

STAFF REPORT

DATE: May 10, 2017

TO: Planning Commission

FROM: Ashley Feeney, Assistant Director Community Development and Sustainability
Cathy Camacho, Planner

SUBJECT: **Chiles Ranch Subdivision, 2411 E. 8th Street:** PA #15-24: First Supplement and Amendment to Development Agreement #1-15, Tentative Subdivision Map #2-15, Revised Affordable Housing Plan #1-15, Final Planned Development #8-15; Revised Final Planned Development #2-17

Recommendation

Staff recommends that the Planning Commission hold a public hearing and recommend that the City Council take the following action:

1. Adopt the Ordinance Approving the First Supplement and Amendment to Development Agreement between the City of Davis and the Developer (Attachment 1).
2. Approve the Tentative Subdivision Map to subdivide Lot “41” for the creation of 9 new residential lots (“*Chiles Ranch West*”), (Attachment 2).
3. Approve the following applications, based on the findings and subject to the conditions provided in Attachment 3:
 - a. Revised Affordable Housing Plan to amend the number of affordable units required and to meet the housing obligation through a combination of construction of on-site units and payment of in-lieu fees.
 - b. Final Planned Development to establish development standards for 9 new residential lots; Revised Final Planned Development to formalize minor development standard changes within the approved subdivision due to minor shifts in lot lines.

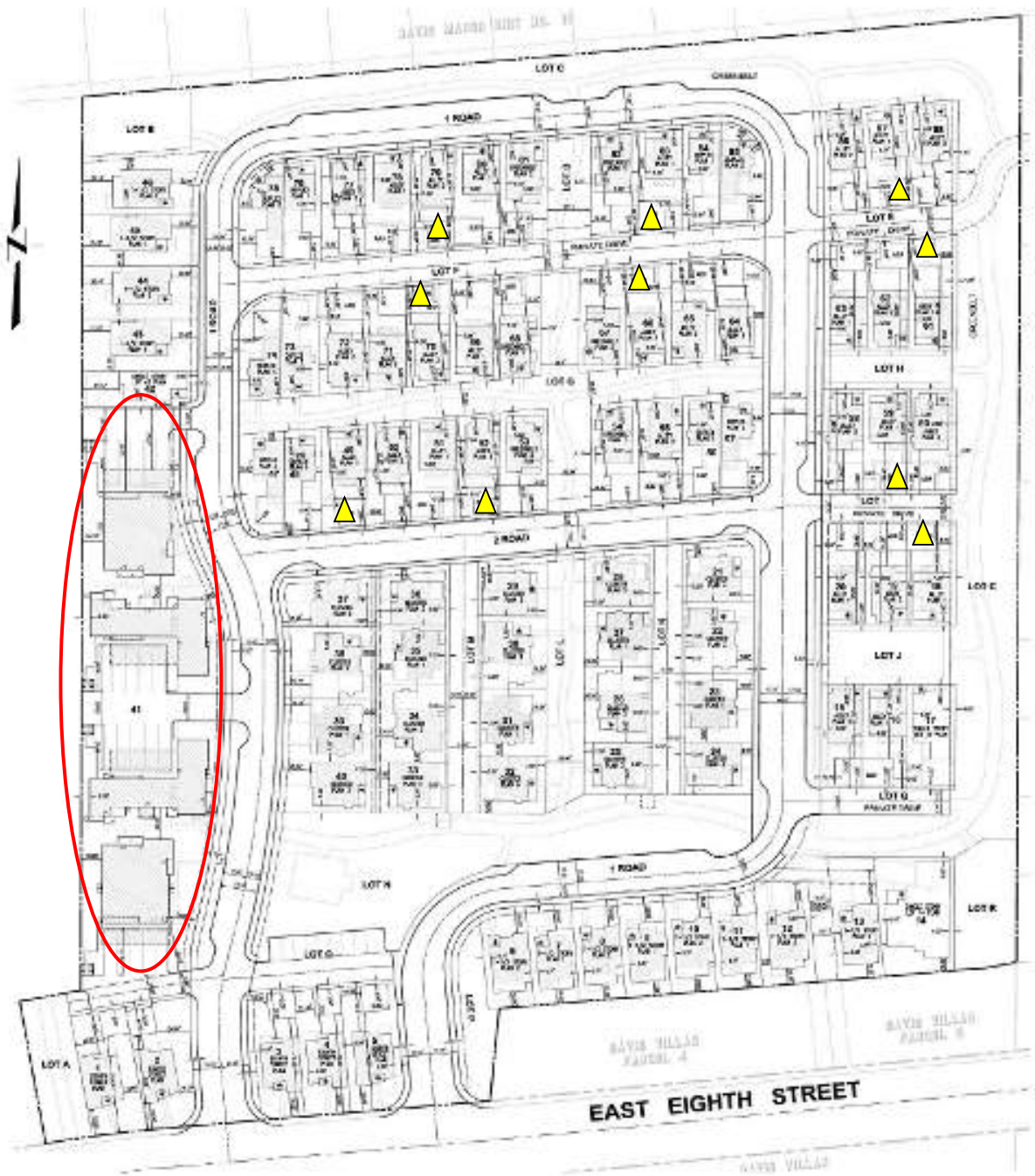
Project Description

The applicant is proposing revisions to “*Chiles Ranch*” subdivision, a single-family residential development of 108 units located at 2411 E. Eighth Street, approved by the City Council in 2009. The project went through an extensive public review process over a two-year period beginning in 2007 when the City received a grant from the Sacramento Area Council of Government (SACOG) provided to local governments to promote public involvement in Blueprint-friendly community development and to guide developers in preparing infill proposals. The process included four community workshops, a community design charrette, multiple public hearings before City Council, Planning Commission, and other City commissions, and a series of neighborhood meetings. The approved subdivision includes attached and detached 1-story, 1.5-story and 2-story single-family homes; 10 lots with a second dwelling unit constructed above the detached garage; 22 for-sale affordable units including 20 condominium units; new public street and new greenbelt connection to Mace Ranch Park. The developer has a Development

Agreement with the City and an approved tentative map with the right to proceed with development of the site without further approvals. However, the developer is proposing revisions to certain components of the project and these changes require Planning Commission review and a recommendation to City Council for final action. Approved changes to the project will be reflected in the Conditions of Approval and a Supplemental Development Agreement.

The proposed modifications are summarized below and further detailed in the “*Analysis*” section of the staff report.

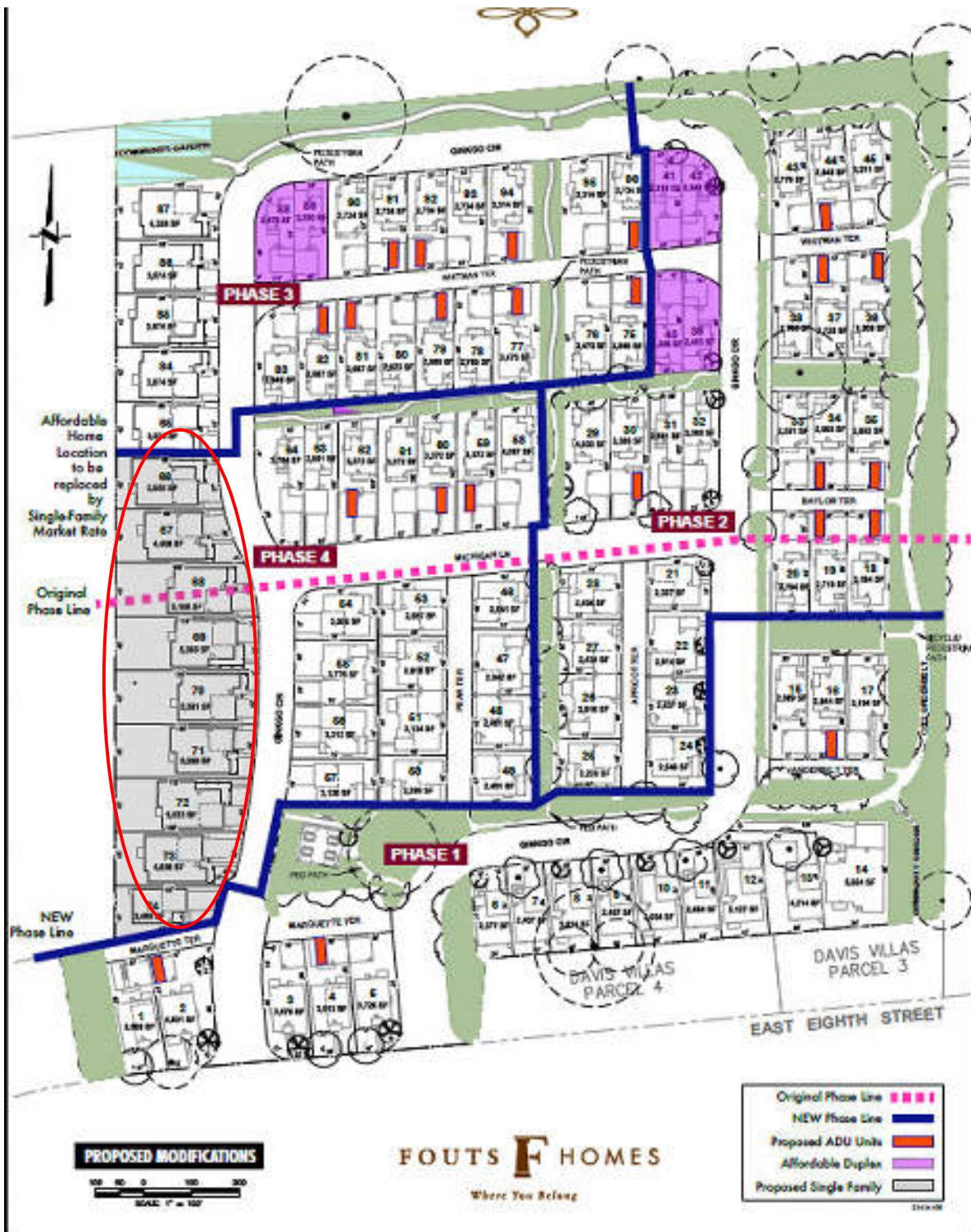
- Reduce the number of dwelling units in the project from 108 units to 96.
- The change in dwelling units reduces the affordable housing obligation from 22 units to 14.
- Revised Affordable Housing Plan omitting 20 affordable condominium units from the plan, and meet affordable housing obligation through a mix of on-site construction of 6 for-sale units and payment of in-lieu fees for remainder.
- Subdivide the condominium parcel (Lot 41) into 9 single-family market rate lots (“*Chiles Ranch West*”).
- Increase number of lots constructed with an accessory unit above the detached garage from 10 to 23.



ORIGINAL SITE PLAN

FOUTS F HOMES

Showing Lot 41 (single condo parcel) and 9 Lots Designated for Accessory Units



Showing Lot 41 Subdivided in 9 Lots, 23 Lots Designated for or Accessory Unit, Location of Affordable Units

Project Background

The subject site is located on E. Eighth Street, south of Regis Drive, west of Mesquite Drive, east of the Davis Cemetery, and north of E. Eighth Street. The site originally operated as a family farm and contained a large farmhouse which was destroyed in a fire in 1972. When the property was proposed for development in 2007, it was largely vacant with the exception of the southwest quadrant of the property which contained multiple trees, a large barn, and a few deteriorated outbuildings. The barn and outbuildings have since been demolished and the majority of trees have been removed, consistent with the project's tree mitigation plan. Staff notes that current generations of the Chiles family, neighbors in the project area, and the applicant proposed to name the subdivision "*Chiles Ranch*" to acknowledge the role of the Chiles family in the history of the property. Access to the subdivision will be from two entries located off E. Eighth Street. An open space area with two large oak trees and a gathering structure are located at the entrance.



Approved Chiles Ranch Site Layout

Lots in the subdivision range from 2,000 to 5,000 square feet. Floor plans range from 1,047 to 2,200 square feet, three or four bedrooms, and two or two and a-half baths. Each dwelling includes an attached two-car garage; lots with a second dwelling unit provide an extra dedicated parking space for that unit. The project includes the following key features:

- ✓ Provide for-sale single-family affordable housing
- ✓ Diversity of housing styles including approximately 15 architectural exteriors
- ✓ "Like to like" housing (a new home constructed adjacent to a single-story home in the existing neighborhood would be 1-story or 1.5 story, with the single story portion of the

dwelling located next to the existing single- story dwelling. A new home constructed near an existing two-story home would be two-story)

- ✓ 50-foot buffering between existing homes and new homes north and east of the project site
- ✓ Approximately 217 new trees planted on the site
- ✓ Common resident amenities such as large outdoor gathering space with seating, resident gardens, walking paths throughout site
- ✓ Monthly homeowner's association fees collected to maintain common area landscaping and private infrastructure
- ✓ Bicycle/pedestrian connectivity through Chiles Ranch to Mace Ranch Park
- ✓ Facilitate potential new bus route on Mesquite Drive
- ✓ Provide second point of emergency access at the northeast corner of the site via an enhanced portion of the bike path off Wellesley Avenue
- ✓ Traffic calming measures installed on E. Eighth Street in the project vicinity



Typical Elevations: 2-story and 1.5 story dwellings

The site layout will not change and the key features noted above will remain. The revised project will fully comply with applicable City ordinances adopted after the project was approved in 2009. These include Renewable Energy ordinance, including installation of photovoltaics on each dwelling; and Universal Access ordinance including providing 91 units with an accessible bedroom on the first floor, and providing an accessible bathroom on the first floor in all dwellings.

Previous Planning Action

June 2007-June 2009

As noted, the project was extensively reviewed and refined through a number of community meetings during the SACOG process and multiple City Council and Planning Commission meetings over a two-year period.

November 2008

Social Services Commission. Review of the plan provided 22 on-site units. SSC recommended support for the affordable housing plan.

May 2009

Planning Commission. Review and recommendation to City Council to approve entitlements for 108-unit residential subdivision.

June 2009

City Council. Certified Mitigated Negative Declaration #1-08, approved entitlements Chiles Ranch Subdivision.

Staff notes that the developer met thirteen times with the Sunrise Neighborhood Association (a City-recognized association of residents in the vicinity of the project) between February 2008 and June 2009 to solicit their comments and input on the project.

More recent commission meetings related to the project revisions include the following:

November 2015 **Social Services Commission.** Review of revised affordable housing plan proposing payment of in-lieu fees for all affordable units. The SSC did not support the change from development of units on-site to payment of in-lieu fees.

April 2016 **Senior Citizens Commission.** Review project for consistency with the “*Guidelines for Housing That Serves Seniors and Persons With Disabilities.*” Commission concurred that Chiles Ranch Subdivision met the criteria of consistency with the guidelines.

May 2016 **Bicycle Transportation and Street Safety Commission.** Review of the bicycle connectivity and circulation plan. No formal recommendation.

Project Data

Applicant / Property Owner:

Don Fouts
New Urban Development, LLC
1949 5th Street, Suite 107
Davis, CA 95618

Project Location:

2411 E. Eight Street

General Plan Land Use:

Residential Medium-Density

Zoning:

PD #8-07, Residential Uses

Lot Size:

12.07 acres (525,769 square feet)

Existing Use:

Vacant

Adjacent Zoning and Land Use:

North: R-1-6, single family residential; single family dwellings
East: R-1-6, single family residential; single family dwellings
West: Davis Cemetery District; cemetery
South: E. Eighth Street; R-2, one and two family residential uses; duplexes; and PD #1-89, multi-family uses; apartments

Environmental Determination

An Initial Study was prepared for the project to evaluate potential impacts associated with a 108-unit residential development on the subject site. It revealed that an Environmental Impact Report is not warranted. The recommended mitigation measures and conditions of approval will reduce any impacts associated with this project to less than significant levels. Standard city mitigation measures, including applicable mitigation measures from General Plan EIRs would also be applicable to the project. Negative Declaration #1-08 was prepared for the project and certified by the City Council in June 2009. Staff has identified no new information or changed circumstances. Further environmental analysis is not required pursuant to Section 15162 of the CEQA guidelines.

