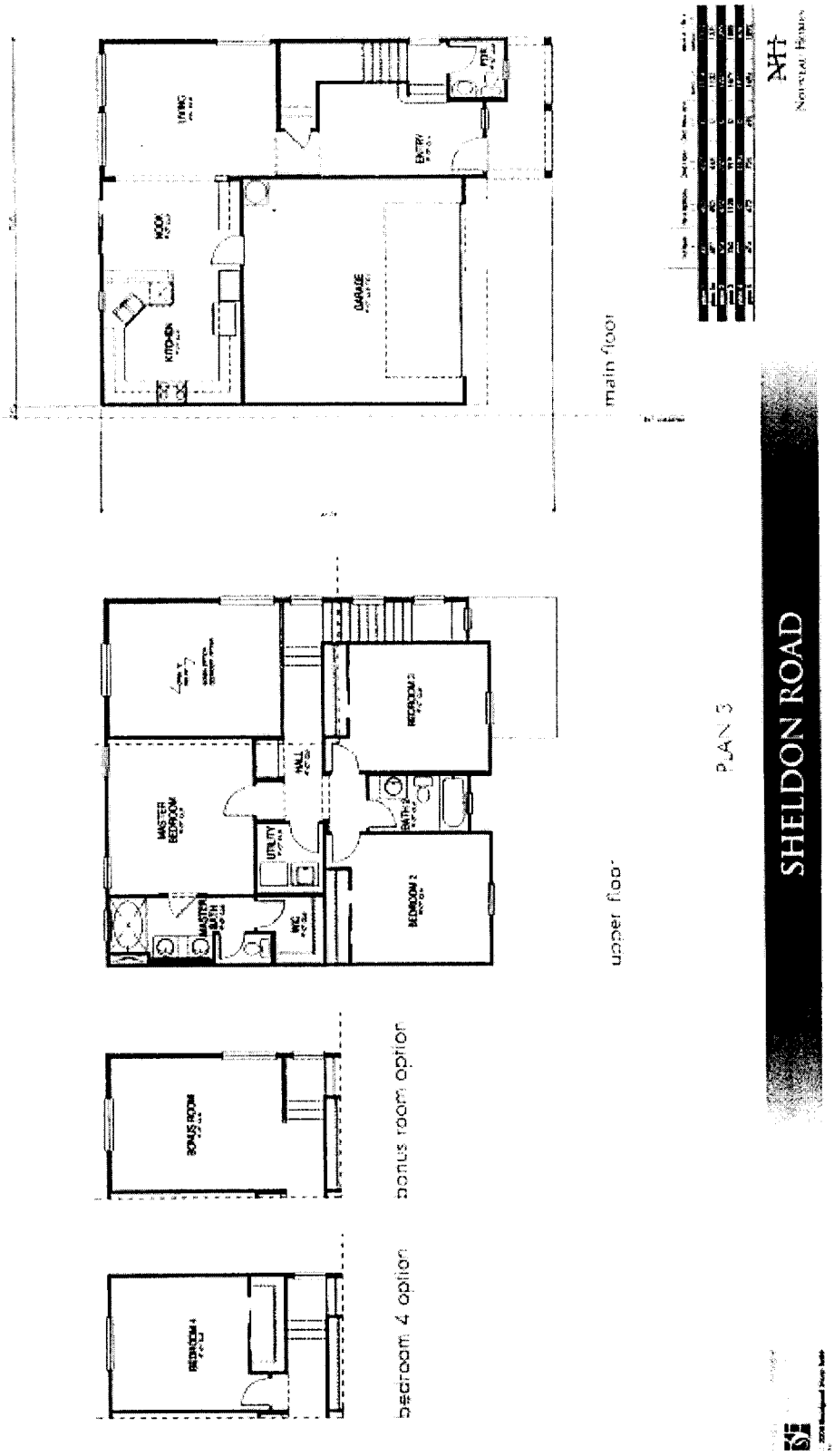
Plan 2 pasadena

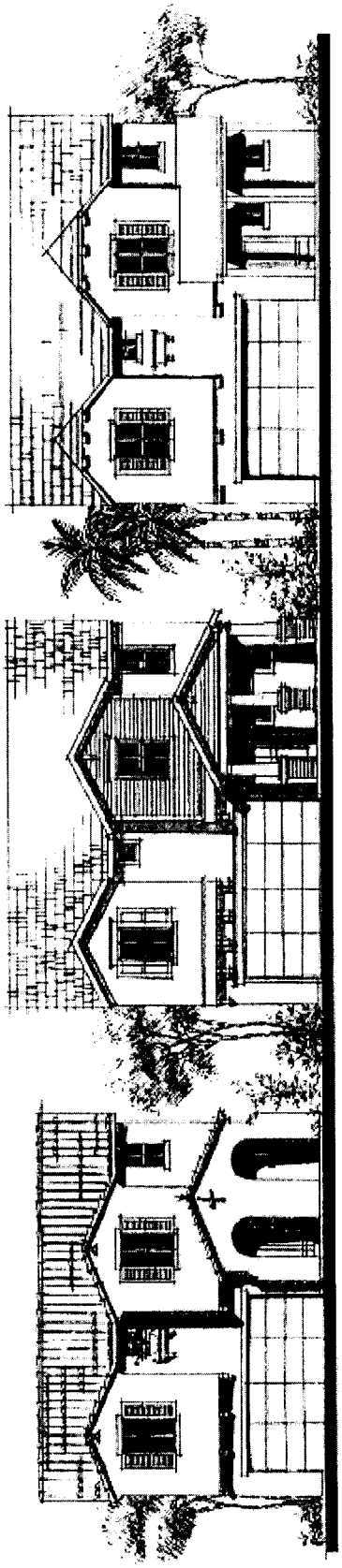
Plan 2 craftsman

Plan 2 cottage

ELEVATIONS

SHELDON ROAD


LIVING
NOOK
KITCHEN
GARAGE
ENTRY
main floor
MASTER BEDROOM
UTILITY
HALL
MASTER BATH
WIC
BEDROOM 2
BEDROOM 3
upper floor
BONUS ROOM
bonus room option
BEDROOM 4
bedroom 4 option
PLAN 3
SHELDON ROAD



