



REPORT TO COUNCIL

City of Sacramento

16

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

CONSENT
March 14, 2006

Honorable Mayor and
Members of the City Council

Subject: PFP: Zoning ordinance amendment for Patterson Subdivision (P05-105)

Location/Council District:

Marysville Boulevard & Dry Creek Road; APN: 237-0091-003, -004; Council District 2

Recommendation:

Planning Commission and staff recommend the City Council: 1) Review the attached Ordinance amending the Comprehensive Zoning Ordinance (Title 17 of the Sacramento City Code) by removing 7.1± net acres from Light Industrial Review (M-1S-R) zone and placing in the Single Family Alternative (R-1A) zone; 2) Pass for publication the Ordinance titles as required by Sacramento City Charter 32c; 3) Review the associated Resolutions; and 4) Continue to March 21, 2006 for adoption.

Contact: Gregory Bitter, Senior Planner, 808-7816; Michael York, Associate Planner, 808-8239

Presenters: Michael York, Associate Planner, 808-8239

Department: Development Services

Division: Planning

Organization No: 4875

Summary:

The applicant is requesting to amend the General Plan land use designation and rezone the subject property to develop 63 residential units. The proposed Single Family Alternative (R-1A) zone and "Low Density Residential 4-15 du/na" designation allows development of a residential project which is consistent with the North Sacramento Community Plan policies that promote neighborhood revitalization, ownership opportunities, and development in infill areas.

Committee/Commission Action:

On February 23, 2006, by a unanimous vote of eight ayes, the Planning Commission approved the related Tentative Map and Special Permit to develop 63 single family residences and recommended approval and forward to City Council the General Plan Amendment and Rezone.

Background Information:

In 1986, as part of the General Plan Update, the City Council approved a change of land use designation for the project site from "Low Density Residential 4-15 du/na" to "Heavy Commercial or Warehouse". In 1988 (P88-272), the City Council approved a rezone of the project site from "Standard Single Family (R-1)" to "Light Industrial Review (M-1S-R)", in order to make the site's zoning consistent with the land use designation. The North Sacramento Community Plan land use designation has never been amended and remains "Residential 4-8 du/na". Therefore, the General Plan and zoning are inconsistent with the North Sacramento Community Plan. The project site has never been developed and remains vacant.

The Patterson Subdivision project proposes a Rezone and General Plan Amendment of 7.1± net acres to allow development of 63 single family residences. Planning Commission approved the Tentative Map and Special Permit for the project on February 23, 2006.

Zoning Ordinance Amendment (Rezone):

The applicant is proposing to rezone the property from Light Industrial Review (M-1S-R) to Single Family Alternative (R-1A). In 1988, a rezone was approved changing the zoning from Standard Single Family (R-1) to Light Industrial Review (M-1S-R) in order to be consistent with the 1986 General Plan Update. The rezone to R-1A essentially returns the zoning to what it was prior to 1988. Although the zoning is proposed to be R-1A and not R-1, the density of the proposed project is consistent with R-1 zoning. Typical density in the R-1 zone is 6-8 du/na. This project proposes a density of eight (8) dwelling units per net acre. The R-1A zone allows lots to vary from the standard size and may provide for varying setbacks subject to a special permit creating a slightly denser development than a typical standard single family subdivision.

The project site is located in an area that is difficult to develop due to inadequate water, sewer, and drainage service and the costs associated with upgrading those services. Staff supports the rezone to the Single Family Alternative (R-1A) zone, as the rezone to R-1A and resulting increase in the number of lots, helps offset the costs to upgrade those infrastructure services.

Staff supports the rezone to Single Family Alternative (R-1A), since the rezone is consistent with the proposed General Plan designation of "Low Density Residential 4-15

du/na” and North Sacramento Community Plan designation of “Residential 4-8 du/na”, adequately sized units can be developed on the lots, it provides ownership housing in the area, and is consistent with existing development.

Financial Considerations:

This project has no fiscal considerations.

Environmental Considerations:

The Environmental Services Manager has determined the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act (CEQA) Guidelines, the applicant has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where no significant impacts will occur. These mitigation measures address biological resources, noise, and cultural resources. The mitigation measures are listed in the attached Mitigation Monitoring Plan (Exhibit 1A). The draft Initial Study/Mitigated Negative Declaration was available for public review and comment during the period of January 6, 2006 through January 25, 2006. An Errata Sheet is attached to the Mitigated Negative Declaration, which describes a change to the project description, as well as the reasons why the analysis included in the circulated Mitigated Negative Declaration remains applicable to the project, as revised.

One comment letter was received from U.S. Army Corps of Engineers (USACE), which indicates that a jurisdictional delineation should be prepared that meets the USACE requirements, and that mitigation plans should be developed to compensate for loss of wetlands. The requirements of the USACE stated within the comment letter are currently being implemented and are included in the mitigation measures originally stated in the Mitigated Negative Declaration. Consequently, recirculation of the Mitigated Negative Declaration is not required, as stated under section 15073.5 of the CEQA Guidelines.