Public Noticing and Neighborhood Outreach

Public Hearing Notices for this meeting were sent to all property owners within a 500-foot radius of the subject site and were published in The Davis Enterprise. To date staff has received two comments on the revised affordable housing plan, provided in Attachment 6.

The applicant conducted a neighborhood meeting regarding the proposed revisions on February 18, 2016. Notices were mailed to property owners within a 500-foot radius of the project site. Thirty neighbors attended. The applicant stated that one person did not support the change to the affordable housing plan; a question was raised regarding the traffic calming measure; there was no objection voiced regarding the increase in the number of second dwelling / accessory units within the project.

Project Analysis

General Plan and Zoning Consistency

The applicant proposed revisions to the Chiles Ranch Subdivision shown below including: reduced number of units; Revised Affordable Housing Plan; subdivision of condominium Lot 41; increase in number of accessory units provided in the project. The changes would be consistent with the General Plan, Zoning Ordinance, and Subdivision Ordinance. No changes are necessary or proposed to accommodate the proposed revisions.

Proposed Revisions:

Reduce Number of Units in the Subdivision / Revise Affordable Housing Plan

The applicant proposes to reduce the number of dwelling units in the subdivision from 108 to 96. The primary reason for the change is due to a revised Affordable Housing plan for the development that will reduce the affordable housing obligation from 22 to 18. After the project was approved in 2009, the City's Affordable Housing Ordinance was amended, including providing an in-lieu fee option to developers to pay a fee into the city's Housing Trust Fund, on a per affordable unit basis, instead of constructing affordable units within the project, subject to City Council approval. Subsequently, in 2015 the developer proposed a revised affordable housing plan to omit the affordable for-sale condominium units and to pay in-lieu fees to fully meet the revised affordable housing obligation for 14 units through the payment of in-lieu fees at \$75,000 per unit (\$1,050,000).

The applicant states the following reasons for omitting the affordable condominium units from the project:

- The challenges of selling the affordable condominium units presents challenges not originally taken into consideration.
- Building condominium units in today's insurance market is very difficult. Finding lenders who will lend on condominiums that are price and income restricted creates additional issues.
- The necessity to create a Homeowner's Association to ensure maintenance of condominium units with shared walls, roofs, and parking areas affects the affordability of the new homes.
- The layout of the units is inferior to the other homes in the subdivision would be very difficult to sell given purchasing options elsewhere in surrounding communities.

In-lieu fees can provide funds for the construction of affordable ownership and rental units for very low, low, and moderate income households in other projects. Through partnerships with non-profit housing developers, in-lieu fees can help create affordable housing for a wide-range of households, including families, students, people with special needs, and seniors. The funds could also be used on city-initiated projects and can include the full range of affordable housing activities including purchase and deed restriction of units, rehabilitation of units, development of units, and preservation of units. These funds are also needed given the loss of redevelopment funding a few years ago and the ongoing reduction to the federal Home Investment Partnerships program. For these reasons staff supported the proposal for all in-lieu fees.

The Social Services Commission did not support the change from development of affordable housing units within the project to the payment of in-lieu fees, and recommended that the developer revisit the design of the units, if needed, to make them more marketable and a better fit in the revised plan. The SSC action is advisory. Prior to moving forward to Council for a final determination on the revised proposal for all in-lieu fees, staff has been working with the developer to encourage a plan that would provide a mix of on-site units and in-lieu fees. Under a Project Individualized Plan (PIP) (Municipal Code Section 18.05.050(a)(3)(A), "*...the developer may meet housing requirement with an individual program that is determined to generate an amount of affordability equal to or greater than the amount that would be generated under the standard income affordability requirements.*"

The applicant now proposes a PIP to meet an affordability obligation for 18 units, or 4 more units than the 14 units required for a 96-unit project. The plan would provide 6 for-sale affordable units constructed on site, and payment of in-lieu for 12 units at \$75,000 per unit (\$900,000). Staff believes that the 20 condominium units no longer fit with the affordable plan as the obligation is reduced from 22 to 14. Because the condo development is 20 units, it will be problematic to market and sell some of the units at affordable prices, and other units at market rate prices. In addition, condominium unit's management and maintenance have a heavy burden for administrative expenses that single-family homes do not. The 9 new lots will be the largest and likely most expensive lots in the development, and therefore are not practical for affordable units.

The developer is working with an approved site plan and is making adjustments to the project to provide inclusionary units within the existing layout. The developer has committed to providing 6 units, as the approved development plan already includes attached duets, which by nature provide affordability, but also include desirable features for buyers. These units will all be two-story for-sale attached single-family homes of approximately 1,314 square feet, with 3-bedrooms

and 2 bathrooms, and 2-car garage. Each unit will have an accessible bedroom and bathroom on the first floor. Interior finishes will be similar to those in market rate units. The units will be sold at an average of \$296,253, subject to Council approval. By comparison, market rate homes of comparable size are anticipated to sell for \$500,000. The 6 duets would provide affordable income households an opportunity for ownership in a new development. The remainder of the obligation would be met in the form of in-lieu fees paid by the developer to the City for purchase, rehabilitation, development, and preservation of affordable units thought the City.



Elevation Affordable Attached Single-Family Dwelling

The applicant states that based on recent experience, the ability to sell the currently required 22 affordable homes within a reasonable time period is doubtful. Fouts Homes recently held a lottery for the purchase of the 14 affordable homes within Grande Village. There were 132 applicants for these 14 homes. There is interest in affordable homes however, Fouts Homes estimates that it will attempt to qualify at least 80 of these applicants before successfully qualify 14 buyers. Considering that Berrybridge and Willowcreek have a combined 12 affordable homes to sell in addition to the 14 homes being sold within Grande Village, the potential qualified applicant pool has been greatly diminished. Adding an additional 22 homes that must be sold under the Cities affordable housing requirements increases the difficulty in finding qualified buyers. Taking all of these factors into consideration, a mix of 6 new affordable homes in combination with the payment of \$900,000 to the City in in-lieu fees is a win/win.

Staff supported the original proposal for payment of in-lieu fees for all affordable units, but believes that the PIP under consideration offers a better alternative. The developer has worked

with staff to refine the proposal to include new affordable housing units in the development, which staff believes is more consistent with the City goals and policies to provide a mix of housing types and prices in each new development area. Staff supports the PIP for the following reasons:

- The PIP will provide for more affordable units /fees than would otherwise be required for a 96-unit project.
- The PIP will be beneficial to the community, providing new single-family for-sale affordable housing units.
- The PIP will be beneficial to the City, providing \$900,000 in fees for affordable housing activities including purchase, rehabilitation, development, and preservation of affordable units through the City.

Staff notes that the revised proposal currently under consideration was not taken back to SSC for review, as the Commission's preference for all affordable units to be constructed on site was clear.

Subdivide Condominium Parcel, Lot 41

This proposed change in the number of units in the subdivision reflects the subdividing of Lot 41, a single parcel originally intended for a 20-unit condominium project, into 9 single-family lots (Chiles Ranch West). This modification brings the number of units to 98. A slight shift in lot lines within the project area to accommodate the 9 new lots results in the loss of two lots from the original 108-unit plan, bringing the total number of dwelling units in the project to 96.

Overall, staff believes the change would provide a more cohesive infill development and seamless integration into the neighborhood, consistent with existing surrounding single-family homes bordering the site. In addition, the number of parking spaces required for the development of Lot 41 for condominium use would be reduced from 40 spaces to 20 spaces for single-family homes. This will reduce paved area in the project, resulting in larger parcels and bigger back yards for the new lots. Under the existing development agreement, the developer is obligated to pay a supplemental fee of \$3,000 for each market rate unit. With the subdivision of Lot 41 to market rate lots, the number of market rate units will increase from 86 units and \$258,000 in supplemental fees, to 90 units and \$270,000 in supplemental fees.

Tentative Map. The change to Lot 41 and the creation of 9 new lots would be processed through a Tentative Subdivision Map for "Chiles Ranch West." Staff has not identified any issues related to the map application and recommends approval of the Tentative Subdivision Map. Provisions including, but not limited to, explicit use, maintenance and repair, replacement of, common area, easements, and utilities if located within the reciprocal access easement; methods and process for allocating and collecting costs associated with the maintenance, repair, and/or replacement of same shall be subject to the review and approval of the City Engineer and/or City Attorney.

Final Planned Development. A final Planned Development is required to establish the development standards on the 9 new lots in Chiles Ranch West. The development standards will be consistent with the existing approved standards for dwellings within the subdivision in terms of building size, height, and parking standards. The development standards are provided in Table 1. Below. Amendments to the established standards would require a Revised Final

Planned Development, and subject to review and approval by the Planning Commission. The The Final Planned Development Plan for *Chiles Ranch West* is provided in the Chiles Ranch Matrix, Lots 66-74 (Attachment 4).

Table 1. Final Planned Development #8-15

Chiles Ranch Lot Matrix																				
Lot #	Plan	Lot Area (SF)	Plan Footprint	Detached Garage Footprint	Total Footprint	Maximum Lot Coverage	Living Area	ADU Living Area	Total Living Area	Maximum FAR	Minimum Open Space	Maximum Height	1st Story Minimum Setbacks				2nd Story Minimum Setbacks			
													Left	Right	Front	Rear	Left	Right	Front	Rear
66	Mapleton	3,925	2,170	-	2,170	60%	2,480	-	2,480	65%	15%	30'	3'	3'	16'	12'	5'	5'	16'	12'
67	Columbia	4,408	1,987	-	1,193	50%	2,407	-	2,407	65%	20%	30'	3'	3'	16'	12'	5'	5'	16'	12'
68	Washburn	5,168	2,015	-	2,015	45%	2,648	-	2,658	50%	20%	30'	3'	3'	16'	12'	5'	5'	16'	12'
69	Mapleton	5,395	2,170	-	2,170	45%	2,480	-	2,480	50%	15%	30'	3'	3'	16'	12'	5'	5'	16'	12'
70	Columbia	5,381	1,987	-	1,193	45%	2,407	-	2,407	50%	20%	30'	3'	3'	16'	12'	5'	5'	16'	12'
71	Washburn	5,268	2,015	-	2,015	45%	2,648	-	2,658	50%	20%	30'	3'	3'	16'	12'	5'	5'	16'	12'
72	Mapleton	5,033	2,170	-	2,170	45%	2,480	-	2,480	50%	15%	30'	3'	3'	16'	12'	5'	5'	16'	12'
73	Columbia	4,638	1,987	-	1,193	45%	2,407	-	2,407	60%	20%	30'	3'	3'	16'	12'	5'	5'	16'	12'
74	Bellevue	3,465	1,253	-	1,253	40%	1,594	-	1,594	50%	20%	30'	3'	3'	16'	12'	3'	3'	16'	12'

A Revised Final Planned Development Plan for *Chiles Ranch* is required to reflect minor changes to the development standards due to minor shift in lot lines to accommodate the new lots. Revised Final PD standards are provided in Attachment 4, Lots 1-65 and 75-96.

The project does not require Design Review as the 9 new lots will be incorporated into the existing site plan configuration and the new dwellings will utilize previously approved architectural styles and materials. The project will provide architectural diversity, offering 20 floor plans, with multiple elevations. The 9 homes will be two-story. Exterior elevations and floor plans for the new dwellings are provided for informational purposes in Attachment 5.

Increase Number of Accessory Units

The approved project provides a second dwelling unit above the detached garage on 10 lots. The original proposal in 2009 was to provide second dwelling units on 21 lots. However, during neighborhood and public meetings, the Sunrise Neighborhood Association, expressed concerns that 21 secondary dwelling units would significantly increase the density and cause Chiles Ranch residents to park on their streets. In response, the applicant proposed a compromise to provide 11 secondary dwelling units, and to limit the space above the garage on 10 lots to bedroom/den/office, without a kitchen (“granny flat”). The City Council ultimately limited the number of second dwelling units in the subdivision to a maximum of 10, and specifically prohibited additional accessory units in the future.

In 2012-2014 the City Council established a goal to implement a robust accessory dwelling unit program to promote and expedite second dwelling units and granny flats, and to consider appropriate and effective ways to streamline the processing of second dwelling units and granny flats while ensuring compatibility with neighborhoods. Council directed staff to develop zoning ordinance changes to implement the concepts for changes to the review and standards for second

dwelling units and granny flats. As a result, Ordinance 2445 was adopted in March 2015 that reduced costs, streamlined processing time, and relaxed zoning standards to encourage second dwelling units and granny flats in the City. The developer is requesting consideration of the original 2009 proposal, with a slight increase from 21 to 23 accessory units. The developer has committed to providing at least 10 second dwelling units in the subdivision, which may be rented independently, and may provide new rental housing units. The proposal would allow accessory unit on an 13 additional lots. Buyers would have the option to finish the space as a second dwelling unit that may be rented, or as bedroom/den/office or similar use without a kitchen for the property owner's use. While not all buyers will opt for a secondary dwelling unit, providing this option on more lots may result additional rental opportunities. However, the addition of any accessory unit to the project would push the number above the 10 allowed under the current approval.

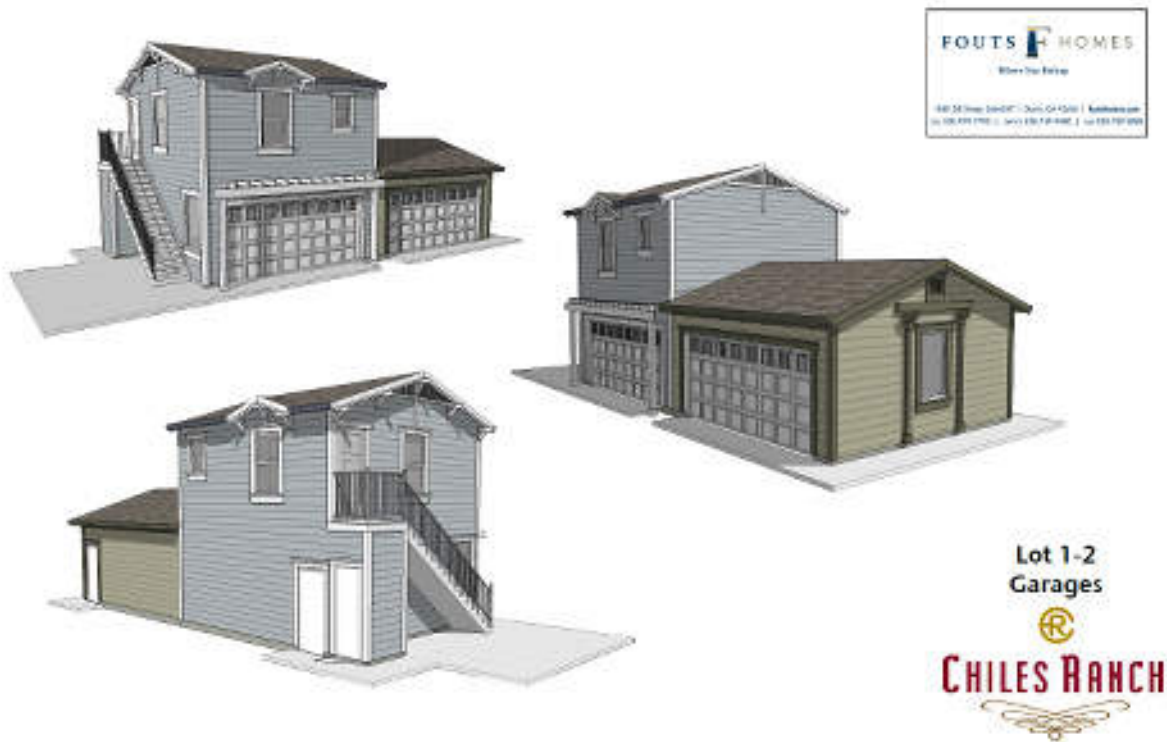
Staff believes this limit is inconsistent with current City Council objectives to encourage second dwelling units and granny flats in the City. Chiles Ranch provides a unique opportunity for a new development to provide these units at time of construction. This will ensure that the units are built and will be consistent in terms of design and quality. Several key General Plan policies and goals also encourage second dwelling units including:

- *Encouraging increased densities in Davis in order to facilitate greater affordability without sprawl (Action Housing 1.1g). Study such dwellings as ...second dwelling units. Offer incentives to homeowners to add granny flats and second units. (Standard Housing 4.1.h).*
- *Require a mix of housing types, densities, prices and rents, and designs in each new development area. (Land Use and Growth Management Policy LU.3)*
- *Encourage a variety of housing types that meet the housing needs of an economically and socially diverse Davis (Policy Housing 1.1).*
- *Strive to maintain an adequate supply of rental housing in Davis to meet the needs of all renters, including students (Policy Housing 1.2).*
- *Promote adequate housing opportunities for people of all ages, incomes, lifestyles and types of households (Housing Goal 1)*
- *Vision: Promote in each neighborhood a diversity of housing options that will enable people with wide range of needs, economic levels, cultural identities and ages to live in Davis*

In terms of parking concerns raised in 2009, the project is designed to accommodate extra accessory units. Chiles Ranch proposes a minimum of two, and up to four on-site parking spaces for each home, regardless of whether or not it includes a second dwelling unit. Each lot with an accessory unit will provide a minimum of 3 spaces. A total of 192 on-site parking spaces are required; the project provides 266 spaces. In addition, seventy on-street spaces are provided within the development. While some of the homes in the subdivision will front E. 8th Street and residents and guests may utilize some existing on-street parking spaces, staff believes that the project provides sufficient internal on-site parking to meet demand, and does not anticipate spillover into adjacent neighborhoods. Generally, residents do not want to park in another neighborhood and walk to their homes.