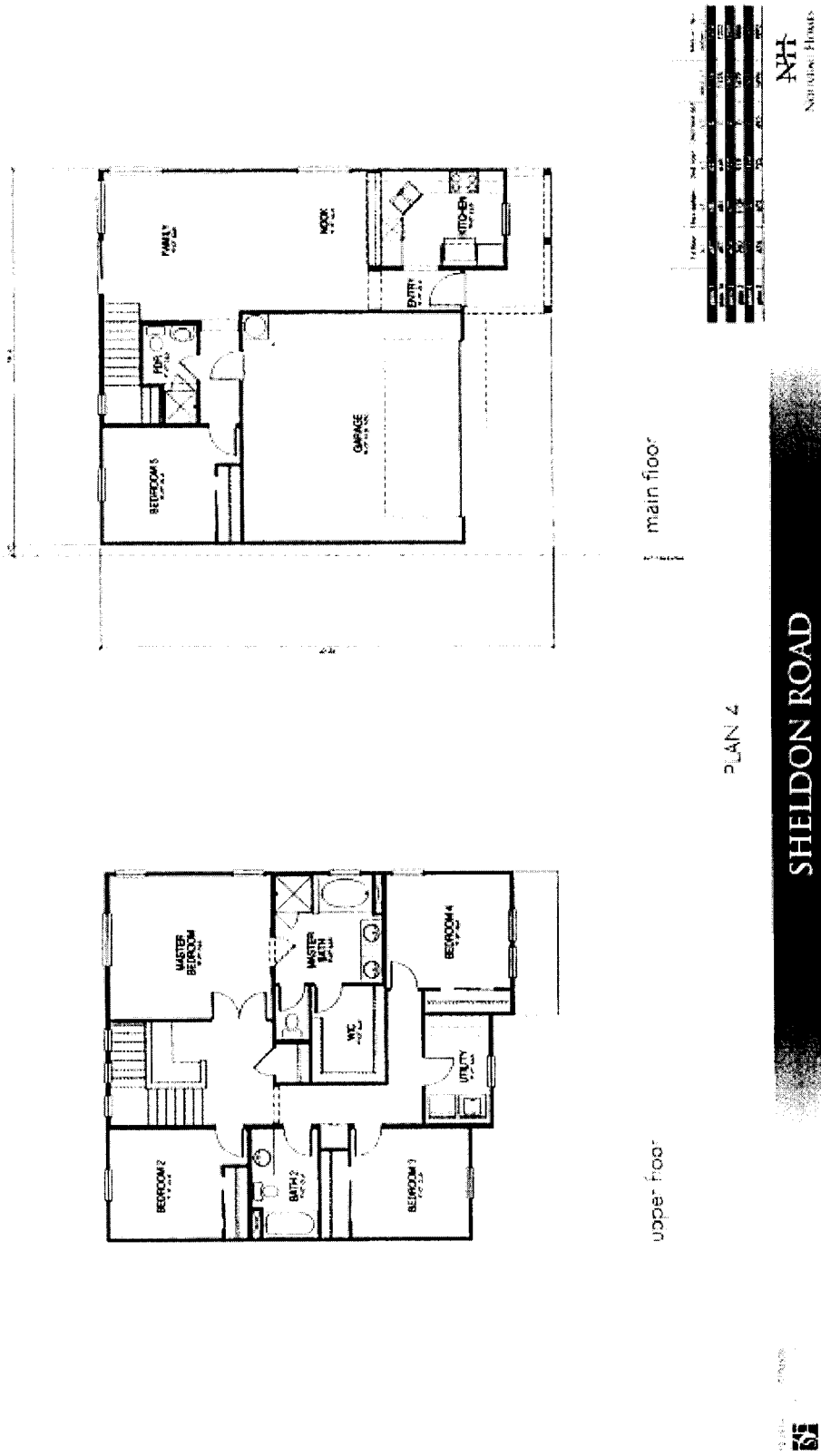
Plan 3 pasadena

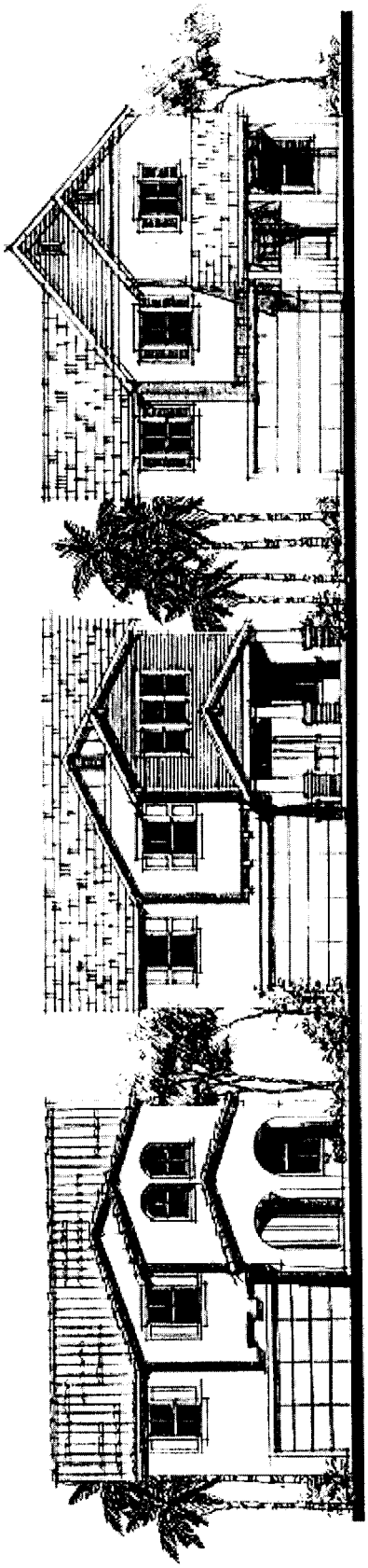
Plan 3 craftsman

Plan 3 cottage

ELEVATIONS

SHELDON ROAD


FAMILY
NOOK
KITCHEN
ENTRY
FDR
GARAGE
BEDROOM 5
main floor
PLAN 4
SHELDON ROAD
MASTER BEDROOM
MASTER BATH
WIC
BEDROOM 4
UTILITY
BEDROOM 2
BATH 2
BEDROOM 3
upper floor