Policy Considerations:

The project is consistent with General Plan policies to develop residential land uses in a manner which is efficient and utilizes existing and planned urban resources

Smart Growth Principles:

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

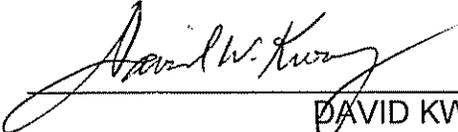
Strategic Plan Implementation:

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

Emerging Small Business Development (ESBD):

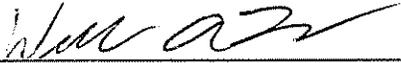
No goods or services are being purchased under this report.

Respectfully submitted by:



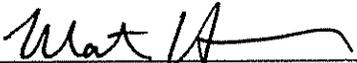
DAVID KWONG
Planning Manager, Planning Division

Approved by:



WILLIAM THOMAS
Director of Development Services

Recommendation Approved:



RAY KERRIDGE
City Manager

Table of Contents:

Pg 1-4	Staff Report
Pg 5	Attachment 1 – Planning Commission Voting Record
Pg 6	Attachment 2 – Vicinity Map
Pg 7	Attachment 3 – Land Use & Zoning Map
Pg 8	Attachment 4 – Tentative Map
Pg 9	Ordinance - Rezone
Pg 10	Exhibit A - Rezone
Pg 11	Resolution – Negative Declaration & Mitigation Monitoring Plan
Pg 12-24	Exhibit A – Mitigation Monitoring Plan
Pg 25	Resolution – General Plan Amendment
Pg 26	Exhibit A – General Plan Amendment
Pg 27	Resolution – Inclusionary Housing Plan
Pg 28-32	Exhibit A – Inclusionary Housing Plan

ATTACHMENT 1

CITY PLANNING COMMISSION
 CONSENT ITEMS

CPC AGENDA DATE: February 23, 2006

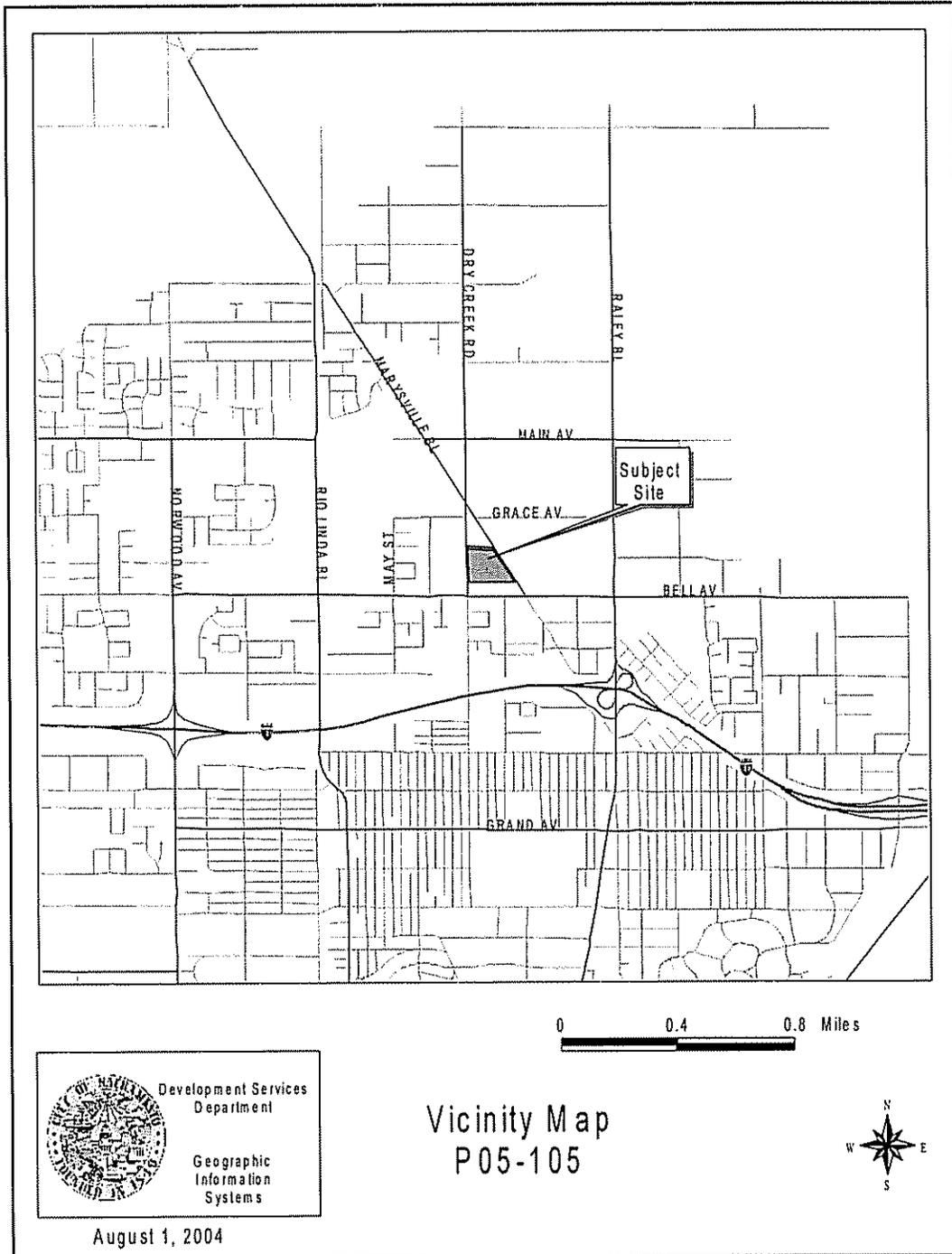
Item No.	Project No.	Title/Location	Action: Approved/ Denied/Cont'd
2		Synopsis of February 9, 2006 Planning Commission Meeting	APPROVED
5	P05-105	Patterson Subdivision, located at Marysville Blvd & Dry Creek Rd	APPROVED
6	P05-109	Wood Subdivision, located at 100 Ford Road	APPROVED
7	P05-124	River's End Mixed Use, located se of W. El Camino Ave & Gateway Oaks	APPROVED
8	P05-145	21 st Ave Monopole, located at 6950-21 st Ave	HEAR ONLY
10	P05-164	JMA/Laing Condominiums	CONT'D