Staff supports the increase in number of second units and/or similar living space above the garage from 10 to 23 lots for the project for the following reasons:

- Consistency with City Councils goals to promote second units and granny flats
- Provides an opportunity for developer constructed units as part of the new development
- Provides new rental housing options
- Does not increase the density of the project
- Units without a kitchen will provide extra living space for the property owner (game room, teen bedroom, in-law unit, guest house)
- One additional on-site parking space will be provided on all lots with a second dwelling unit or other similar accessory space.
- Developer constructed units will ensure that the units will be consistent in design, materials and quality.



Typical Elevation Second / Accessory Unit Above Garage. Garages are Located and Accessed from the Rear of the Lot.

Development Agreement (DA)

A Development Agreement provides a vested right for development of an approved project. The Development Agreement for the overall project was approved by the City Council in June 2009. With the proposed changes a Supplemental Development Agreement is necessary. A summary of changes that will be incorporated into the First Supplement and Amendment to Development Agreement (Attachment 1) are shown in Table 2. on the following page:

Table 2. First Supplement and Amendment to Development Agreement

2009 Development Agreement	Proposed Supplemental Agreement
Number of Units: 108 units	96 units
Affordable Housing Requirement: 22 low/moderate affordable units <ul style="list-style-type: none"> • 22 condominium units • 2 single-family dwellings 	18 low/moderate affordable units <ul style="list-style-type: none"> • 6 attached single-family units • 12 paid in-lieu fees @ \$75,000 per unit (\$900,000)
Supplemental Residential Fee for Market Rate Units: \$3,000 per unit @ 86 units (\$258,000)	\$3,000 per unit @ 90 units (\$270,000)
Architectural Diversity: Detached single-family dwellings Attached single-family dwellings Condominium units	No condominium units
Quimby in-lieu Fees: \$7,921.47 per unit for 108 units (\$855,518.76)	Rate in effect at time of payment (currently \$9,361 per unit) for 90 units (\$842,4900)
	Compliance with Renewable Energy Ordinance
	Compliance with Universal Access Ordinance

Conclusion

Staff finds that the revisions proposed are supportable in that:

- No negative environmental impacts are associated with the changes.
- The change from affordable condominium units to affordable single-family homes on site will be better integrated into the new development.
- The project provides new affordable for-sale housing opportunities, and fees to the City for purchase, rehabilitation, development, and preservation of affordable units.
- The 9 new lots and dwellings are well situated, abutting the cemetery, and will create no negative impacts to existing homes.
- The dwellings and uses are compatible with the character of the approved Chiles Ranch subdivision and surrounding neighborhood.
- The project provides potential new rental opportunities in the form of second dwelling units.
- The project provides a minimum of two parking spaces for each dwelling and an additional space for each lot containing an accessory unit.
- Previously approved project features remain.

Findings and Conditions of Approval for the requested entitlement applications are provided in Attachment 3.

Attachments

1. Draft Supplemental Development Agreement
2. Tentative Map

3. Recommended Findings and Conditions of Approval
4. Chiles Ranch Matrix
5. Building Elevations Floor Plans
6. Correspondence

Additional Information on Chiles Ranch Subdivision 2009 can be found at City of Davis Website: <http://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/chiles-ranch-project-information>

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS APPROVING
THE FIRST SUPPLEMENT AND AMENDMENT TO THE DEVELOPMENT
AGREEMENT REGARDING THE CHILES RANCH SUBDIVISION PROJECT**

WHEREAS, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Sections 65864 *et seq.* (the "Development Agreement Statute") which authorizes cities to enter into agreements for the development of real property with any person having a legal or equitable interest in such property in order to establish certain development rights in such property; and

WHEREAS, in accordance with the Development Agreement Statute, the City of Davis (the "City") has enacted regulations (the "Development Agreement Regulations") to implement procedures for the processing and approval of development agreements in accordance with the Development Agreement Statute; and

WHEREAS, the developer of the site desires to carry out the development of the Property consistent with the General Plan, as amended, and the Development Agreement, as amended (the "Development Agreement"); and

WHEREAS, the Development Agreement will assure both the City and the Developer that the Project can proceed without disruption caused by a change in City planning and development policies and requirements, which assurance will thereby reduce the actual or perceived risk of planning, financing and proceeding with construction of the Project and promote the achievement of the private and public objectives of the Project; and

WHEREAS, pursuant to Section 65867 of the Government Code, the Planning Commission held a duly noticed public hearing on May 10, 2017, on Planning Application #15-24, during which

public hearing the Planning Commission received comments from the Developer, City staff, and members of the general public; and

WHEREAS, the City Council held a duly noticed public hearing on May 24, 2017, on Planning Application #15-24, and the Development Agreement, during which public hearing the City Council received comments from the Developer, City staff, and members of the general public.

THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. This Ordinance incorporates, and by this reference makes a part hereof, the First Supplement and Amendment to Development Agreement attached hereto as Exhibit A, subject to the provisions of Section 5 hereof.

SECTION 2. This Ordinance is adopted under the authority of Government Code Section 65864 et seq., and pursuant to “Development Agreement Regulations”.

SECTION 3. In accordance with the Development Agreement Regulations, the City Council hereby finds and determines, as follows:

- (a) The Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan, in that it establishes certain development rights, obligations and conditions for the implementation of the Chiles Ranch Subdivision;
- (b) The Development Agreement is compatible with the uses authorized therein, and the regulations prescribed for, the general plan designations which will apply to the Property;
- (c) The Development Agreement is in conformity with public convenience, general welfare and good land use practice;

- (e) The Development Agreement will not be detrimental to the public health, safety and general welfare;
- (f) The Development Agreement will not adversely affect the orderly development of property or the preservation of property values; and
- (g) The Development Agreement is consistent with the provisions of Government Code Sections 65864 through 65869.5.

SECTION 4. The foregoing findings and determinations are based upon the following:

- (a) The Recitals set forth in this Ordinance, which are deemed true and correct;
- (b) The City's General Plan, as amended;
- (c) All City staff reports (and all other public reports and documents) prepared for the Planning Commission, City Council, or others relating to, Planning Application #15-24, including Tentative Map #2-15, Revised Affordable Housing Plan #1-15, Final Planned Development #8-15, Revised Final Planned Development #2-17, and the Development Agreement and other actions relating to the Property;
- (d) All documentary and oral evidence received at public hearings or submitted to the Planning Commission, or City during the comment period relating to the Mitigated Negative Declaration #1-08, the Development Agreement, and other actions relating to the Property; and
- (e) All other matters of common knowledge to the Planning Commission and City Council, including, but not limited to the City's fiscal and financial status; City policies and regulations; reports, projections and correspondence related to development within and surrounding the City; State laws and regulations and publications.

SECTION 5. The City Council hereby approves the First Supplement and Amendment to the Development Agreement, attached hereto as Exhibit A, subject further to such minor, conforming and clarifying changes consistent with the terms thereof as may be approved by the City Manager, in consultation with the City Attorney to execution thereof, including completion of references and status of planning approvals, and completion and conformity of all exhibits thereto, and conformity to the General Plan, as amended, as approved by the City Council and the voters.

SECTION 6. Upon the effective date of this Ordinance as provided in Section 9 hereof, the Mayor and City Clerk are hereby authorized and directed to execute the Development Agreement on behalf of the City of Davis

SECTION 7. The City Manager is hereby authorized and directed to perform all acts authorized to be performed by the City Manager in the administration of the Development Agreement pursuant to the terms of the Development Agreement.

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 9. This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption.

* * * * *

THE FOREGOING ORDINANCE was first read at a regular meeting of the Davis City Council on the _____ of _____, 2017, and was passed and adopted at a regular meeting of the Davis City Council on the _____ day of _____, 2017.

AYES:

NOES:

ABSTAIN:

ABSENT:

Robb Davis, Mayor of the City of Davis

Attest:

Zoe Mirabile, City Clerk of the City of Davis

EXHIBITS

EXHIBIT A: FIRST SUPPLEMENT AND AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DAVIS AND NEW URBAN DEVELOPMENT, LLC, REGARDING CHILES RANCH SUBDIVISION

RECORDING REQUESTED BY
AND WHEN RECORDED MAILED TO:

City of Davis
Community Development & Sustainability
Department
23 Russell Boulevard
Davis, CA 95616

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**FIRST SUPPLEMENT AND
AMENDMENT TO DEVELOPMENT AGREEMENT**

THIS FIRST SUPPLEMENT AND AMENDMENT to Development Agreement by and between the CITY OF DAVIS and NEW URBAN DEVELOPMENT, LLC, (the "Amendment") is entered into as of _____ 2017, by and between the CITY OF DAVIS, a municipal corporation (hereinafter "City") and NEW URBAN DEVELOPMENT, LLC, (hereinafter "Developer), on the basis of the following facts, understandings and intentions of the parties:

RECITALS

A. The City and Developer entered into a Development Agreement dated as of June 30, 2009, enacted by ordinance No. 2342 (and recorded with the Yolo County Recorder's Office on August 6, 2009, Document Reference No. 2009-0025325-00) pursuant to the authority conferred upon the City by pertinent provisions of California law and City Resolution No. 5996, adopted June 29, 1988, establishing rules, regulations and procedures for the consideration of development agreements ("The Development Agreement.").

B. Pursuant to the Agreement, the Property has been subdivided for residential development ("Chiles Ranch Subdivision") by Developer and its successors and assigns. In implementing the development of the Property, the parties have determined that it is now appropriate and mutually beneficial to supplement and amend certain provisions of the Agreement as set forth in this Amendment.

NOW, THEREFORE, for and in consideration of the mutual promises and agreements contained in this Amendment, the parties agree as follows:

Section 1. The Development Agreement is hereby amended as follows:

[Sec. 101] Project Description

The project is amended from a 108-unit residential subdivision development, to a 96-unit residential subdivision, of which 86 lots exist under Tentative Map No. 4953 (“*Chiles Ranch Subdivision.*”), attached herein as Exhibit A. The single parcel created under Tentative Map No. 4953 for the development of 20 condominium units (Lot 41) will be subdivided under a new separate Tentative Map No. 5088 (“*Chiles Ranch West*”), attached herein as Exhibit B, to create 9 individual residential lots.

There is an affordable housing plan that applies to the project which requires 18 affordable housing units. The affordable housing obligation will be met by the Developer with the construction of six (6) 3-bedroom units within the development and the payment of in-lieu fees for twelve (12) units. The in-lieu fee shall be \$75,000 per unit (\$900,000). The Developer shall pay to the City the sum of \$75,000 at issuance of Certificate of Occupancy of each sixth (6th) market rate unit to ensure that the affordable in-lieu fee requirement is met by the time the project is seventy-five (75%) percent complete, at the seventy-second (72nd) unit receiving Certificate of Occupancy. Certificates of Occupancy will not be provided on the last twenty market rate units in the project until all affordable housing units have been issued a Certificate of Occupancy.

[Sec. 101] Term and Effective Date

A. This agreement shall commence, and its effective date shall be, thirty days after approval by the City Council. The term of Agreement shall extend for a period of five (5) years from the effective date, unless said term is terminated, modified or extended by circumstances set forth in this Agreement by mutual consent of the parties hereto, subject to provision of Section 104 of the Development Agreement.

[Sec. 201] Specific Development Obligations

A. Supplemental Residential Fee. In addition to all other fees to be paid by the residential development of the Chiles Ranch Subdivision, the Developer shall pay to the City the sum of \$3,000 at or before Certificate of Occupancy for each and every market-rate residential unit within the Chiles Ranch Subdivision. For purposes hereof, a market-rate unit shall mean and refer to a housing unit within the Chiles Ranch Subdivision that is not required by the City to be sold at a City-designated price

that is affordable to moderate or low income household, as such affordability is defined in the City of Davis Municipal Code, Section 18.06.020.

B. Greenhouse Gas Emissions Reduction and Renewable Energy Requirement. The 96-unit project shall meet the greenhouse gas emission reduction standards adopted by the City Council by Resolution #06,166, Series 2008, and Resolution #09-043, Series 2009 as shown in the Chiles Ranch Subdivision Greenhouse Gas Mitigation Plan provided as Exhibit D in the Development Agreement dated June 30, 2009, and; 4) shall comply with the renewable energy standards adopted by the City Council by Ordinance No. 2440, 2014, and 5) deleted.

D. Architectural Diversity

3) ~~Condominium units.~~ Deleted

[Sec. 204] Fees, Exactions, Conditions and Dedications

A. Except as provided herein, Developer shall be obligated to pay only those fees, in the amounts and/or with increases as set forth, and make those dedications and improvements prescribed in the Project Approvals and this Supplemental Agreement.

3) The Developer shall pay Parkland In-Lieu Fees for each residential unit within the Chiles Ranch Subdivision at Certificate of Occupancy for each unit. The fee shall be at the rate in effect at the time of payment as established and amended in Section 36.08.040(d) of the City of Davis Municipal Code.

4) The Developer shall pay \$270,000 (\$3,000 per unit for each and every market rate unit (90 units)). The supplemental fee shall be paid at Certificate of Occupancy for each residential unit. The fee shall be the amount in place contribution will be utilized for the purposes of community enhancements, as determined by the City.

[Sec. 800] Notices

Notice required to be given to the Developer shall be addressed as follows:

New Urban Development, LLC
c/o Don Fouts
1949 Fifth Street, Suite 107
Davis, CA 95616

Section 2. Other Terms Remain Unchanged

Except as expressly set forth herein above, all remaining terms and conditions of the Development Agreement shall remain unchanged and in full force and effect.

Section 3. Recordation

This Amendment, including all Exhibits attached hereto, shall be recorded within ten (10) days after the full execution of the Amendment and the Ordinance approving this Amendment becoming effective and the City hereby directs and designates the City Clerk to record this Amendment with the County Recorder of Yolo County within such time.

