

STAFF REPORT

DATE: June 16, 2009

TO: City Council

FROM: Katherine Hess, Community Development Director
Michael Webb, Principal Planner
Cathy Camacho, Planner

SUBJECT: PA #55-07: Mitigated Negative Declaration #1-08, General Plan Amendment #5-07, Rezone/Preliminary Planned Development #8-07, Development Agreement #04-08, Tentative Subdivision Map #3-08, Final Planned Development #12-07, Affordable Housing Plan #1-08, Design Review #7-08: **Chiles Ranch Subdivision (2411 E. Eighth Street)**

Recommendation

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

1. Determine that Mitigated Negative Declaration #1-08 prepared for this project adequately addresses the environmental impacts associated with the proposed project.
2. Adopt the attached Resolution of Intent to Amend General Plan land use designation of the subject site (APN# 71-020-15; 71-401-02; 71-401-03) from “Residential Low-Density” to “Residential Medium-Density.”
3. Adopt the attached Ordinance establishing the Development Agreement between the City of Davis and the Developer.
4. Adopt the attached Rezone/Preliminary Planned Development Ordinance changing the zoning designation of the subject site parcels from Agriculture (A) and Residential One and Two Family (R-2) to Planned Development #8-07, with underlying residential single family residential uses.
5. Approve the following entitlement applications, based on the findings and conditions for each application attached to this report:
 - A. Tentative Subdivision Map to merge the three parcels into a single lot and re-subdivide the merged parcel for creation of residential lots; city greenbelt; public streets; private drives and common open space.
 - B. Final Planned Development to establish development standards for the lots, including building setbacks, building heights, lot coverage, floor area ratio, parking, and usable open space.
 - C. Affordable Housing Plan to govern the affordable housing component of the development
 - D. Design Review for site plan and architectural review of proposed building elevations.

Executive Summary

The applicant, New Urban Development, proposes a medium-density residential subdivision of 108 dwelling units on 12.1 acres (“Chiles Ranch”). The subject site consists of three parcels located south of Regis Drive, west of Mesquite Drive, east of the Davis Cemetery, and north of E. Eighth Street. The three parcels would be merged and re-subdivided to create the subdivisions parcels. The existing General Plan Map Land Use designation on all three parcels is “Residential Low-Density.” The zoning on the three parcels is a mix of Residential One and Two Family (R-2) and Agriculture (A). The proposed project involves multiple entitlement applications including General Plan amendment, tentative map, rezone, final planned development, affordable housing plan, and design review. As proposed, the 108 unit subdivision would result in a medium density development of 9.47 units per gross acre. If approved, the project would be consistent with the General Plan “Residential Medium-Density” land use designation (6.00 to 13.99 units per gross acre with density bonus) which would permit up to 169 units per gross acre on the site. The concept of a medium density project was supported by the City Council for this infill site during the SACOG process.

The site has been under active consideration for residential infill development since September 2007 when the community at large was engaged in a series of outreach meetings funded by SACOG to develop a conceptual plan for the site. The development proposal has been refined since that time through the mutual efforts of the developer, neighborhood residents, members of the community, and staff. The proposed project incorporates several key policy goals the city has been striving for, such as providing livable communities; reversing the trend of urban sprawl through transportation choices; housing diversity; compact development; natural resource protection; and quality design; all while working to alleviate neighborhood concerns to the extent feasible.

The Chiles Ranch Subdivision would provide the following key features:

- ✓ A compact medium density residential development
- ✓ Help meet the city’s housing goals and regional housing obligation
- ✓ A mix of housing sizes and prices
- ✓ Inclusion of for-sale low/moderate income dwelling units
- ✓ Second dwelling units on designated lots
- ✓ Carbon Reduction Proposal meeting newly adopted reduction thresholds (Attachment 16)
 - Exceed Current Title 24 by 35%
 - Installation of photovoltaics on approximately 15% of the units
 - Installation of components to facilitate future installation of photovoltaics in all dwellings
- ✓ Consistency with Green Building Ordinance
- ✓ Sustainability features including low water usage; resident gardens for food production; pedestrian paths incorporated throughout the project to promote walkability and social interaction among residents
- ✓ Vistability and Accessiblity Features
- ✓ Fiscally Sound

Outstanding Issues

Staff and Planning Commission are supportive of the project. Based on staff review and Planning Commission recommendation, only a few outstanding issues remain. These include:

applicant greenbelt proposal vs. staff recommended greenbelt; revision of property lines on lots located adjacent to east greenbelt from 0 to 3'.3"and; flexibility to allow for additional second dwelling units within the development above the number proposed by the applicant (11). "Significant Issues" are addressed in detail further in the staff report, with staff recommendations provided to address the outstanding issues.