VOTE OF THE PLANNING COMMISSION:

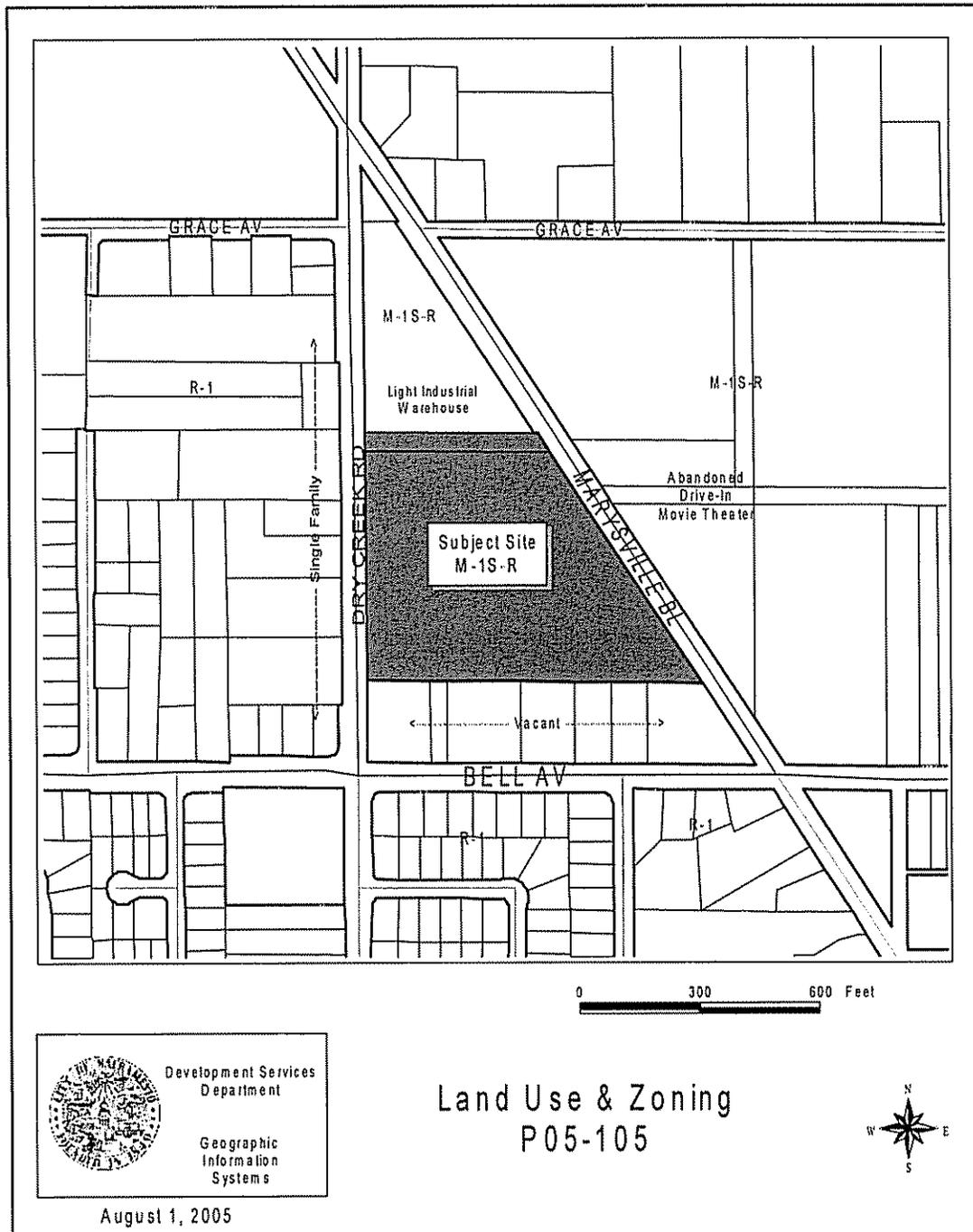
COMMISSIONER	Motion (M)/ Second (S)	YES	NO	ABSTAIN
Valencia	M	1		
Notestine		1		
Woo	S	1		
Banes - Chair		1		
Yee - Vice Chair		1		
Boyd		1		
Taylor-Carroll		1		
Wasserman		1		
Vacant		—	—	—