Dated: _____, 2017

CITY OF DAVIS,
A Municipal Corporation

By: _____
Robb Davis, Mayor

Dated: _____, 2017

DEVELOPER
NEW URBAN DEVELOPMENT, LLC

By: _____
Don Fouts, Developer

APPROVED AS TO FORM:

By: _____

HARRIET STEINER

City Attorney

ALL SIGNATURES ARE TO BE NOTARIZED

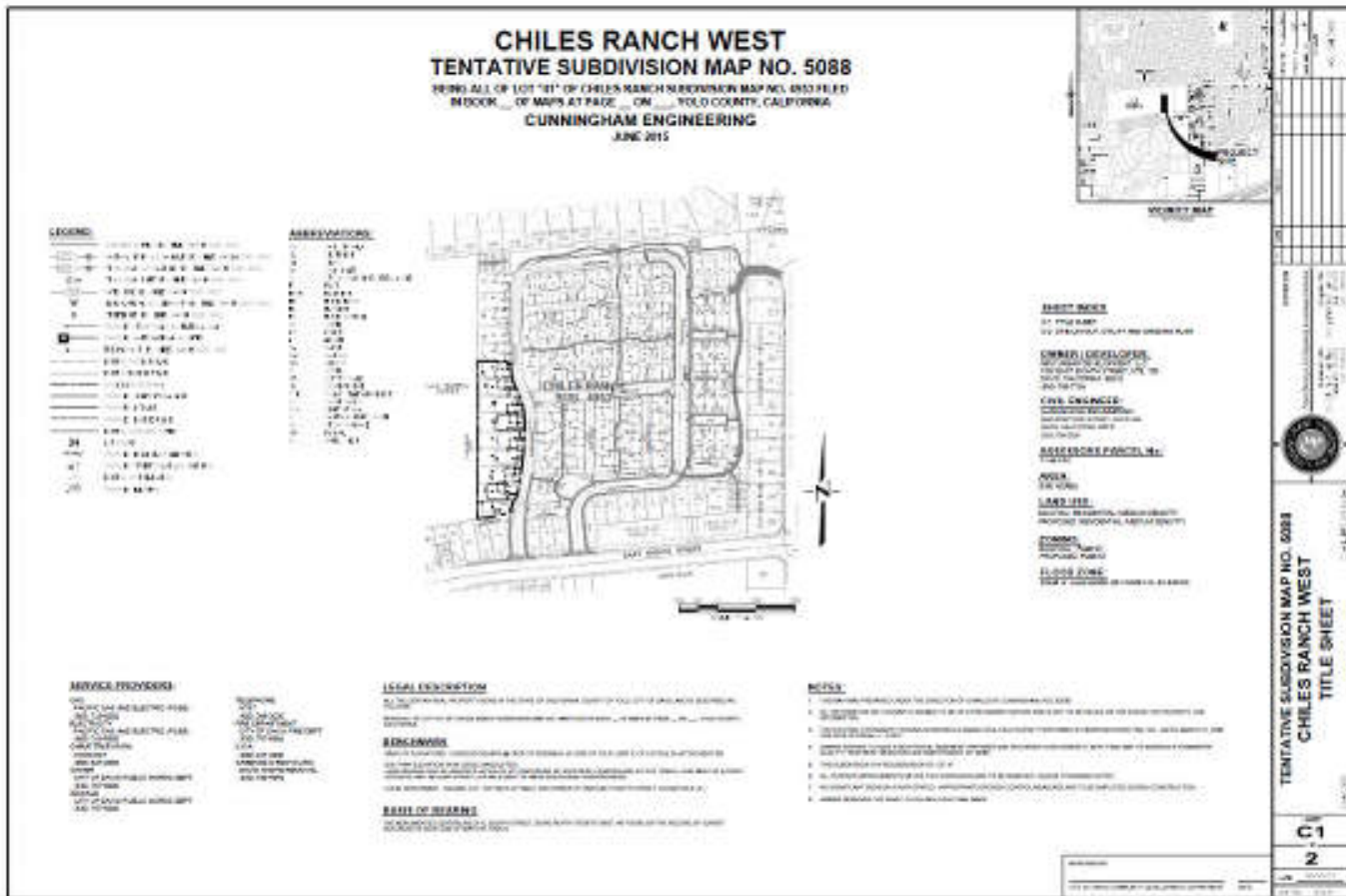
EXHIBIT A

TENTATIVE SUBDIVISION MAP NO. 4953
CHILES RANCH SUBDIVISION



EXHIBIT B

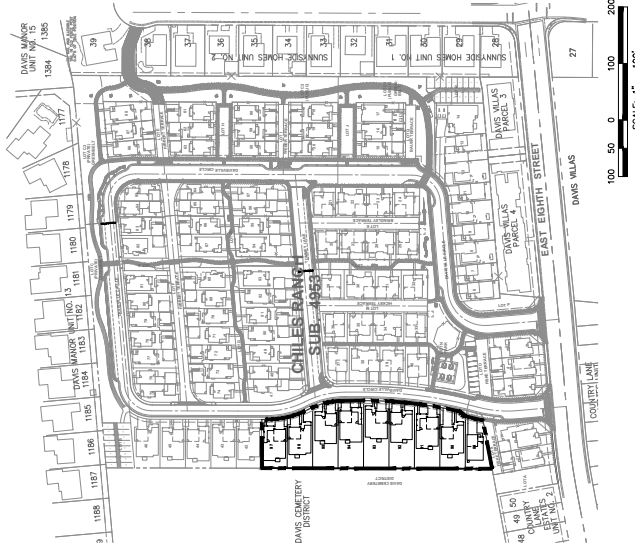
TENTATIVE SUBDIVISION MAP NO. 5088
CHILES RANCH WEST SUBDIVISION



CHILES RANCH WEST TENTATIVE SUBDIVISION MAP NO. 5088

BEING ALL OF LOT "41" OF CHILES RANCH SUBDIVISION MAP NO. 4953 FILED
IN BOOK ___ OF MAPS AT PAGE ___ ON __, YOLO COUNTY, CALIFORNIA

CUNNINGHAM ENGINEERING
JUNE 2015



LEGEND:

	CURB AND GUTTER PER CHILES RANCH SUBD. 4953
	SANITARY SEWER W/ MANHOLE PER CHILES RANCH SUBD. 4953
	STORM DRAIN W/ MANHOLE PER CHILES RANCH SUBD. 4953
	WATER LINE PER CHILES RANCH SUBD. 4953
	SEWER LATERAL W/ CLEANOUT PER CHILES RANCH SUBD. 4953
	STREETLIGHT PER CHILES RANCH SUBD. 4953
	FIRE HYDRANT PER CHILES RANCH SUBD. 4953
	EXISTING PROPERTY LINE
	EXISTING EASEMENT
	SUBDIVISION BOUNDARY
	PROPOSED RIGHT-OF-WAY LINE
	PROPOSED LOT LINE
	EXISTING CURB AND GUTTER
	24 PROPOSED FINISH FLOOR ELEVATION
	PROPOSED STREET GRADE AND DIRECTION
	EXISTING SPOT ELEVATION
	PROPOSED ELEVATION

ABBREVIATIONS:

AW	ASPHALT WALK
CH	CHIMNEY
CH	CHIMNEY
DI	DRAIN INLET
DL	DOWN SLOPE DRAIN LINE, DELTA ANGLE
E	EAST
EMT	EASEMENT
FL	FLOOR FINISH
FS	FINISH SURFACE
GR	GRATE
L	LENGTH
MA	MATCH
MIN	MINIMUM
N	NORTH
NIS	NOT IN SCALE
PL	PLUMBING
PL	PUBLIC UTILITY EASEMENT
R	RADIUS
S	SANITARY SEWER, SOUTH
SD	STORM DRAINAGE
W	WATER, WEST

SERVICE PROVIDERS:

- GAS: PACIFIC GAS AND ELECTRIC (PG&E)
- ELECTRICITY: PACIFIC GAS AND ELECTRIC (PG&E)
- CABLE TELEVISION: COMCAST
- WATER: YOLO COUNTY
- CITY OF DAVIS PUBLIC WORKS DEPT: (530) 757-5886
- CITY OF DAVIS PUBLIC WORKS DEPT: (530) 757-5886

- TELEPHONE: AT&T
- FIRE DEPARTMENT: CITY OF DAVIS FIRE DEPT
- U.S.A: (800) 272-2600
- GAS: PACIFIC GAS AND ELECTRIC (PG&E)
- CITY OF DAVIS PUBLIC WORKS DEPT: (530) 757-5886

LEGAL DESCRIPTION

ALL THE CERTAIN REAL PROPERTY BEING IN THE STATE OF CALIFORNIA, COUNTY OF YOLO, CITY OF DAVIS, AND IS DESCRIBED AS FOLLOWS:

LOT "41" OF CHILES RANCH SUBDIVISION MAP NO. 4953 FILED IN BOOK ___ OF MAPS AT PAGE ___ ON ____, YOLO COUNTY, CALIFORNIA.

BENCHMARK

BM F-146 ELEVATION 26.84 (USGS UNADJUSTED CENTERLINE OF SOUTHERLY (EASTBOUND) SP R.R. TRACK, 1.40 WEST OF A POINT OPPOSITE 401 SECOND STREET, 1.14 MILE WEST OF MACE BOULEVARD OVERCROSSING)

LOCAL BENCHMARK: SQUARE CUT, TOP BACK OF WALK, SW CORNER OF 202 1/2 EAST EIGHTH STREET, ELEVATION 41.4.

BASIS OF BEARING

THE MONUMENTED CENTERLINE OF E. EIGHTH STREET, BEING NORTH 79°26'19" EAST, AS FOUND ON THE RECORD OF SURVEY RECORDED IN BOOK 2003 OF MAPS AT PAGE 8.

NOTES:

- THIS MAP WAS PREPARED UNDER THE DIRECTION OF CHARLES W. CUNNINGHAM, ICE 30339.
- ALL INFORMATION ON THIS MAP IS DEEMED TO BE OF A PRELIMINARY NATURE AND IS NOT TO BE RELIED ON FOR SURVEY OR PROPERTY LINE INFORMATION.
- CONTRACTOR SHALL VERIFY SHOWN SCREENED IS BASED ON A FIELD SURVEY PERFORMED BY WORSWORTHY SURVEYING, INC. DATED MARCH 31, 2008. CONTRACT INTERVAL = 1 FOOT.
- OWNER INTENDS TO HAVE A RECIPROCAL EASEMENT PREPARED AND RECORDED CONCURRENTLY WITH FINAL MAP TO ADDRESS STORMWATER QUALITY TREATMENT MEASURES AND MAINTENANCE OF SAME.
- THIS SUBDIVISION IS A RESUBDIVISION OF LOT 41.
- ALL SURFACE IMPROVEMENTS WITHIN THIS SUBDIVISION ARE TO BE REMOVED UNLESS OTHERWISE NOTED.
- NO SIGNIFICANT EROSION IS ANTICIPATED. APPROPRIATE EROSION CONTROL MEASURES ARE TO BE EMPLOYED DURING CONSTRUCTION.
- OWNER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS.

SHEET INDEX

- C-1 TITLE SHEET
- C-2 SITE LAYOUT, UTILITY AND GRADING PLAN

OWNER / DEVELOPER:

NEW URBAN DEVELOPMENT, LLC
1800 EAST EIGHTH STREET, 8 SITE, 100
DAVIS, CALIFORNIA, 95616
(530) 757-5886

CIVIL ENGINEER:

CUNNINGHAM ENGINEERING
2000 SUNNYSIDE DRIVE, SUITE 200
DAVIS, CALIFORNIA, 95618
(530) 757-5208

ASSESSORS PARCEL NO.:

71-401-02

AREA:

0.36 ACRES

LAND USE:

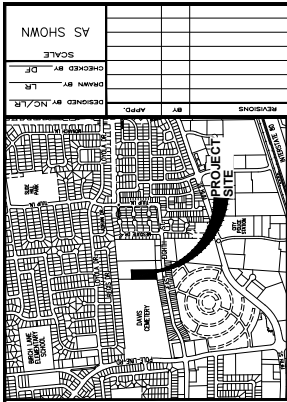
EXISTING: RESIDENTIAL (MEDIUM DENSITY)
PROPOSED: RESIDENTIAL (MEDIUM DENSITY)

ZONING:

EXISTING: PDMB-07
PROPOSED: PDMB-07

FLOOD ZONE:

ZONE X - UNSHADED, 0611302611G (6/18/2010)



VICINITY MAP
NOT TO SCALE

Project Planning & Civil Engineering & Landscape Architecture
Cunningham Engineering
2120 20th Street, Suite 200
Davis, CA 95618
(530) 452-7028

DESIGNED BY: J.C./L.R.
CHECKED BY: D.F.
SCALE: AS SHOWN

TENTATIVE SUBDIVISION MAP NO. 5088
CHILES RANCH WEST
TITLE SHEET

CALIFORNIA

DAVIS
SHEET C1
OF 2
DATE: 06/29/15
JOB NO.: 918-41

APPROVED BY: _____ DATE: _____
CITY OF DAVIS COMMUNITY DEVELOPMENT DEPARTMENT

Findings and Conditions of Approval
Chiles Ranch Subdivision
2411 E. Eighth Street

Planning Application #15-25: First Supplement and Amendment to Development Agreement #1-25, Tentative Map #2-15, Revised Affordable Housing Plan #1-15, Final Planned Development #8-15, Revised Final Planned Development #2-17

I. FINDINGS:

- 1. PROJECT DEVELOPMENT TIME LIMIT.** The property owner can commence substantial construction within eighteen months from the date of the final planned development approval and intends to complete the construction with a reasonable time.
- 2. GENERAL PLAN AND ZONING.** The development will comply with the General Plan land use designation of Residential Medium-Density. The proposed project will be consistent with the Zoning Ordinance and PD #xx. The proposed project will provide for an integrated and harmonious residential environment and creative relationship with adjacent residential uses.
- 3. CONSISTENCY WITH THE SUBDIVISION ORDINANCE.** In accordance with Section 36.06.080 of the City's Subdivision Ordinance, the proposed subdivision of land complies with requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act, the City's Subdivision Ordinance, the Municipal Code, and the General Plan.
- 4. COMPLIANCE WITH THE AFFORDABLE HOUSING ORDINANCE.** In accordance with Chapter 18.05 of the Davis Municipal Code the project complies with all of the requirements for affordable housing.
- 5. CIRCULATION.** The auto, bicycle and pedestrian traffic system is adequately designed to meet anticipated traffic and has been designed to provided the minimum amount of interference with each other in that, the proposed project has considered pedestrian and bicycle circulation in developing the site plan and meets the City's standards for private driveways, circulation, and number of parking spaces.
- 6. COMPATIBILITY.** The proposed project will constitute a residential environment of sustained desirability and stability in harmony with the character of the surrounding neighborhood. The proposed project is suitable for the site as it will comply with the standards in the zoning district, PD #8-07 (R-1), and the scale of the buildings will be consistent with within the district given the applicable development standards. As conditioned, the project will not have significant adverse effect on surrounding properties in that the plan incorporates standards for the site established as a means to minimize impacts on surrounding properties.
- 7. EXISTING CONDITIONS.** All previously approved Conditions of Approval for Chiles Ranch Subdivision shall remain in effect, except as specifically modified herein.

8. **ENVIRONMENTAL.** An Initial Study was prepared for the project to evaluate potential impacts associated with a 108-unit residential development on the subject site. It revealed that an Environmental Impact Report is not warranted. The recommended mitigation measures and conditions of approval will reduce any impacts associated with this project to less than significant levels. Standard city mitigation measures, including applicable mitigation measures from General Plan EIRs would also be applicable to the project. Negative Declaration #1-08 was prepared for the project and certified by the City Council in June 2009. Staff has identified no new information or changed circumstances. Further environmental analysis is not required pursuant to Section 15162 of the CEQA guidelines.