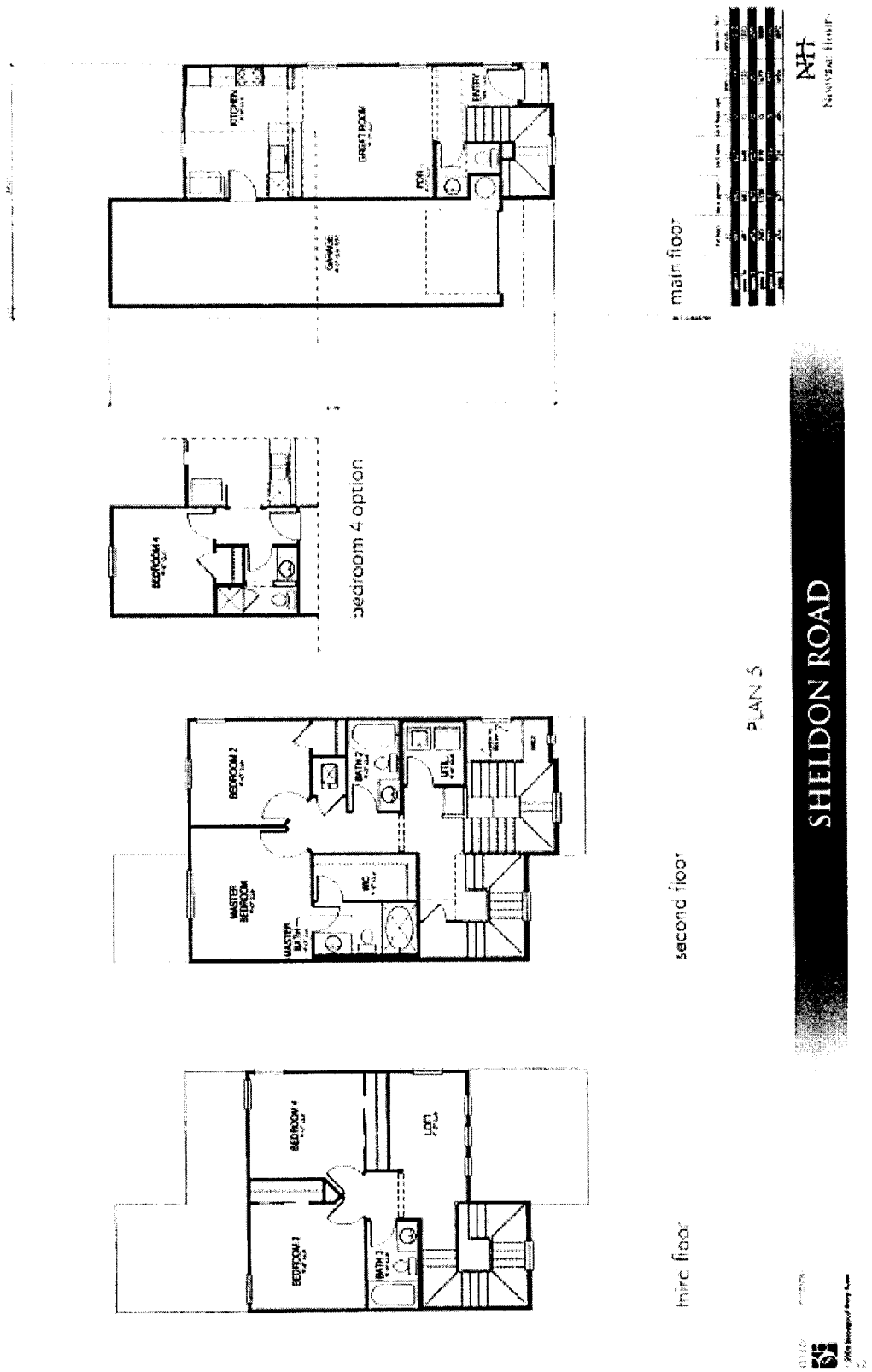
Plan 4 pasadena

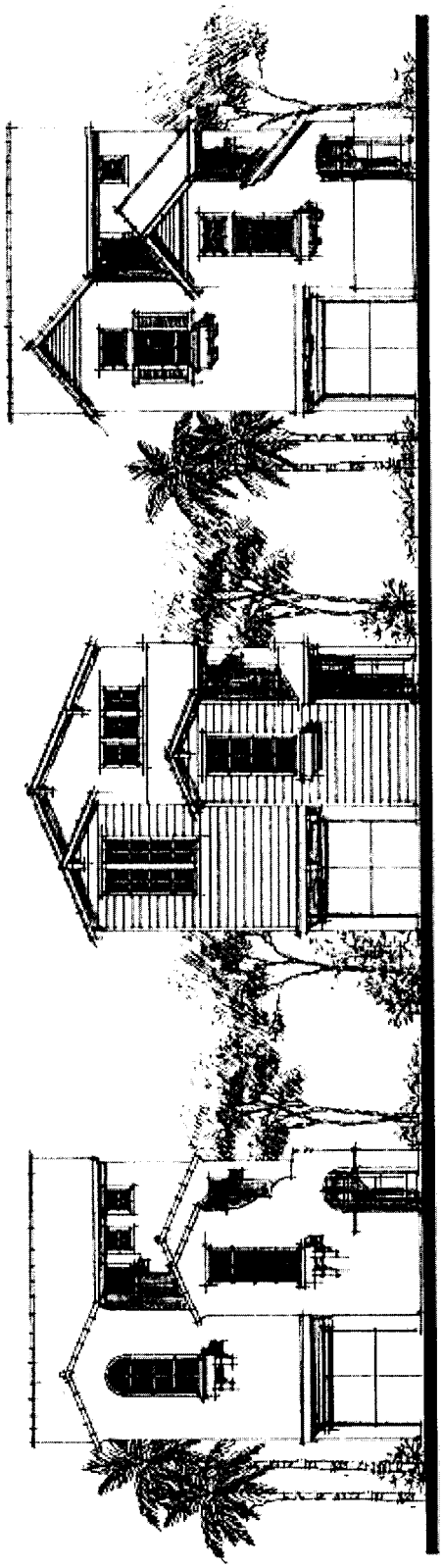
Plan 4 craftsman

Plan 4 cottage

ELEVATIONS

SHELDON ROAD


KITCHEN
GREAT ROOM
ENTRY
PDR
GARAGE
main floor
BEDROOM 4
bedroom 4 option
BEDROOM 2
BATH 2
UTIL
MASTER BEDROOM
MASTER BATH
WIC
second floor
PLAN 5
SHELDON ROAD
BEDROOM 4
LOFT
BEDROOM 3
BATH 3
third floor



Plan 5 pasadena

Plan 5 craftsman

Plan 5 cottage

ELEVATIONS

SHELDON ROAD

Attachment 7 – Inclusionary Housing Plan Resolution

# RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

**ADOPTING THE INCLUSIONARY HOUSING PLAN FOR THE 8151 SHELDON SUBDIVISION LOCATED AT 8151 SHELDON ROAD, SACRAMENTO, CALIFORNIA.**
(P05-044) (APN: 117-0220-002, 022, 023, 024, 025)

## 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 April 10, 2007 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 8151 Sheldon Subdivision, attached hereto as Exhibit A.

**Table of Contents:**
Exhibit A: Inclusionary Housing Plan

Exhibit A – Inclusionary Housing Plan

**Inclusionary Housing Plan**
**Fiore**
(Sheldon Project)
*December 22, 2006*

**Proposed Project**

SEG Development Group, LLC and SEG Development Group II, LLC are the owner and Nouveau Homes developer (Developer) of that certain real property in the City of Sacramento in which the Developer proposes to develop and construct the Fiore residential community (Project). This 15 +/- acre (gross) Project is located north of Sheldon Road and west of Hwy 99 / West Stockton Blvd. The Project consists of 167 detached single-family units.

**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 adopted in the City of Sacramento Housing Element and required by the City's Mixed Income Housing Ordinance, City of Sacramento City Code Chapter 17.190 requires 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 Units").

Pursuant to the 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, adjudicative entitlements for the 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 Project. This document constitutes the Plan, and, as supplemented and amended from time to time, is intended to begin implementation of the Inclusionary Requirement for the Project. All future approvals for the Project shall be consistent with this Inclusionary Housing 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 and recorded no later than the approval of the final map for the subdivision. The Inclusionary Housing Agreement will describe with particularity the site and building schematics and financial arrangements for the construction and financing of the Inclusionary Units, pursuant 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 ("Very Low Income Units") and Low Income Households ("Low Income Units") as defined in the Sacramento City Code Section 17.190.020, equal to ten percent (10%) and five percent (5%) of the total number

of housing units approved for the Residential Project, respectively. Based on the current Project proposal, the Inclusionary Requirement for the Project is 17 units for Very Low Income (10%) and 8 units for Low Income (5%).

| | |
|---|---|
| Total Number of Units within the Project | 167 |
| Very Low Income Units (10% of units) | 17 |
| Low Income Units (5% of units) | 8 |
| Total Number of Inclusionary Units | 25 |