Ador

ATTACHMENT 2



ATTACHMENT 3



ORDINANCE NO.

Adopted by the Sacramento City Council

March 21, 2006

AN ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE, TITLE 17 OF THE CITY CODE, BY REMOVING 7.1± ACRES FROM THE LIGHT INDUSTRIAL REVIEW (M-1S-R) ZONE AND PLACING IN THE SINGLE FAMILY ALTERNATIVE (R-1A) ZONE, FOR THE PROPERTY LOCATED AT MARYSVILLE BOULEVARD AND DRY CREEK ROAD IN NORTH SACRAMENTO, SACRAMENTO, CALIFORNIA (P05-105) (APN: 237-0091-003, -004)

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

SECTION 1

The property generally described, known and referred to as APN: 237-0091-003, -004 which is shown on attached Exhibit A, consists of 7.1± net acres and is currently in the Light Industrial Review (M-1S-R) zone established by the Comprehensive Zoning Ordinance (Title 17 of the City Code). Said territory is hereby removed from the M-1S-R zone and placed in the R-1A 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: Patterson Subdivision Rezoning Map – 1 Page

RESOLUTION NO. 2006-

Adopted by the Sacramento City Council

March 21, 2006

A RESOLUTION APPROVING THE NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING PLAN FOR THE PATTERSON SUBDIVISION PROJECT, LOCATED AT MARYSVILLE BOULEVARD AND DRY CREEK ROAD IN NORTH SACRAMENTO, SACRAMENTO, CALIFORNIA. (P05-105) (APN: 237-0091-003, -004)

BACKGROUND

- A. The Environmental Coordinator has prepared a Negative Declaration for the above identified project; and
- B. The proposed project Negative Declaration finds that the proposed project will not have a significant effect on the environment provided that mitigation measures are added to the above identified project;
- C. The Environmental Coordinator has prepared a Mitigation Monitoring Plan for ensuring compliance and implementation of the mitigation measures as prescribed in the Initial Study for the above identified project; and
- D. In accordance with Section 21081.6 of the California Public Resources Code, the City of Sacramento requires that a Mitigation Monitoring Plan be developed for implementing mitigation measures as identified in the Initial Study for the project.

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

- Section 1. The City Council approves the Negative Declaration for the Patterson Subdivision project (P05-105).
- Section 2. The City Council approves the Mitigation Monitoring Plan for the Patterson Subdivision (P05-105) based upon the following findings:
 - 1. One or more mitigation measures have been added to the above-identified project;
 - 2. A Mitigation Monitoring Plan has been prepared to ensure compliance and implementation of the mitigation measures for the above-identified project, a copy of which is attached as Exhibit A.

Table of Contents:

Exhibit A: Mitigation Monitoring Plan – 13 Pages

EXHIBIT A

MITIGATION MONITORING PLAN

FOR:
PATTERSON SUBDIVISION (P05-105)

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

TYPE OF ENVIRONMENTAL DOCUMENT:
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

DATE:
DECEMBER 19, 2005

ADOPTED BY:
CITY OF SACRAMENTO
PLANNING COMMISSION

DATE:

ATTEST:

**PATTERSON SUBDIVISION (P05-105)
MITIGATION MONITORING PLAN**

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

SECTION 1: PROJECT IDENTIFICATION

Project Name/File Number: Patterson Subdivision (P05-105)

Owner/Developer: Steve Cruz
Syamore Ventures LLC
2020 Hurley Way Ste 150
Sacramento Ca 95825
(916) 925-7559

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

Project Location

The proposed project site is located in the North Sacramento Community Plan Area, north of Interstate 80, between Marysville Boulevard and Dry Creek Road. The site is also located approximately 700 feet south of the Marysville Boulevard/Dry Creek Road Intersection, and approximately 195 feet north of Bell Avenue. The project site includes 2 parcels (APNs 237-0091-003, and -004)

Project Components

The proposed project consists of entitlements to develop 63 single family units on approximately 7.1 net acres in the proposed Single Family Alternative zone (R-1A). Specific Entitlements include:

- **General Plan Amendment** to amend the designation of approximately 7.1 net acres from Heavy Commercial or Warehouse to Low Density Residential (4-15du/na)
- **Rezone** of approximately 7.1 net acres from the Light Industrial Review (M-1S-R) zone to the Single Family Alternative (R-1A) zone;
- **Tentative Subdivision Map** to subdivide two parcels into 63 lots on approximately 7.1 net acres in the proposed Single Family Alternative (R-1A) zone; and
- **Special Permit** to construct 53 single family units and 10 half-plex units on approximately 7.1 net acres in the proposed Single Family Alternative (R-1A) zone.
- **Inclusionary Housing Plan**

SECTION 2: GENERAL INFORMATION

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

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

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>BIOLOGICAL RESOURCES</p> <p>BR-1a The wetlands identified as potential habitat for federal-listed branchiopods (vernal pool fairy shrimp and vernal pool tadpole shrimp) are presumed occupied by these branchiopods, unless the applicant provides written documentation from the U.S. Fish and Wildlife Service that the negative results of protocol surveys have been accepted. Therefore, prior to issuance of a grading permit, the following measures shall be included on all grading and improvement plans:</p> <ul style="list-style-type: none"> • No grading shall occur within 50 feet of wetlands occupied by or assumed to be occupied by federally listed branchiopods until the applicant provides the City of Sacramento evidence that the U.S. Fish and Wildlife Service has issued a Biological Opinion to authorize the take of the listed species. • It is the Contractor's responsibility to comply with all applicable state and federal laws and regulations including the Federal Endangered Species Act and Clean Water Act. • Temporary fencing shall be installed around the 50-foot buffer surrounding wetlands 	<p>Applicant</p>	<p>City of Sacramento -- Development Services Department; US Fish and Wildlife Service (USFWS)</p>	<p>Proof of USFWS acceptance of protocol-level surveys or issuance of take permit by USFWS</p>	<p>Measure shall be implemented prior to issuance of a grading permit and during construction activities.</p>	

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>occupied by or assumed to be occupied by federally listed branchiopods to exclude construction equipment until the applicant provides the City of Sacramento evidence that the U.S. Fish and Wildlife Service has either accepted negative results of protocol surveys or has issued a Biological Opinion to authorize the take of the listed species.</p> <p>BR-1b If no protocol-level survey results are submitted, or if protocol-level surveys indicate the presence of special-status branchiopods, the applicant shall provide compensatory mitigation as required by the U.S. Fish and Wildlife Service for federally listed branchiopods and shall submit a copy of the bill of sale mitigation credits to City of Sacramento Development Services Department, prior to issuance of building permits.</p>	Applicant	City of Sacramento – Development Services Department; USFWS	Proof of purchase of mitigation credits to the satisfaction of USFWS	Measure shall be implemented prior to issuance of a grading permit.	
<p>BR-1c During Section 7 consultation process with the U.S. Fish and Wildlife Service, the applicant will be required to prepare a mitigation plan for submittal to U.S. Fish and Wildlife Service. The mitigation plan will be required to include the following components for direct and indirect impacts:</p>	Applicant	City of Sacramento – Development Services Department; USFWS	Submittal of mitigation plan approved by USFWS	Measure shall be implemented prior to issuance of a grading permit.	

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<ul style="list-style-type: none"> • <u>Avoidance Component.</u> Demonstrate how the project has been designed to minimize impacts to federal-listed vernal pool crustaceans and their habitat (e.g. Environmentally Sensitive Areas, biological monitor, and special-status species training for construction personnel). • <u>Preservation Component.</u> For every acre of habitat directly or indirectly affected, at least two (2) vernal pool credits will be dedicated within a U.S. Fish and Wildlife Service-approved ecosystem preservation bank (2:1 ratio). • <u>Conservation Component.</u> For every acre of habitat directly affected, at least one (1) vernal pool creation credit will be dedicated within a U.S. Fish and Wildlife Service - approved habitat mitigation bank. In the event that preservation or conservation credits are not available for purchase at the time of mitigation implementation, the deposit of funds into a Species Fund in lieu fee program, the amount of money to be deposited determined by the U.S. Fish and Wildlife Service, shall be acceptable to satisfy both the preservation and conservation components of the mitigation 					