II. CONDITIONS OF APPROVAL:

1. **APPROVAL.** The entitlements approved for the project are: 1) First Supplement and Amendment to Development Plan; 2) Tentative Subdivision Map to subdivide Parcel 41 as shown on Tentative Subdivision Map No. 4953 into 10 individual lots; 3) Revised Affordable Housing Plan; 4) Final Planned Development establishing the building standards for “*Chiles Ranch West*”; and 5) Revised Final Planned Development #2-17 for minor changes in building development standards related to “*Chiles Ranch*”. The approval will allow for the development of a 96-unit residential subdivision.
2. **FINAL MAP.** “*Chiles Ranch*” Phase 1-A Final Map No. 4953 shall be recorded prior to the sign off and final action on the “*Chiles Ranch West*” Tentative Map No. 5088 (Lot 41).

Conditions of Approval Specific to Chiles Ranch West

3. **SUBSTANTIAL CONFORMANCE.** The project shall be completed in substantial conformance to the plans contained within the staff report and dated July 26, 2015, except as modified herein. Design changes that require modifications to uses, elevations or site features shall be submitted for review and approval through the planning review process such as Design Review, or Minor Modification, whichever is applicable. Prior to issuance of Certificate of Occupancy, all conditions of approval and required improvements shall be completed to the satisfaction of the city.
4. **RUN WITH THE LAND.** The terms and conditions of this approval shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors, and assignees of the property owner.
5. **DEVELOPMENT AND MAINTENANCE.** The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, landscaping and grading on file in the Community Development and Sustainability Department, the conditions contained herein, Municipal Code regulations, and PD #8-07.
6. **INDEMNIFICATION.** The applicant shall defend, indemnify, and hold harmless the City of Davis, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Davis concerning this approval, including but not limited to any approval of condition of approval of the City Council, Planning Commission, or Community Development Director. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the

defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees and agents in the defense of the matter.

- 7. OTHER APPLICABLE REQUIREMENTS.** The project approval is subject to all applicable requirements of the Federal, State and City of Davis, and any other affected governmental agencies. Approval of this request shall not waive compliance with all other applicable sections of the Municipal Code, all other applicable City Ordinances, and applicable Community or Specific Plans or Design Guidelines in effect at the time of building permit issuance. The duty of inquiry as to such requirements shall be upon the applicant.
- 8. CONFLICTS.** When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail.
- 9. APPLICANT'S RESPONSIBILITY TO INFORM.** The applicant shall be responsible for informing all subcontractors, consultants engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements herein in the City of Davis Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City as well as hours of operation requirements in the City.
- 10. SUBSEQUENT MODIFICATION.** Any proposed subsequent modification of the subject site or structure thereon, including but not limited to the following actions, shall first be reported to the city for a review and determination of consistency with this permit. Actions affecting how people or materials move on, off or around the site; the physical appearance of the site or structures thereon (including but not limited to signing, architecture, landscaping, paving, etc.) the type of activity(ies) on land use(s) pursued thereon; the number of people employed thereon or otherwise involved with on-site activities or land uses; etc shall first be reported to the city for a review and determination of consistency with this permit.
- 11. BUILDING PERMITS.** The applicant shall obtain the necessary building permits for all structures from the Building Division of the Community Development and Sustainability Department prior to commencement of any construction.
- 12. PLAN CHECK FEES.** A plan check fee shall be required by the Community Development and Sustainability Department when an application for a building permit is submitted.
- 13. DEVELOPMENT IMPACT FEES.** Applicant shall pay the appropriate fees established in the Major Projects Financing Plan pursuant to the General Plan. Final fee categories shall be as adopted by the City Council in the Major Project Financing Plan and shall be paid at the time of certificate of occupancy or as otherwise required by law.
- 14. PARK IN-LIEU FEES.** The project is subject to park in lieu fees consistent with Municipal Code Section 36.08. At the time of building permit, the Applicant shall pay the parkland in-lieu fee. Fee shall be at the rate in effect at the time of payment as established and amended in Section 36.08.040(d) of the City of Davis Municipal Code.

15. SCHOOL IMPACT FEES. The owner shall cooperate with the School District to the extent authorized by State law in establishing school funding mechanisms for new subdivisions and in-fill development to ensure that the impacts of such development on school facilities are fully mitigated.

16. DEVELOPMENT STANDARDS: The final development standards for the project shall be substantially in compliance with the development standards shown on the Final Planned Development Plan and dated May 5, 2017. Any significant changes shall require an additional discretionary action for approval subject to the determination of the appropriate process by the Community Development and Sustainability Department staff.

17. FINAL PLANNED DEVELOPMENT SET. Prior to issuance of building permits the applicant shall submit a reproducible copy of the Final Development Plan set, with all conditions of approval incorporated or clearly listed on the plans. The plan set shall not be accepted as the Final Planned Development Set until the Community Development and Sustainability Director has signed and dated the set. The applicant shall provide two prints of the signed set to the Community Development and Sustainability Department. Electronic copies are recommended.

18. REQUIRED PARKING. The number of parking spaces shall be provided in accordance with the requirements of Section 40.25.090 of the Zoning Ordinance. One additional parking on site parking space shall be provided for a lot with an accessory dwelling unit.

19. GARAGES.

- a. Garage conversions (partial or whole) shall not be permitted under this Final Planned Development.
- b. Required parking spaces within garages shall remain clear for parking.

20. Enforcement shall be the responsibility of the Homeowners' Association.

21. FUTURE CHANGES. No building expansion shall be allowed under this Final Planned Development. The owner of any unit shall disclose this condition to future buyers prior to the sale.

FIRE DEPARTMENT REQUIREMENTS.

22. Prior to the issuance of permits, the owner/developer shall obtain approval from the fire department that: a) All necessary public services, including water service and fire hydrants, meet fire department standards. Based on a future submittal of complete architectural and civil plans there may be additional requirements.

23. BACKFLOW PREVENTION EQUIPMENT. Backflow prevention devices may be required for this building. Prior to issuance of building permits for any structure within the site, plumbing plans shall be submitted subject to the review and approval of the City Engineer.

24. ROOF APPURTENANCES. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered

from adjacent properties and streets. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development and Sustainability Director prior to the issuance of building permits.

- 25. EQUIPMENT SCREENING.** All ground mounted utility appurtenances such as transformers, AC condensers, backflow devices, etc., shall be located out of public view and adequately screened in such a manner as to minimize the visual and acoustical impact. Whenever possible, utility transformers shall be placed in underground vaults. All gas and electrical meters shall be concealed and/or painted to match the building.
- 26. POLICE SAFETY REQUIREMENTS.** Plans shall be submitted to the Police Department for review and approval prior to issuance of building permits. All new development shall comply with the City Building and Security Ordinance and other safety recommendations and requirements regarding building security as well as employee and patron security, prior to issuance of building permits.
- 27. FENCING.** All fencing design, material and construction details for residential lots shall be subject to review of the Community Development and Sustainability Director or designee. Fencing shall conform to the City of Davis Standard Fence, Wall and Hedge requirements. Residential fencing shall be fully located on private property. The property owner will be responsible for maintenance and repair. The Homeowner's Association shall be responsible for ensuring property maintenance of fencing through CC&Rs.
- 28. RESIDENTIAL TREE PLANTING.** Trees shall be a minimum of 15 gallons in size. All trees shall be planted and staked in accordance with Parks and General Services standards.
- 29. RESIDENTIAL LANDSCAPING.** The applicant/developer shall install all front yard landscaping and irrigation. Landscaping design shall be reviewed and approved prior to issuance of permits
- 30. IRRIGATION SYSTEMS.** All plant materials, including ground cover shall be serviced with an automatic irrigation system. All irrigation systems shall be subject to review and approval by the Community Development and Sustainability Department, Parks and General Services, and/or the Public Works Department prior to issuance of permits.
- 31. PROPERTY MAINTENANCE.** The following statement shall be included on the site plan:
“Applicants are responsible for maintaining all common area landscaping and irrigation, signs, structures, fences, bicycle and pedestrian paths, private drives, and other improvements in such a manner that does not detract from the appearance of the surrounding area. Parking lots shall be maintained in an attractive and suitable fashion with any potholes, significantly cracked or uneven paving and any other significant damage repaired in a timely fashion throughout the life of the project.”
- 32. PROJECT LANDSCAPING.** The developer shall be responsible for installing landscaping in private front yards for new lots in “*Chiles Ranch West*” in substantial conformance to

approved landscaping plan for front yard landscaping for “Chiles Ranch.”. Installation of landscaping shall occur prior to issuance of first Certificate of Occupancy.

- 33. TREE PROTECTION PLAN.** A Tree Protection plan shall be required for any existing trees on the property and any street trees adjacent to the project. The plan shall include a grading plan with the trees plotted on the plan. Compliance with the tree preservation plan is required before and during any site disturbance and construction activity and prior to issuance of building permits.
- 34. CITY STREET/GREENBELT TREES.** Pursuant to the applicable provisions of the City of Davis Tree Planting, Preservation and Protection Ordinance and the East Davis Specific Plan, in-lieu fees shall be paid for each single family lot that does not contain a street tree prior to issuance of Certificate of Occupancy for that unit. Section 37.10.020 of the Municipal defines a street tree, as “...*any tree planted and/or maintained by the city, or recorded as a street tree, adjacent to a street or within a city easement or right-of-way on private property, within the street tree easement.*”
- 35. REVISED PLANS.** Prior to issuance of building permits, revised plans incorporating all conditions of approval for this project shall be coordinated and submitted to the Community Development and Sustainability Department as one package in accordance with plan check requirements. The revised plans shall show any lot modified, herein. All plans including site, grading, landscape, irrigation, mechanical and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, encroachment, building, etc.) Any changes to the size, elevation, design or location of any structure on site, or other site or landscape improvements shall not be made without prior City approval.
- 36. STREET LIGHTING.** Final street lighting design, including location and number of fixtures, are subject to the review and approval of the City Engineer.
- 37. EXTERIOR LIGHTING.** Exterior lighting shall be directed so as to not adversely impact adjacent sites or traffic. A detailed on-site lighting plan, including a photometric diagram and details of all exterior light fixtures shall be reviewed and approved by the Community Development and Sustainability Department prior to the issuance of permits.
- 38. SHADING.** South and West facing windows shall generally be shaded from the summer sun by using shade trees on the south and west building exposures. Landscaping shall be planted adjacent to a building face to the landscaping extent possible to help reduce heat and glare.
- 39. LANDSCAPE WATER CONSERVATION.** The project shall comply with the Landscape and Water Conservation requirements (Section 40.46.010 of the Davis Municipal Code), and local and state requirements. Verification of compliance with this ordinance shall be to the satisfaction of the Public Works Department and shown on the building permit plans set with the irrigation plan. The plant list shall incorporate native species whenever possible throughout the site.
- 40. LANDSCAPE ARCHITECT VERIFICATION OF WATER CONSERVATION.** The landscape architect for the approved plan shall submit a signed statement to the City upon installation

confirming that the landscape irrigation and water conservation measures have been installed consistent with the approved plans and specifications.

- 41. CONSTRUCTION MANAGEMENT PLAN.** Prior to issuance of any permit or inception of any construction activity on the site, the developer shall submit a construction impact management plan including a project development schedule and “good neighbor” information for review and approval by the Community Development and Sustainability and Public Works Departments. The plan shall include, but is not limited to, public notice requirements for periods of significant impacts (noise/vibration/street or parking lot closures, etc.), special street posting, construction vehicle parking plan, hours of construction activity, noise limits, dust control measures, and security fencing and temporary walkways. Work and/or storage of material or equipment within a City right-of-way may require the separate receipt of an Encroachment Permit.
- 42. CONSTRUCTION WASTE RECYCLING.** The project shall comply with the city’s Construction and Demolition Ordinance.
- 43. GOOD NEIGHBOR RELATIONS.** The applicant shall provide e-mail and telephone listing for community concerns, names of persons who can be contacted report concerns and correct problems report concerns. A copy of the contact information shall be provided to the Community Development and Sustainability Department.
- 44. ENCROACHMENT PERMIT REQUIRED.** All work within the public right-of-way, including but not limited to utilities and grading, shall be explicitly noted with the subdivision plans. The applicant shall receive all necessary encroachment permits from the City of Davis Public Works Department prior to issuance of building permits for such structures or uses requiring to be permitted to encroach within or over the public right-of-way, including, but not limited to, patios, bike racks, water meters, backflow devices, signs and curb/gutter/sidewalk improvements.

Prior to the Final Map

- 45. TENTATIVE MAP.** The tentative map for “*Chiles Ranch West*” shall indicate the approved street name.
- 46. EASEMENTS.** The developer shall prepare the necessary easements and/or other documents such as CC&Rs) to provide reciprocal access and use for any portion of any lot to be used by another, including but not necessarily common access, drainage, landscaping, utilities, and shared driveway(s). The language of said easements shall and/or other documents shall be subject to the review and approval of the Community Development and Sustainability Director, City Engineer &/or City Attorney prior to recordation of the Final Map(s) and prior to issuance of building permits. All improvements other than public sidewalk, curb, gutter, street and designated street trees in the public right of way shall be the responsibility of the abutting property owner or Homeowner's Association to maintain (ie landscaping strips, landscaping, trees, bioswales, etc). Provisions for maintenance by abutting property owners and/Homeowner's Association shall be subject to the approval of Community Development and Sustainability Director City Engineer and/or City Attorney.

- 47. STORMWATER MANAGEMENT.** The proposed development and project applicant shall comply with the City's Stormwater Management and Discharge Control Ordinance.
- 48. STORMWATER PREVENTION PLAN.** The developer shall submit an amended stormwater pollution prevention plan (SWPPP) from Phase I of the project that shall include the areas of the Phase II portion of the project. The SWPPP shall be subject to the review and approval of the Public Works Director prior to the disturbance of any soil. The SWPPP shall be amended by a State of California certified QSD. The SWPPP shall be submitted along with a completed NOI and WDID number.
- 49. STORMWATER QUALITY PLAN.** A complete stormwater quality plan shall be submitted with the building permit to include all of the following:
- a. Total site area.
 - b. The amount of pre-project vs. post project impervious surfacing.
 - c. The direction of all rainwater flow on site.
 - d. The boundaries of all drainage management areas clearly delineated on site.
 - e. All treatment control measures clearly identified.
 - f. All bioretention areas clearly identified.
 - g. Supporting calculations showing compliance of all treatment control measures and bioretention areas with Section E.12.e. and f. of the Phase II Small MS4 General Permit.
- 50. UTILITY IMPROVEMENT PLAN REVIEW** All sizes, locations and grades of the utilities to serve this project are subject to the review and approval of the City Engineer. Applicant shall submit improvement plans for the public and private common improvements subject to review and approval of the City Engineer.
- 51. UTILITIES MAINTENANCE.** Utilities located within common access areas shall be privately owned and maintained. Provisions shall be made for easements for common access, drainage, utilities and provisions for maintenance and repair of any shared utilities, driveways, or walkways. These provisions shall be subject to the review and approval of the Public Works Director and/or the City Attorney.
- If proposed utility services are installed within 5 years after City acceptance of the Ginkgo Circle frontage Improvements (completed with Chiles Ranch Phase 2A), the applicant shall provide full asphalt replacement of the roadway adjacent to Lots 89 thru 97.
- 52. UNDERGROUND UTILITIES.** Developer shall attempt to locate onsite underground utility lines away from permeable pavement bases. However, if they need to penetrate the base, consideration should be given to waterproofing (depending on the utility) or possible encasement using low-strength flowable concrete fill.
- 53. DRY UTILITIES.** Prior to approval of the improvement plans, Applicant shall submit locations of joint trench and other dry utilities. Details shall include but not be limited to the following:

HVAC, gas meters, and electrical boxes for each unit and service points, conduit wire sizes, and poles numbers for street lights.