If the Project approvals are amended to increase the number of units in the Project, this Plan will be amended to reflect a number of equal to ten percent (10%) of the increased total residential units in the amended entitlements for Very Low Income units and five percent (5%) for Low Income units. 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%) for the decreased total residential units in the amended entitlements for Very Low Income units and five percent (5%) for Low Income units. 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 Inclusionary Housing Units shall consist of 25 units. Developer will offer these homes as ownership units. An initial owner who purchases a for-sale Inclusionary Unit shall occupy that unit as their principal residence and shall certify to the Developer/builder of the unit that he/she is a first time home buyer. SHRA will record a regulatory agreement against each Inclusionary 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 detached residential homes. The homes will be approximately 1,114 square feet each, include two bedrooms, one and a half baths, two car garage and be two story units.

**Location of Inclusionary Units within the Project**

Inclusionary Units shall be located on-site within the proposed Project as part of the single-family residential development. It is possible to distribute the number of Inclusionary Units among the Project. Specified homes are planned to be located on Lots 3, 7, 9, 11, 14, 17, 22, 44, 48, 49, 61, 63, 66, 68, 85, 89, 93, 99, 106, 108, 141, 158, 163, 165, 166 as shown on the Project tentative map.

Specific lots identified for Inclusionary Units will be identified on the Tentative Map prior to

approval by City Council, included as Attachment 1. Table 1 summarizes the locations of the Inclusionary Units within the Project.

**Table 1**
**Location of Inclusionary Units**

| Inclusionary Unit | Level of Affordability | Lot Number(s) | Size of Unit |
|---|---|---|---|
| 17 | Very Low Income | 3, 7, 9, 11, 17, 22, 44, 48, 49, 63, 68, 85, 89, 93, 99, 106, 108 | 1,051sq. feet |
| 8 | Low Income | 14, 61, 66, 141, 158, 163, 165, 166 | 1,051sq. feet |

The location of the Inclusionary Units within the Project are subject to Amendment, consistent with Section 17.190.110 B (1) of the Mixed Income Ordinance.

**Affordability Requirements**

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

The sale price of the units will be set so that low income and very low income households can qualify for the purchase of the units. The sales price will be set such that no more than thirty 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 or very low income household with a first time home buyer. An SHRA 30-year note will govern the home's resale, allowing SHRA ninety days to refer an income-eligible buyer after notification of the owners, 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.

**Phasing of Development of the Inclusionary Units**

The Inclusionary Units shall be developed concurrently with the development of the remaining units in the Project, as defined in Sacramento City Code Section 17.190.020. 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 Unit Linkages**

The following describes the relationship of market rate development activity to the activity of Inclusionary Unit development activity. These milestones are outlined to ensure that the development of affordable units occurs concurrently with development of market rate units:

| 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 first final map for Residential Project. | Execution of Inclusionary Housing Agreement by SEG Development Group, LLC and SEG Development Group II, LLC |
| Recordation of first final map for Residential Project. | Recordation of Inclusionary Housing Agreement |
| Issuance of building permits in excess of 50% of single family for sale units in Residential Project. | Issuance of building permits for 100% of the Inclusionary Housing Units |
| Marketing market rate units within the project | Marketing of Inclusionary units within project |

**Amendment and Administration of the Inclusionary Housing Plan**

The Planning Director, with the advice of the Executive Director of SHRA, shall administer this Inclusionary Housing Plan. The Planning Director may make minor administrative amendments to the text of this Plan as provided in Sacramento City Code Section 17.190.110B (1).

Attachment 8 – Rezone Ordinance

# 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 15.6± ACRES FROM THE RURAL ESTATES (RE - 1/4) ZONE AND PLACING 14.4± ACRES IN THE MULTI-FAMILY RESIDENTIAL (R-2B) ZONE, AND 1.2± ACRES IN THE AGRICULTURE/OPEN SPACE (AOS) ZONE, FOR THE PROPERTY LOCATED AT 8151 SHELDON ROAD, SACRAMENTO, CALIFORNIA**
(P05-044) (APN: 117-0220-002, 022, 023, 024, 025)

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

SECTION 1

The property generally described, known and referred to as APN: 117-0220-002, 022, 023, 024, 025 which is shown on attached Exhibit A, consists of 15.6± net acres and is currently in the Rural Estates (RE-1/4) Zone established by the Comprehensive Zoning Ordinance (Title 17 of the City Code). Said territory is hereby removed from the RE-1/4 zone and placed in the Multi-family (R-2B) Zone and the Agriculture/Open Space (AOS) Zone.