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>plan.</p> <p>Prior to issuance of a grading permit, the Applicant shall provide evidence to the Development Services Department that the mitigation plan for federally listed branchiopods has been reviewed and approved by the US Fish and Wildlife Service.</p>	Applicant	City of Sacramento – Development Services Department;	Submittal of a Botanical Survey Report	Measure to be implemented prior to issuance of grading permit.	
<p>BR-2</p> <p>Prior to issuance of grading permit, the applicant shall submit a copy of a Botanical Survey Report to the City of Sacramento. The Botanical Surveys shall be conducted by a qualified botanist in April or May to determine presence or absence of dwarf downingia, Boggs Lake hedge-hyssop, and legenera. If the Botanical Survey indicates the presence of any of the above-listed special-status plants, then the following additional mitigation measures shall be implemented:</p> <ul style="list-style-type: none"> • Prior to issuance of a grading permit, all grading and improvement plans shall indicate that no grading shall occur within ten feet of wetlands occupied by these species until the applicant provides the City of Sacramento a copy of a mitigation plan approved by the Department of Fish and Game. The mitigation plan would 	Applicant	City of Sacramento – Development Services Department; California Department of Fish and Game (DFG)	Grading plans shall indicate 10-foot buffer around wetlands until a copy of a DFG approved mitigation plan is received. If Boggs Lake hedgehyssop is present, then an Incidental Take	Measure to be implemented prior to issuance of grading permits.	

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>document the transplantation of the plants to a wetland mitigation site approved by DFG. If take of Boggs lake hedgehysop will occur, the applicant shall provide evidence to the City of Sacramento that compensatory mitigation has been implemented in accordance with an Incidental Take Permit issued by DFG.</p> <ul style="list-style-type: none"> Grading and improvement plans shall state: "It is the Contractor's responsibility to comply with all applicable state and federal laws and regulations including the endangered species acts and the Clean Water Act." 	Applicant	City of Sacramento – Development Services Department	Permit must be provided	Measure to be implemented prior to issuance of grading permits.	
<p>Prior to issuance of grading permits, the project applicant shall be required to purchase compensatory Swanson's hawk foraging habitat credits for each developed acre, at a ratio of 0.75:1, from an approved mitigation bank, or develop other arrangements acceptable to and approved by the CDFG.</p>	Applicant	City of Sacramento – Development Services Department; DFG	Proof of purchase of mitigation credits or other arrangement with DFG	Measure to be implemented prior to issuance of grading permits.	
<p>Prior to issuance of a grading permit, the Building Department shall verify that all grading and improvement plans state: "It is the Contractor's responsibility to comply with all applicable state and federal laws and regulations</p>	Applicant	City of Sacramento – Development Services Department	Indicated on all grading and improvement plans	Measure to be implemented prior to issuance of grading permits.	

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>including the Federal Endangered Species Act and Clean Water Act. The City Grading Permit does not authorize Contractor to conduct activities not permitted by applicable State and federal laws in areas subject to State and federal jurisdiction."</p> <p>BR-5 Prior to issuance of a grading permit, the project applicant shall submit a wetland mitigation and monitoring plan to the City. The mitigation and monitoring plan shall meet the following requirements:</p> <ul style="list-style-type: none"> • The mitigation plan shall be prepared in accordance with the requirements of the Corps of Engineers • The mitigation plan shall describe how the jurisdictional wetlands in the grading plan area will be mitigated. Mitigation may include the purchase of wetland mitigation credits at a Corps approved mitigation bank. • A copy of the bill of sale for the purchase of wetland mitigation credits shall be submitted to the City. <p>BR-6 Prior to issuance of a grading permit the Building Department shall ensure that the grading plan indicates that no construction activities shall occur within 50 feet</p>	<p>Applicant</p>	<p>City of Sacramento – Development Services Department; US Army Corps of Engineers.</p>	<p>Wetland Mitigation and Monitoring Plan approved by City of Sacramento Development Services Department, including a copy of bill of sale for purchase of wetland mitigation credits</p>	<p>Measures shall be implemented prior to issuance of grading permits.</p>	
	<p>Applicant</p>	<p>City of Sacramento – Development Services Department;</p>	<p>Grading Plan indicates 50-foot buffer around any jurisdictional wetland until</p>	<p>Measure shall be implemented prior to issuance of grading permits and</p>	

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>of any swale, seasonal wetland, or vernal pool until the applicant provides the City of Sacramento with documentation that the applicant has satisfied the mitigation plan through the construction of wetlands or a bill of sale for the purchase of mitigation credits. In addition, the grading plan shall require temporary fencing to be installed around the 50-foot buffer to exclude construction equipment until the applicant provides the City of Sacramento with documentation that the applicant has satisfied the mitigation plan through the construction of wetlands or a bill of sale for the purchase of mitigation credits.</p>		US Army Corps of Engineers	proof of Section 404 compliance is provided to the City of Sacramento Development Services Department	during construction activities.	
<p>BR-7 Prior to issuance of grading permits, the Building Department shall verify that the Stormwater Pollution Prevention Plan (SWPPP) for the project indicates the location of the wetlands, including the 50-foot buffer, and includes water quality control measures to prevent any discharge of construction-related pollutants or sediment into the identified wetlands.</p>	Applicant	City of Sacramento – Development Services Department	Verify location of wetlands and water quality control measures in SWPPP	Measure shall be implemented prior to issuance of grading permits and during construction activities.	
<p>NOISE N-1 Prior to issuance of occupancy permits, a six-foot high solid noise</p>	Applicant	City of Sacramento –	Construction of wall	Prior to issuance of occupancy	