54. **SEWER.** A sewer capacity study will be required at the time of construction documents for review and approval of the City Engineer.
55. **CONNECTION FEES.** Water Connection and Sewer Connection fees shall be paid at the time of building permit, or as required by law.
56. **PUBLIC / ROADWAY IMPROVEMENTS.** Streets, sidewalks and curb & gutter adjacent to the project shall meet current ADA standards and shall be in first class condition prior to certificate of occupancy. Applicant recognizes that it is the City's policy that first class condition prior to occupancy means that the improvements are free from cracks or other defects, other than transverse temperature cracks that normally occur, and that any repairs necessary to return the improvements to first class condition prior to occupancy are the responsibility of Applicant, or its successors in interest. Applicant agrees, prior to certificate of occupancy to cause to be repaired to the satisfaction of the City Engineer, any cracks or other damage deemed by the City Engineer to be in need of repair.
57. **PROVISION OF RIGHT OF WAY IMPROVEMENTS.** The design and construction of all public improvements to serve the subdivision shall be subject to the review and approval of the City Engineer.

Prior to Issuance of Grading

58. **BIOLOGICAL SURVEY REQUIRED.** Prior to issuance of a grading, or disking, or any ground disturbance, or building permit or other improvement activities on the site, the applicant/developer shall obtain approval from the City regarding biological survey commissioned by the applicant, which has a 30-day expiration. The study shall be consistent with City Ordinance and shall address whether there are endangered and/or protected species on the site. This study will be a follow up to the study recently conducted for the entitlement applications hearing.
59. **GRADING PLAN.** Prior to issuance of a grading, or disking, or any ground disturbance, or building permit or other improvement activities on the site a grading plan of the project shall be prepared by a registered Civil Engineer, for the review and approval of the City Engineer.
60. **BUILDING PERMIT GRADING PLAN.** Prior to issuance of a grading, or disking, or any ground disturbance, or building permit or other improvement activities on the site the applicant shall submit a final grading plan concurrent with the initial building plan check submittal to the Community Development and Sustainability Department. All accessibility features and bicycle access routes are to be clearly shown on the site plan and grading plan. (DR)
61. **DRAINAGE PLAN.** Prior to determination that an application is complete for the Final Map, issuance of building permit, or the commencement of any grading activity, whichever occurs first, applicant shall submit a grading and drainage plan for review and approval by the City Engineer. The grading plan shall be prepared by a registered Civil Engineer. The grading

plan shall provide existing topography and where all proposed grading cuts/fills will occur including those within the canopy of any existing trees to remain. All accessibility features are to be clearly delineated on the site. Prior to approval of grading plans for this subdivision, Subdivider shall satisfy the City Engineer that the proposed grading will not adversely affect adjacent properties. In addition, retaining walls shall be provided by the Subdivider wherever the grade differential between adjacent lots is 0.5 feet or greater. Masonry retaining walls shall be provided when such grade differential is 1.0 feet or greater.

62. UTILITY PLAN. Prior to issuance of a grading, or disking, or any ground disturbance, or building permit or other improvement activities on the site A utility plan shall be approved by all applicable utility providers. This plan, with an approval stamp from the City of Davis Community Development and Sustainability Department, shall be submitted by the applicant to the utility provider for review. Any necessary changes or deviations from the approved utility location and/or screening shall be reviewed by the Community Development and Sustainability Department prior to installation and may be subject to discretionary Design Review processing and fees by the Community Development and Sustainability Department.

63. ENCROACHMENT PERMIT REQUIRED. All work within the public right-of-way, including but not limited to utilities and grading, shall be explicitly noted with the building plans. The applicant shall obtain all necessary encroachment permits from the City of Davis Public Works Department prior to issuance of building permits for all work and construction that encroach within or over the public right-of-way, including, but not limited to, balconies, fire ladders, water meters, backflow devices, signs and curb/gutter/sidewalk improvements.

Prior to Construction

64. PRECONSTRUCTION MEETING. Prior to the start of any work on-site, the applicant shall request and attend a preconstruction meeting to include project superintendent, architect, subcontractors, as well as City representatives including Community Development and Sustainability and/or Public Works.

During Construction Activities

65. UNDEVELOPED SITE MAINTENANCE. The applicant shall be responsible for the ongoing maintenance and upkeep of undeveloped portions of the project site in accordance with the City of Davis Municipal Code. All building pads shall be seeded and irrigated for erosion control.

66. SIDEWALK MAINTENANCE. Owners shall maintain the sidewalk in clean condition free of litter, spilled food and stains. The sidewalk shall be pressure washed by the owners on a regular basis.

67. TRASH MAINTENANCE. The entire site shall be kept free of trash or debris at all times.

68. BACKFLOW EQUIPMENT. Backflow prevent valve wheels and stems shall be maintained in a manner which enables inspection in order to determine whether or not the valve is open.

69. SOILS. Prior to the issuance of permits, the applicant shall have a soils investigation report prepared and the applicant shall comply with all recommendations contained within the report.

70. CONSTRUCTION TIMES AND NOISE IMPACTS/MITIGATION MEASURES. The developer/applicant shall be responsible for informing all subcontractors and construction crews about construction start and finish times including appropriate ambient noise impacts consistent with city code and of all applicable mitigation measures.

71. AIR QUALITY DURING CONSTRUCTION. The following actions shall be taken during construction to minimize temporary air quality impacts (dust):

- a. An effective dust control program should be implemented whenever earth-moving
- b. activities occur on the project site. In addition, all dirt loads exiting a construction site within the project area should be well watered and/or covered after loading.
- c. Apply water or dust palliatives on exposed earth surfaces as necessary to control dust emissions. Construction contracts shall include dust control treatment in late morning and at the end of the day, of all earth surfaces during clearing, grading, earth moving, and other site preparation activities. Non-potable water shall be used, where feasible. Existing wells shall be used for all construction purposes where feasible. Excessive watering will be avoided to minimize tracking of mud from the project onto streets.
- d. Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour).
- e. Outdoor storage of fine particulate matter on construction sites shall be prohibited.
- f. Contractors shall cover any stockpiles of soil, sand and similar materials.
- g. Construction-related trucks shall be covered and installed with liners and on the project site shall be swept at the end of the day.
- h. Revegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the project.
- i. Vehicle speeds shall not exceed 15 miles per hour on unpaved surfaces.

72. OZONE PRECURSORS DURING CONSTRUCTION. In order to minimize the release of ozone precursors associated with construction, the following standard requirements developed by the Yolo/Solano APCD shall be implemented:

- a. Construction equipment and engines shall be properly-maintained.
- b. Vehicle idling shall be kept below ten minutes.
- c. Construction activities shall utilize new technologies to control ozone precursor emissions, as they become available and feasible.
- d. During smog season (May through October), the construction period shall be lengthened so as to minimize the number of vehicles and equipment operating at the same time.

73. EXCAVATION. If subsurface paleontological, archaeological or historical resources or remains, including unusual amount of bones, stones, shells or pottery shards are discovered during excavation or construction of the site, work shall stop immediately and a qualified

archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further measures to reduce any cultural resource impact before construction continues.

74. NOISE REDUCTION PRACTICES. The applicant shall employ noise-reducing construction practices. The following measures shall be incorporated into contract specifications to reduce the impact of construction noise.

- a. All equipment shall have sound-control devices no less effective than those provided on the original equipment. No equipment shall have an un-muffled exhaust.
- b. As directed by the City, the developer shall implement appropriate additional noise mitigation measures including, but no limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, or installing acoustic barriers around stationary construction noise sources.

75. HOURS OF CONSTRUCTION. During all project construction, hours of construction shall be as follows:

- a. Monday through Friday 7:00a.m. to 5:00 p.m.
- b. Saturday 8:00 a.m. to 3:00 p.m.
- c. Construction activities shall not be permitted Sunday
- d. Construction activities shall not be permitted on Federal Holidays
- e. Construction activities shall not be permitted after 12:00 noon on December 24

Prior to Certificate of Occupancy

76. FINAL INSPECTION. An on-site final inspection of the photometric standards shall be conducted by the electrical engineering consultant to confirm that all lights were correctly installed according to the approved photometric plan. There should be an evening inspection to confirm proper installation.

77. COMPLIANCE WITH CONDITIONS. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City of Davis Community Development and Sustainability Department. The site and buildings shall be inspected for compliance prior to the issuance of a certificate of occupancy.

78. LANDSCAPING. The Developer shall restore/repair all existing landscaping that is damaged due to construction of the project prior to the issuance of a certificate of occupancy. (FPD)

Conditions of Approval Specific to “Chiles Ranch”

41. REVISED FINAL DEVELOPMENT FINAL PLANNED DEVELOPMENT The revised final development standards shall be substantially in compliance with the development standards shown on the Final Planned Development Plan dated May 5, 2017. Any significant changes shall require an additional discretionary action for approval subject to the determination of the appropriate process by the Community Development and Sustainability Department staff.

79. FIRE DEPARTMENT REQUIREMENTS. Prior to the issuance of building permits, the applicant/developer shall obtain approval from the fire department that all necessary public services, including water service and fire hydrants, meet fire department standards. The number and flow capability of the fire hydrants for the subdivision must meet requirements of the California Fire Code for water supply. Hydrant placement may need to be increased due to the design of the subdivision. Hydrants and water mains shall be equivalent to City of Davis Specifications. (FPD, DR).

- a. Prior to the issuance of the first Certificate of Occupancy in Phase I, a secondary emergency vehicle access, a minimum of 20 feet in width, shall be installed in the northeast portion of the development through the existing easement located off Wellesley Avenue and shall meet the following specific requirements:
 - i. The vehicle access shall support a two axle, 40,000-pound vehicle and shall be surfaced to provide all weather driving capabilities.
 - ii. Final specifications shall subject to review and approval of the Fire Chief, City Engineer, and Community Development Director. The access road shall be all weather surface maintained by Homeowner's Association, except for the portion located in the city greenbelt.
 - iii. It shall be the obligation of the developer/applicant to acquire all necessary access rights of way and/or easements to affect the emergency vehicle access. In the event that the applicant/developer is not able to acquire this right-of-way through negotiation, and upon demonstrating to the City's satisfaction that all reasonable efforts have been made to do so, the applicant may request that the City acquire the right-of-way through eminent domain. If the latter is pursued, the applicant/developer shall be responsible to reimburse the City for all costs of acquisition, including but not limited to all staff, legal, engineering, and appraisal fees.
- b. Vehicle access shall be sufficient to accommodate fire department equipment as follows:
 - i. The minimum public street in the subdivision will be 20 feet.
 - ii. A clear driving width a minimum of 16 feet shall be provided and maintained on all private drives for emergency vehicle access.
 - iii. Parking will be limited to one side of the street only, except for section of street located east of lots 21-24, and west of Lots 15, Lot J, and Lot 20, as shown in the Parking Exhibit submitted to the Community Development Department and date stamped November 21, 2008.
 - iv. Streets or segments of streets that do not provide provisions for parking shall have "No Parking" signs posted in accordance with vehicle code.
 - v. On street parking shall not encroach into the required minimum width required for emergency vehicle access.
 - vi. Parking shall not be permitted on private drives. Enforcement shall be the responsibility of the Homeowner's Association.
 - vii. Maintaining clear access on fire apparatus roads is essential to the emergency operations. It shall be the responsibility the Homeowner's Association to provide a mechanism to enforce parking, 24 hours a day, 7 days a week on private drives. A parking enforcement plan must be provided to the Fire Department for approval to demonstrate how this will be achieved.
- c. Residential sprinklers shall be required on Lot 14.

d. On building plans that indicate a fence with a gate between the street and front door. The gate must be operable at all times and not removed. The gate must be distinguishable from the fence. If addresses are not visible from the street additional addressing shall be required to be posted on the gate.

81. PUBLIC IMPROVEMENTS. The frontage infrastructure along Ginkgo Circle will be completed and accepted by the City Engineer for Chiles Ranch Phase 2A prior to any certificate of occupancy being issued for the proposed lots.

82. GREENBELT IMPROVEMENTS. Subdivider shall install greenbelt landscaping, bicycle/pedestrian pathway and fire access improvements (including lighting) to city standards concurrently with the other public improvements to serve the subdivision, subject to the review and approval of the Parks and General Services Director or designee and the City Engineer. The bicycle path shall be Portland Cement Concrete or such other material as may be approved by the City Engineer and constructed to city standards, subject to the review and approval of the Parks and General Services Director or designee and the City Engineer. The greenbelt shall be installed in Phase 2 of development prior to issuance of the first Certificate of Occupancy.

83. BUFFER IMPROVEMENTS. The subdivider shall install the north buffer in Phase III of the development prior to the issuance of first Certificate of Occupancy for Phase III. Tree and plant selection shall be provided on the final landscape plan, subject to the review and approval of Planning, Parks and General Services and Public Works. The buffer, including all amenities including but not limited to resident garden, landscaping, irrigation, pedestrian paths and trees shall be owned and maintained by the Homeowner's Association.

Conditions of Approval Applicable to Entire Project (“Chiles Ranch” and “Chiles Ranch West”

84. ACCESSORY DWELLING UNITS. A maximum of up to 23 accessory dwelling units shall be permitted within the development at time of initial construction. A minimum of 10 units shall be second dwelling units with a kitchen and may be rented. The remaining 13 may be constructed as a second dwelling unit with a kitchen or granny flat without a kitchen. Future accessory dwelling units shall be prohibited.

85. VISITABILITY / ACCESSIBILITY. The project shall comply with the City’s Universal Access Ordinance.

86. CLIMATE CHANGE AND SUSTAINABILITY. The project shall comply with the city’s Green Building Ordinance and the city’s Renewable Energy Ordinance.

87. POSTSTORM WATER QUALITY TREATMENT CONTROL MEASURES. The landscape plans shall show all supporting plantings and supporting supplementary irrigation for all post construction stormwater quality treatment control measures and bioretention areas subject to review and approval of the Public Works Director prior to the issuance of building permits. No plant species identified on the California Invasive Plant Inventory Database shall be permitted on site. The landscaping installed in the post construction stormwater treatment

controls measures and the measures themselves shall be required to maintained into perpetuity by the Homeowners Association.

- 88. ELECTRIC VEHICLE RECHARGE.** All garages space shall be pre-wired for EV recharge stations
- 89. AFFORDABLE HOUSING UNITS.** Six 3-bedroom for-sale affordable income units shall be provided by the project. All units will be developed concurrently with the project's market rate units. Certificates of occupancy will not be provided until on the last twenty market rate units in the project until all affordable units have been issued a certificate of occupancy.
- 90. AFFORDABLE UNIT SALE PRICES.** The affordable ownership units shall be sold at prices affordable to low/moderate income households, as defined in Article 18.05.020 and 18.06.060 of the City of Davis Municipal Code. All low/moderate income units shall be advertised and sold in accordance with the City's Buyer Selection Guidelines. A marketing and buyer selection plan shall be submitted to the City's housing staff for review and approval. All low/moderate income units shall have their prices adjusted downward from the City's standard pricing in order to account for the project's monthly Homeowner's Association fees.
- 91. INCOME ELIGIBILITY ON AFFORDABLE FOR-SALE UNITS.** Households purchasing the low/moderate income units shall have a gross annual income that is at or below 120% of Area Median Income for Yolo County, adjusted for household size, at the time of purchasing a low-moderate income unit.
- 92. AFFORDABILITY REQUIREMENTS.** Required affordable low/moderate income units shall remain affordable over time and continue to ensure affordable housing opportunities for future income eligible households. The following requirements shall be established in a City-provided deed restriction recorded to the low/moderate income units and shall be subject to review and approval by the City Manager's Office prior to sale of the unit:
 - a. Owner-Occupancy Requirement, the Project developer agrees to record this requirement to each affordable unit, using the City's standard deed in accordance with Section 18.04 of Davis Municipal Code.
 - b. Resale of the low/moderate income units shall be administered under the City's Right of First Refusal Program. The Right of First Refusal, including the 1% administrative fee for carrying out this right allows the City of Davis the opportunity to either purchase the unit upon resale or present a buyer for the unit within 60 days of a notice from the seller indicating their intent to sell, closing escrow on the unit within 90 days of notice or as agreed upon by buyer and seller. In cases where the city gives up its right or does not provide a buyer in 90 days, the owner of the unit shall also have a 90-day deadline to sell the unit before the Right of First Refusal goes back into effect. Sustained Affordability, in accordance with Section 18.05.050 of the Davis Municipal Code, which should specifically include an appreciation cap through a restriction recorded to the deeds of the affordable units.
 - c. Resale Report requirement will be recorded to the deed for each affordable unit, as part of the City's standard deed to be used that all future owners of the

affordable units clear the City of Davis resale report prior to the close of escrow in future sells of the unit, in all circumstances where the unit is not exempt from the city's resale inspection. No findings in the city's resale report shall be transferred to the subsequent buyer of the unit.