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: 8151 Sheldon Subdivision Rezone

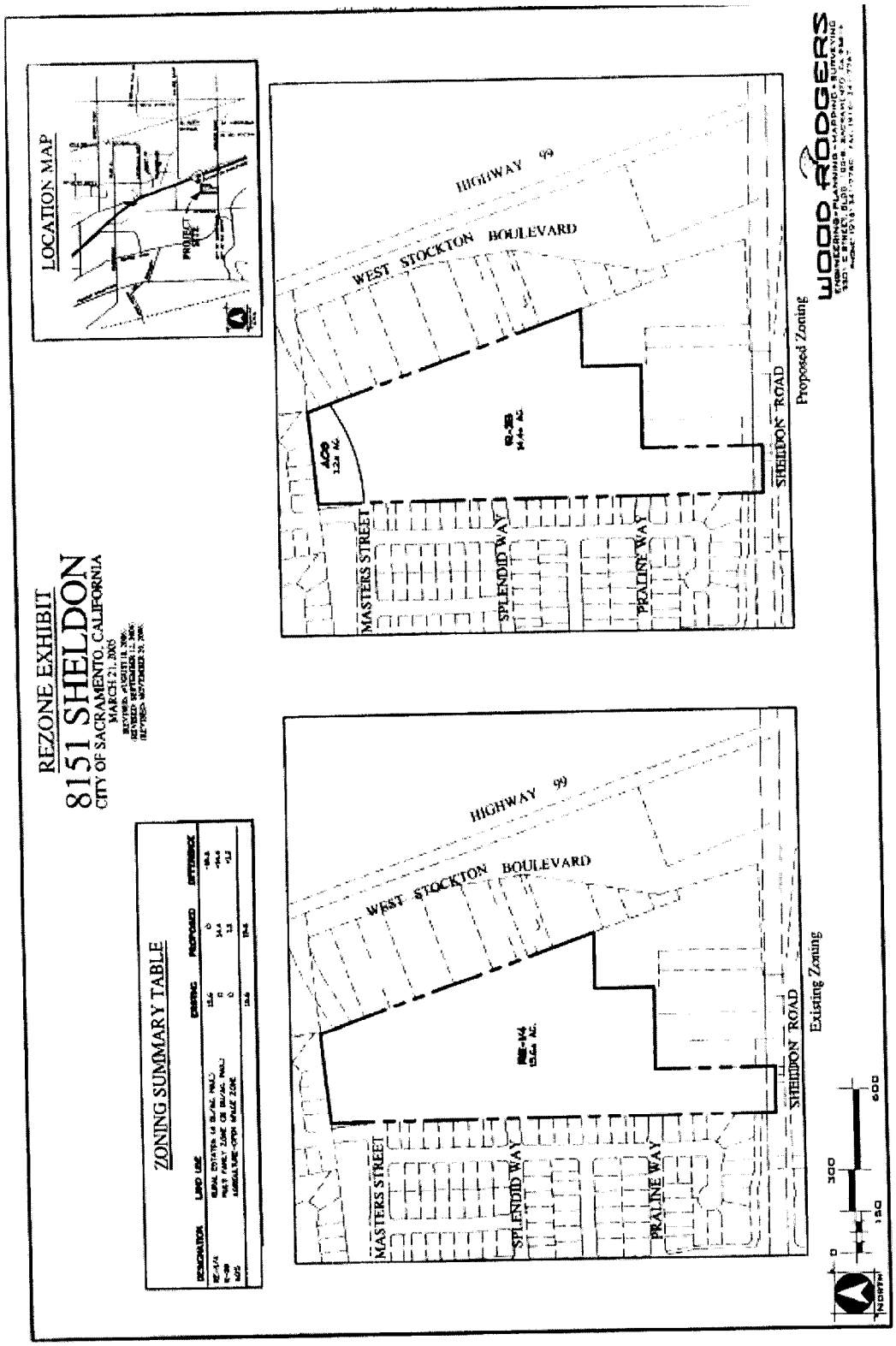



Exhibit A – Rezone