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>barrier shall be constructed along property lines adjacent to Marysville Boulevard. The barrier shall run the entire length of Lots 18, 19, 36, and 37. The barrier shall be continuous except at the intersection of the property lines of lots 37 and 38 with the Street "A" right-of-way, and the intersection of lots 18 and 19 with the cul-de-sac right-of-way at Street "B". The north end of the recommended noise barrier for Lot 37 should tie into the required wall along the north property line (separating the residential and commercial land uses).</p>		Development Services Department		permits	
<p>CULTURAL RESOURCES CR-1a In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction-related earth-moving activities, all work within 50 meters of the resources shall be halted, and the City shall consult with a qualified archeologist to assess the significance of the find. Archeological test excavations shall be conducted by a qualified archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified</p>	Applicant	City of Sacramento Development Services Department Native American Heritage Commission	Measures shall be included on all grading plans	Measures shall be implemented during construction activities, as specified.	

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.</p> <p>CR-1b If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</p> <p>If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</p> <p>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall</p>					

**MITIGATION MONITORING PLAN
PATTERSON SUBDIVISION PROJECT (P05-105)**

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>be consulted. If historic archaeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.</p> <p>CR-2 if a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.</p>	<p>Applicant</p>	<p>City of Sacramento Development Services Department Native American Heritage Commission</p>	<p>Measures shall be included on all grading plans</p>	<p>Measures shall be implemented during construction activities, as specified.</p>	

RESOLUTION NO. 2006-

Adopted by the Sacramento City Council

March 21, 2006

A RESOLUTION AMENDING THE GENERAL PLAN LAND USE MAP TO RE-DESIGNATE 7.1± ACRES OF HEAVY COMMERCIAL OR WAREHOUSE TO LOW DENSITY RESIDENTIAL 4-15 DU/NA, FOR THE PROPERTY LOCATED AT MARYSVILLE BOULEVARD AND DRY CREEK ROAD IN NORTH SACRAMENTO, SACRAMENTO, CALIFORNIA.

(P05-105) (APN: 237-0091-003, -004)

BACKGROUND

The City Council conducted a public hearing on March 21, 2006 concerning the General Plan land use map, and, based on documentary and oral evidence submitted at the public hearing, the City Council hereby finds:

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

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

Section 1. The City Council adopts the General Plan Amendment for the property, as described on the attached Exhibit A, in the City of Sacramento which is hereby re-designated on the General Plan land use map from 7.1± acres of Heavy Commercial or Warehouse to Low Density Residential 4-15 du/na (APN: 237-0091-003, -004).

Table of Contents:

Exhibit A: General Plan Amendment – 1 Page

RESOLUTION NO. 2006-

Adopted by the Sacramento City Council

March 21, 2006

**A RESOLUTION ADOPTING THE INCLUSIONARY HOUSING PLAN
FOR THE PATTERSON SUBDIVISION LOCATED AT MARYSVILLE
BOULEVARD AND DRYCREEK ROAD WITHIN THE NORTH
SACRAMENTO COMMUNITY PLAN AREA.
SACRAMENTO, CALIFORNIA.
(P05-105) (APN: 237-0091-003, -004)**

BACKGROUND

The City Council conducted a public hearing on March 21, 2006 concerning the Inclusionary Housing Plan, and, based on documentary and oral evidence submitted at the public hearing, the City Council hereby finds:

- A. The proposed project is located in a new growth area and is subject to the City's mixed income housing requirements that 15 percent of the residential units be affordable to "low" and "very low" income households; and
- B. The proposed plan is consistent with Chapter 17.190 of the City Code which requires an Inclusionary Housing Plan setting forth the number, unit mix, location, structure type, affordability and phasing of the inclusionary units in the residential development.

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

Section 1. The Inclusionary Housing Plan for the Patterson Subdivision (P05-105) is hereby adopted as attached hereto as Exhibit A.

Table of Contents:

Exhibit A: Inclusionary Housing Plan – 1 Page

EXHIBIT A

Inclusionary Housing Plan
Rancho El Paso
(Formerly Patterson project)
November 30, 2005

Proposed Project

Sycamore Ventures, LLC is the owner and developer (Developer) of that certain real property in the City of Sacramento in which the Developer proposes to develop and construct the Rancho El Paso residential community (Project). This 7.9 +/- acre (gross) Project is located north of Highway 80 and Bell Road and between Dry Creek and Marysville Blvd. The Project consists of 63 single-family units. Of the 63 single-family units, 53 lots will contain detached single family residential units and 5 lots will contain 10 half-plex 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 to 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 6 units for Very Low Income (10%) and 3 units for Low Income (5%).