- 93. AFFORDABLE HOUSING DISCLOSURE.** Developer shall provide written notice to all purchasers of lots or homes within the subdivision of the location and zoning for the affordable housing units until construction on these units is complete. The disclosure shall explicitly note that the affordable housing units are to be developed for low and moderate income households. Wording is subject to review and approval by the Community Development and Sustainability Department prior to occupancy.
- 94. RESALE RESTRICTION.** Project developer agrees to record the City's required resale restriction to the deed of each low/moderate income unit upon its initial sale.
- 95. AFFORDABLE HOUSING DISTRIBUTION.** Prior to issuance of building permits, the developer shall submit a plan for marketing the affordable units and selecting and qualifying the buyers, subject to review and approval by the City Manager's Office and the City Attorney. Developer shall recognize that any commitments for sale of the units without City approval are invalid and are counter to this affordable housing plan approval. This plan shall be in compliance with the City of Davis Buyer/Tenant Selection Guidelines and the city's "workforce" preference system.

III. ENVIRONMENTAL:

The following mitigation measures and standard conditions apply to the project:

MITIGATED NEGATIVE DECLARATION #1-08

MITIGATION MEASURES:

BIOLOGICAL:

1. Mitigation Measure. Loss of Swainson's Hawk Nesting Habitat

None of the trees proposed for removal by the project currently contain active nests. However, Swainson's hawk nesting has occurred on the site in the past and may support nesting in the future. Swainson's hawks are known to nest within one-quarter mile of the proposed project. Implementation of the proposed project could result in the loss of nesting habitat or lead to the failure of active nests, which would be considered potentially significant. The following mitigation measure would be necessary to reduce the adverse effects to Swainson's hawk nesting habitat to a less than significant level.

- a) If avoidance of project activity (demolition of existing structures, grading or new construction) during the breeding season is not feasible, a qualified biologist shall conduct a pre-construction survey to determine the nesting status of Swainson's hawk on site and within one-quarter mile of the project site. This shall be a condition of any grading permit. The survey shall be conducted no less than 14 days and no more than 20 days before the beginning of construction (including equipment and materials staging) between the months of April and early September. If no active nests are found during the survey, no further mitigation for nesting Swainson's hawk shall be required.

- b) If during the focused survey active Swainson's hawk nests are identified on-site or within one-quarter mile of the proposed, no construction shall be allowed until a qualified biologist determines that the young have fledged (able to forage independently from adults), or that the nest has failed and becomes inactive. Any trees containing nests that must be removed as a result of the proposed project shall only be removed during the non-breeding season (September to March). Additional mitigation measures may be necessary in this instance as dictated by the California Department of Fish and Game.

2. Mitigation Measure. Loss of 11.9 Acres of Suitable Swainson's Hawk Foraging Habitat

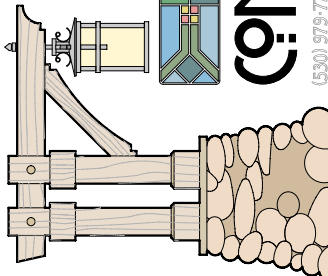
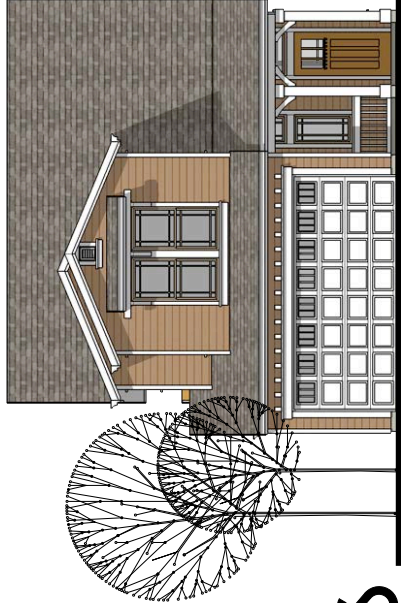
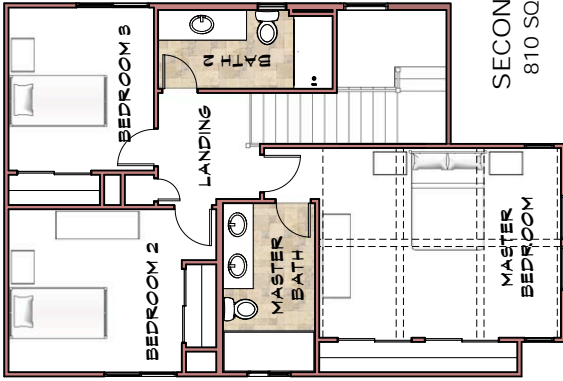
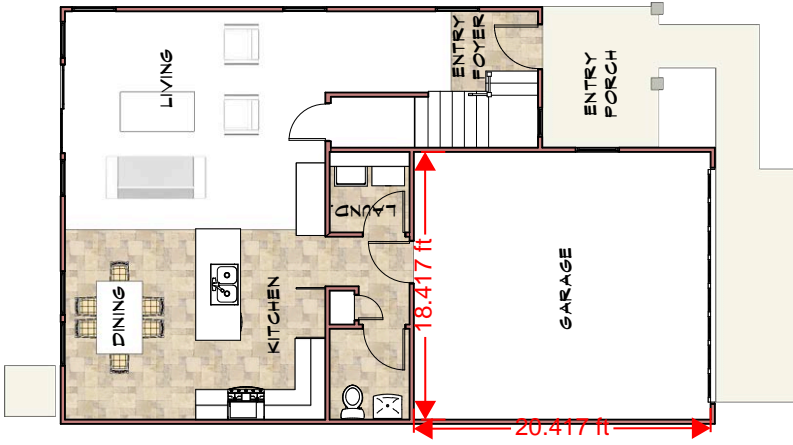
The Chiles Ranch contains approximately 12.1 acres. As identified above, the project site has a history of Swainson's hawk nesting. Active Swainson's hawk nests occur within one-quarter mile of the site. Swainson's hawks, as well as other raptors, have been observed foraging on the project site. Approximately 0.22 acres of existing structures occur on the proposed site and are considered non suitable habitat for Swainson's hawk foraging. The 11.9 acres associated with the project would result in loss of suitable foraging habitat and would be considered potentially significant. One of the following mitigation measures would be necessary to reduce the adverse effects to Swainson's hawk nesting habitat to a less than significant level.

- i. The Yolo County HCP/NCCP Joint Power Association (JPA) entered into agreement with the California Department of Fish and Game regarding mitigation for impacts to Swainson's hawk foraging habitat. The agreement requires that 1 acre of habitat management lands be acquired for each 1 acre of Swainson's hawk foraging habitat lost. Prior to the issuance of grading permits, the project applicant shall pay the appropriate fee for 11.9 acres of foraging habitat affected; or
- ii. Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, the project proponent shall place and record one or more Conservation Easements that meet the foraging habitat mitigation acreage requirement. The conservation easement(s) shall be executed by the project proponent and a Conservation operator. The conservation easement(s) shall be reviewed and approved in writing by California Department of Fish and Game prior to recordation for the purpose of confirming consistency. The purpose of the conservation easement(s) shall be to preserve the value of the land as foraging habitat for the Swainson's hawk. The proponent shall provide the City with a copy of the DFG consistency finding, and a receipt of conservation easement acquisition prior to the start of construction.

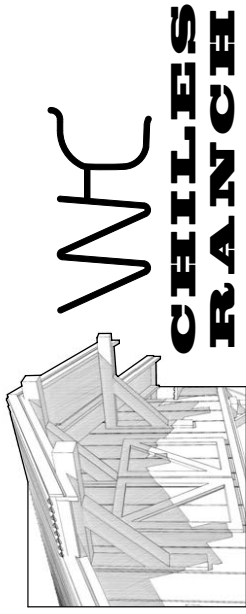
3. Mitigation Measure - Impacts to Other Potentially Occurring Sensitive Species

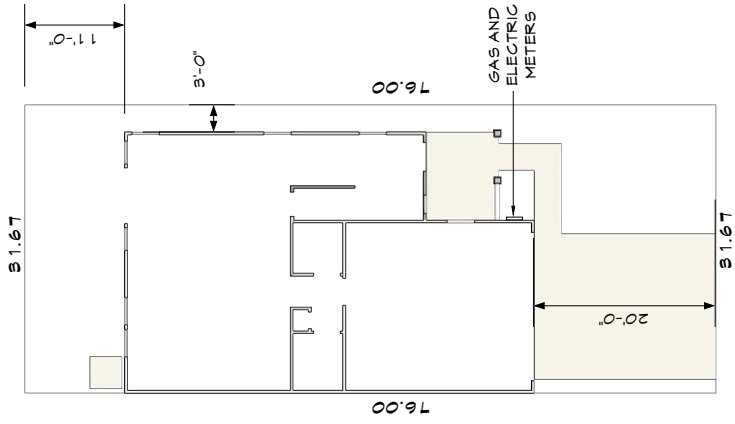
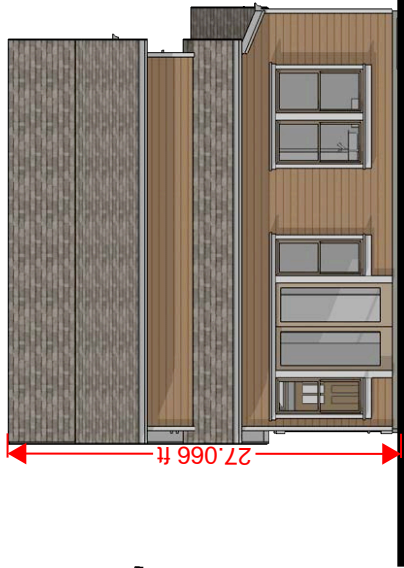
White-tailed kites, barn owls, burrowing owls, bats, yellow-billed magpie and western bluebird have been identified to nest or roost on or within the immediate vicinity of the proposed project site. Direct or indirect impacts to nests or individuals of these species may occur as a result of construction, and would therefore be considered potentially significant. The following mitigation measures would be necessary to reduce potential direct and indirect impacts to nesting white-tailed kites, burrowing owl, barn owl, yellow-billed magpie, and western bluebird, or roosting bats to a less than significant level.

- a) If avoidance of project activity (demolition of existing structures, grading, or new construction) during the breeding season is not feasible, a qualified biologist shall conduct pre-construction survey(s) to determine the nesting status of white-tailed kites, barn owls, burrowing owls, yellow-billed magpies and western bluebird, and roosting bats on site and within 250 feet of the project site. This shall be a condition of any grading permit. The survey shall be conducted no less than 14 days and no more than 20 days before the beginning of construction (including equipment and materials staging) between the months of March and early September. If no active nests or roosts are found during the survey, no further mitigation for nesting/ roosting of aforementioned species shall be required.
- b) If during the focused survey(s) active nests or bat roosts are identified on-site or within 250 feet of the proposed, no demolition of existing structures or construction shall be allowed until a qualified biologist determines that the young have fledged (able to forage independently from adults), or that the nest has failed and becomes inactive. In the case of bats roosting in existing structures, exclusion shall be the only option prior to demolition. The existing structures and trees containing nests that must be removed as a result of the proposed project shall only be removed during the non-breeding season (September to March).



FOUTS CONSTRUCTION
 1949 FIFTH STREET, SUITE 107
 DAVIS, CA 95616
 (530) 979-7792
 FAX (530) 759-9065
 EMAIL: DON@FOUTS.CONSTRUCTION.COM





Road 1
Lot 7
the Bellevue

SITE PLAN

FIRST FLOOR
1436 SQUARE FEET

SECOND FLOOR
971 SQUARE FEET

FRONT ELEVATION
the Columbia - 4 BEDROOMS 2 1/2 BATHS
- 2 CAR GARAGE - 2407 SQUARE FEET

WFC
CHILLES
RANCH

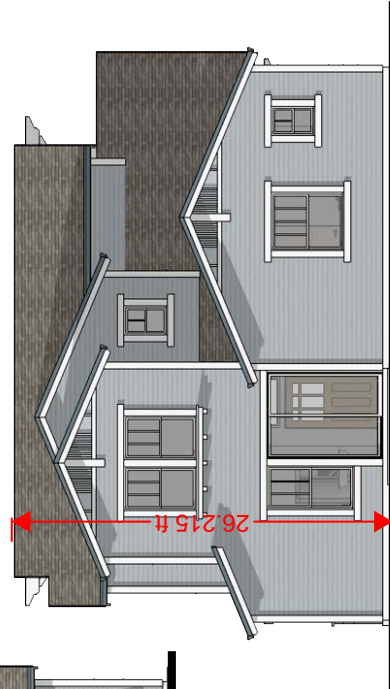
FOUIS CONSTRUCTION
1949 FIFTH STREET, SUITE 107
DANVILLE, CA 95616
(530) 979-7792
FAX (530) 759-9065
EMAIL: DON@FOUISCONSTRUCTION.COM



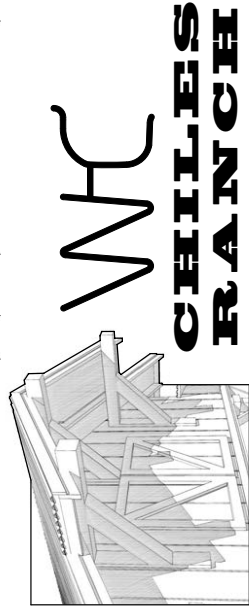
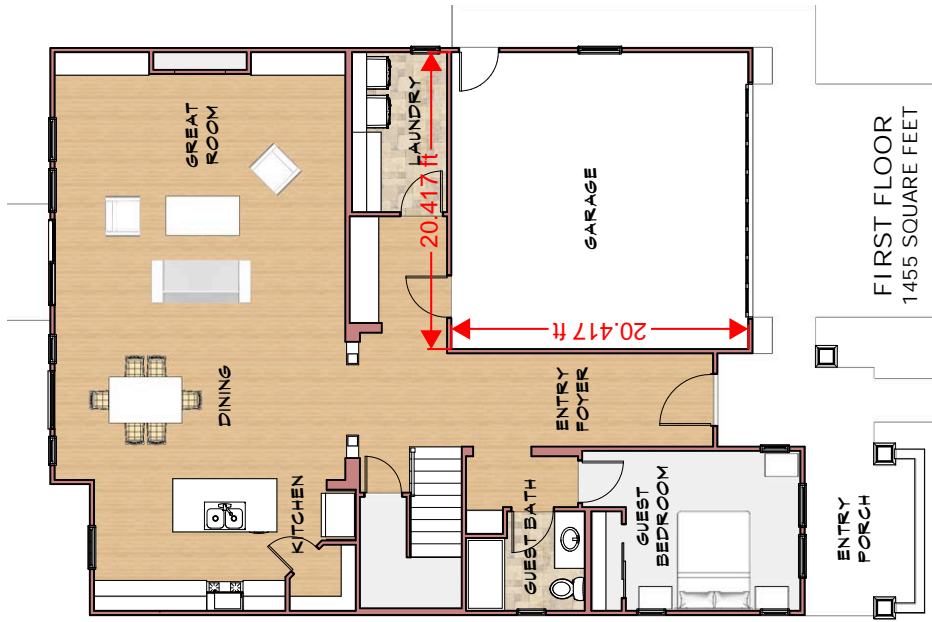
LEFT SIDE ELEVATION



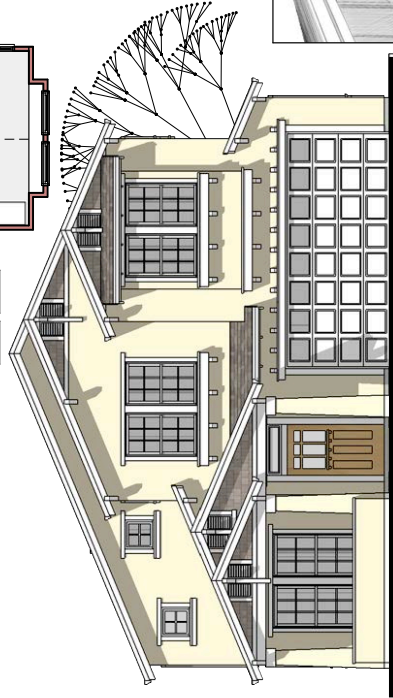
RIGHT SIDE ELEVATION



REAR ELEVATION

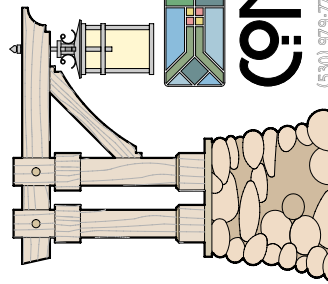
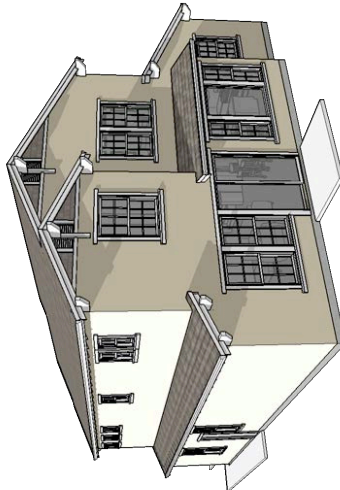


WFC
CHILLES
RANCH



FRONT ELEVATION

the Washburn - 4 BEDROOMS 3 BATHS
- 2 CAR GARAGE - 2648 SQUARE FEET



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CONSTRUCTION

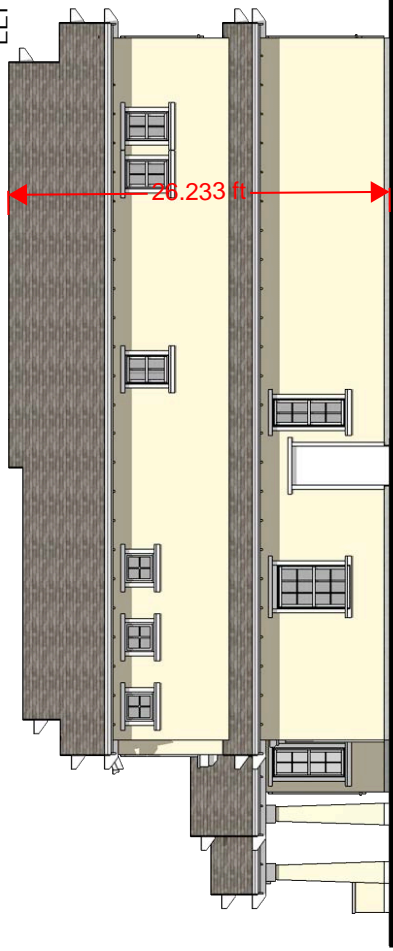
(530) 979-7792
1949 FIFTH STREET, SUITE 107
DAVIS, CA 95616

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EMAIL: DON@FOUTS.CONSTRUCTION.COM



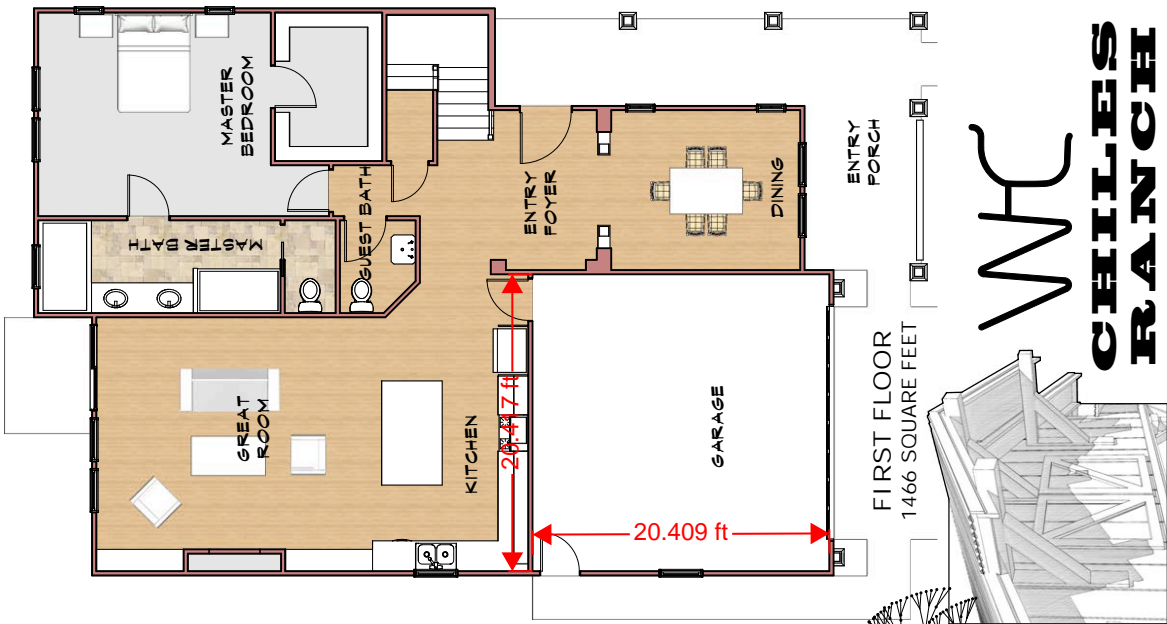
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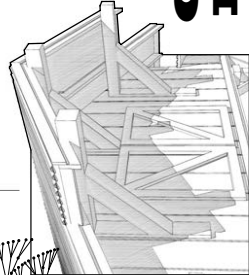
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REAR ELEVATION

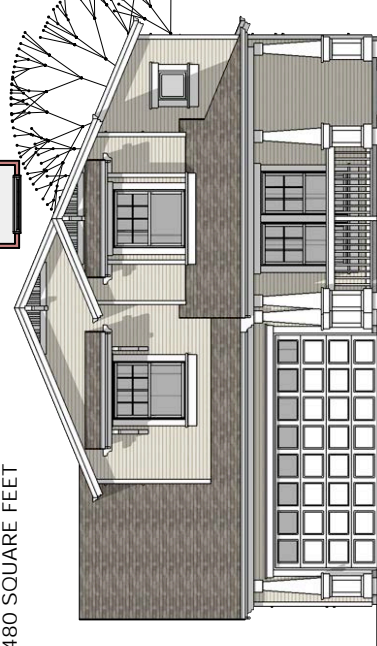


WFC
CHILLES
RANCH

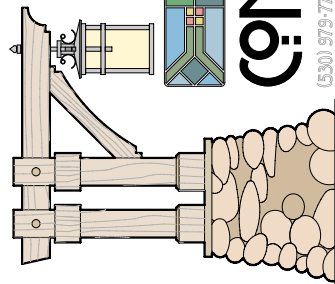
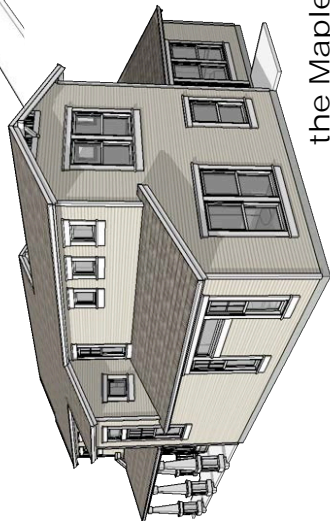
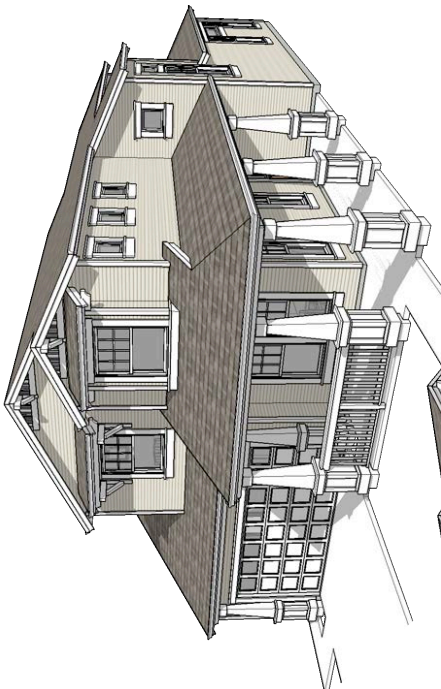


SECOND FLOOR
1014 SQUARE
FEET

the Mapleton - 4 BEDROOMS 2 1/2
BATHS - 2 CAR GARAGE - 2480 SQUARE FEET



FRONT ELEVATION



FOUTS
CONSTRUCTION

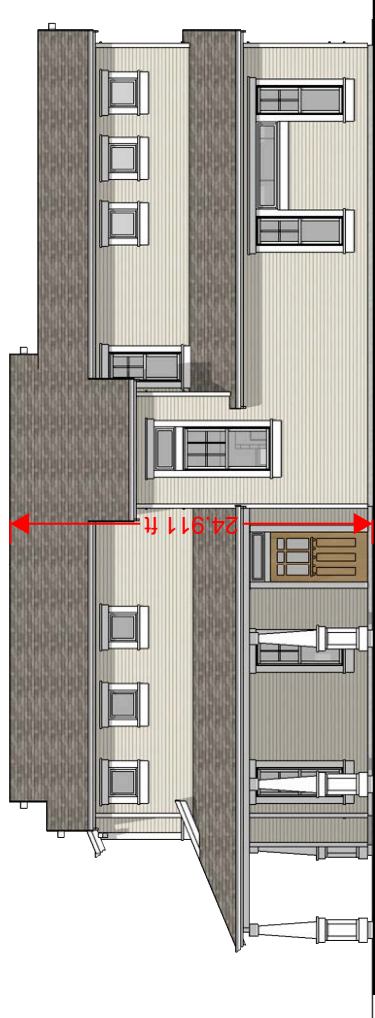
1949 FIFTH STREET, SUITE 107
DAVIS, CA 95616

(530) 979-7792
FAX (530) 759-9085

EMAIL: DON@FOUTS.CONSTRUCTION.COM



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION

Cathy Camacho

From: lkjabusch@ucdavis.edu on behalf of Lauren Jabusch <lkjabusch@gmail.com>
Sent: Monday, May 1, 2017 10:32 AM
To: Cathy Camacho
Subject: Chiles Ranch Subdivision Public Comment

Ms. Camacho,

I am vehemently opposed to the changes proposed by the New Urban Development LLC. As a homeowner on East Eighth Street and a 10 year Davis resident, I find the changes requested by Mr. Fouts to be against our community principles.

In regards to the reduction of affordable housing, the New Urban Development and the City of Davis have a moral obligation to keep housing prices attainable for all levels of income. Having low and medium housing prices is what keeps our community full of vibrant people and allows families to access our high quality public education. Additionally, if the city wants to solidify the Town-Gown pipeline, low housing will be needed for recent graduates who will bring smart, new ideas to our way of life.

I was able to purchase my home only through low housing costs offered by Housing and Urban Development (HUD). Even the low income housing that was included in developments were out of my price range. Now that HUD is facing sever mismanagement, the city should have an increased call to action to make housing available for all income levels.

Thank you for reading and respecting my point of view.

Best,
Lauren Jabusch
Homeowner, East Eighth Street
Doctoral Candidate, Biological Systems Engineering, UC Davis

Cathy Camacho

From: Elye Mann <elyemann@gmail.com>
Sent: Friday, May 5, 2017 12:15 PM
To: Cathy Camacho
Subject: Chiles Ranch Affordable Housing

Dear Cathy,

I am writing in regards to the recent letter I received stating that Fouts Construction will be able to remove their need for low-income affordable housing. Removing affordable housing from Davis would disenfranchise low-income residents, raise housing prices for existing homeowners, and further increase the income inequality gap of this state and country.

Davis cannot rely solely on middle- to high-income earners. Every system requires diversity to fully flourish and Davis would be wedging itself to disenfranchise all lower-income residents to outlying cities. This city can open its arms to all who want to enjoy its wonderful school system and breadth of culture. Instead, this action seeks to solidify Davis as a neighborhood that is solely affluent and exclusionary.

I live on East 8th street as a longtime resident and co-homeowner, and have already been noticing the absurd ballooning of housing prices around here. The City of Davis needs to find alternative solutions other than continuous outward expansion through large-home subdivisions. Yes, there is significant demand for housing in Davis, and adding new plots will help the supply, but this is an unsustainable solution that the city appears more than willing to continue kicking down the road. Davis needs affordable, high-density living to meet the incoming demand, not sprawling suburbia that taints so many other cities.

Further, I would like to direct you to your own website, which states the City of Davis guarantees the access to affordable housing:

<http://cityofdavis.org/residents/affordable-housing-program>

This webpage links to Davis's Municipal Code, and this section in particular is illuminating:

18.05.010 Purposes of article—Findings.

The city council finds and determines:

- (a) The city has a goal to provide a range of housing for its local workers and has chosen to take action to ensure that affordable housing is constructed and maintained within the City of Davis.
- (b) Housing purchase prices in Davis are generally higher than the rest of the region, particularly Woodland and West Sacramento.
- (c) Rents in Davis have been rising and the majority of new apartments are four-bedroom units which are not suitable for most families. Small, very low income households have trouble finding affordable unassisted housing, and larger households of any income level have difficulty finding affordable units.
- (d) Federal and state funds for the construction of new affordable housing are limited.
- (e) In order to meet the city's fair share of the regional housing need for very low, low and moderate income households, the city included implementing policies within the housing element of the general plan to provide for such housing.
- (f) General plan implementing policies require that, to the extent feasible, for sale residential developments should provide for housing units that are affordable to very low income households, low income households and moderate

income households as part of the development, with tiered requirements that are reduced or eliminated for housing products that are more affordable by design. General plan policies also require that affordable ownership units include a means for sustained affordability, maintaining them as affordable units into the unforeseeable future.

The removal of affordable housing from the Chiles Ranch development is explicitly contradicting Davis's own commitment to the access of affordable housing. It is truly disappointing that the city views this as a reasonable maneuver. Perhaps the most disgusting aspect of this waiver is that Fouts Construction is able to avoid this requirement by simply paying a fee. The city is harmed so that a land developer can make increased profit and simply cut a check to the city as a buy-off. This is more "privatizing profits and socializing losses" that the citizens of this country have become all too accustomed to and it is disheartening to see it from my beloved city of Davis.

I urge the city council to reconsider this motion, and I appreciate you taking the time to review my response.

Thank you,

Elye Mann

(818) 325-7789