Total Number of Units within the Project	58
Very Low Income Units (10% of units)	6
Low Income Units (5% of units)	3
Total Number of Inclusionary Units	9

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 9 half-plex units. Developer will offer the half-plex units 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 half-plex units. The half-plex units will range from 900 to 1,000 square feet each, include 2 and 3 bedrooms and be one to 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. Half-plex units are planned to be located on Lot 2 A&B, 28 A&B, 29 A, 50 A&B, and 51 A&B as shown on the Project tentative map. In the City's R-1 zone, half-plex units are permitted on corner lots.

It is possible to evenly distribute the number of Inclusionary Units among the location of the corner half-plex units. 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
6	Very Low Income	2 A&B, 28 A&B & 51 A&B	900-1000 sq. feet
3	Low Income	29 A, 50 A&B	900-1000 sq. 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 half-plex 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

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

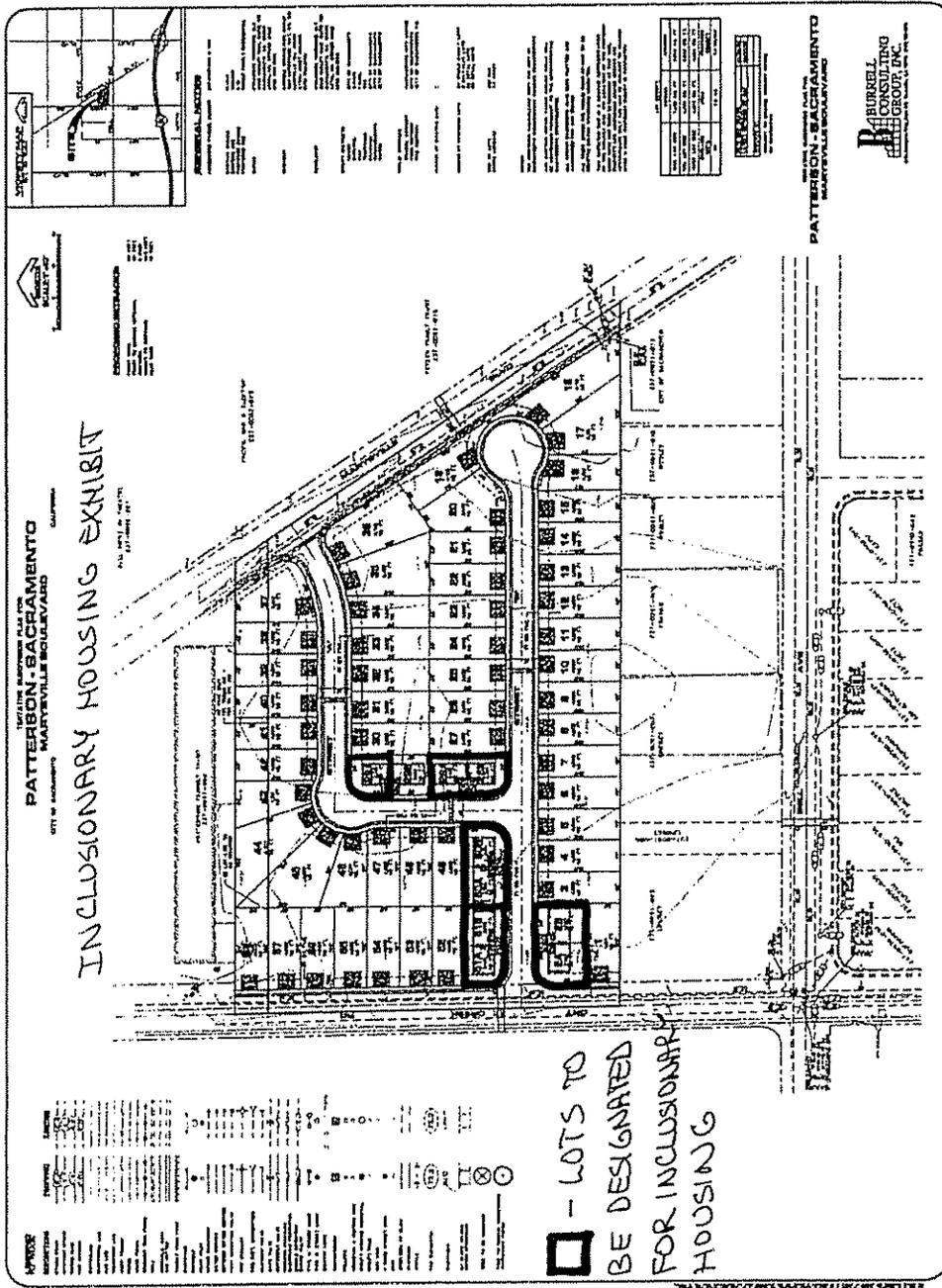
The following describes the relationship of market rate development activity to the activity of Inclusionary Unit development activity. These milestones are outlined to ensure that the development of affordable units occurs concurrent with development of market rate units:

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 Sycamore Ventures, 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 half-plex 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).

4



57