Proposed Chiles Ranch Subdivision Site (N ↑)

Consistency with Council Goals

The project proposal would not exceed the housing growth limit of 1% per year. The project would provide for permanent for-sale affordable units to the City's housing stock.

Provide a mix of high-quality housing to meet community needs

- Address SACOG fair share growth
- Ensure special needs housing...for those who have accessibility issues, and for people who work but don't currently live in Davis
- Work to establish permanent affordability of housing provided through city program and requirements for inclusion
- Provide an array of housing to meet needs of citizens
- Provide housing for people who live/work in Davis
- Ensure that any new and existing homes and neighborhoods are attractive and well-maintained

Conserve Natural Resources and Protect the Environment

- Develop policies and programs that promote reduction of resource consumption and waste generation, improvement of air and water quality, preservation of natural resources, and creation of a sustainable community
- Reduce waste, reuse and recycle in City organization and encourage the community to do the same
- Encourage and support alternative forms of transportation

Fiscal Impact

A fiscal analysis was prepared for the proposed 108 unit project. The fiscal analysis of the Chiles Ranch Development suggests that the impact of the project on the city would be essentially neutral. The upper range would primarily be new tax revenue generated in years when units are anticipated to be resold. The project is anticipated to produce approximately \$495,000 in construction tax and \$3.3 million in development impact fee revenues. As such, this project is considered consistent with the City Council's goals of ensuring that new development projects fully cover their projected service costs as well as their appropriate share of one time infrastructure costs. The Summary Fiscal Analysis for the project, based on staff recommended greenbelt acreage, is provided in Attachment 6.

The applicant has paid the appropriate project application fees for staff time to review and process the applications.

Background

SACOG Process

The site has been under active consideration for a residential infill project since 2007 when the city received a grant from the Sacramento Area Council of Government (SACOG) which enabled the city to hire a planning consulting firm to enhance public involvement and create concept plans for the property (formerly know as "Simmons Estates"). The "Tools of Engagement" process for site began in June of 2007 and included four community workshops, including one design charrette. The process yielded six "Guiding Principles" to identify the most significant characteristics and features to consider in the development of the site. The process culminated with two plans developed by the consultant based on community input, and a plan prepared by the Sunrise Neighborhood Association as an alternative to the workshop plans.

The plans were reviewed by the Planning Commission in December 2007 and by the City Council in January 2008. The Planning Commission did not recommend, nor did the City Council adopt any one specific concept plan presented for the development of the site. The City Council voted to:

1. Adopt the "Guiding Principles" (Attachment 17).
2. Proceed with a project with a fifty-foot minimum buffer on the north and east edges.
3. Establish a range of 7 to 10 gross units per acre (maximum 84-120 units /medium density) for the project.
4. Recommend that the developer continue to work with the neighborhood association in developing a mutually acceptable plan.

Historical Resources Review

Two independent historical surveys conducted on the subject site concluded that the complex and buildings did not meet the criterion for federal, state or local designation as historical resources. The key building (the main house) has been gone since 1972. The remaining buildings date from 1902 through 1936. Most of the pre-1936 agricultural buildings and structures, except the large barn, have extensively deteriorated and the structures exhibit poor integrity. In July 2008, the City Council determined that based upon the historical evaluations, the barn is not a national, state or local historical resource for the purposes of CEQA; and the city does not wish to designate the barn as a local historical resource for the Davis Register.

Final Plan Development Process

As directed by City Council, the applicant and neighbors have continued to work together since January 2008 to develop a mutually acceptable development plan. Prior to submission of the project proposal under consideration, the developer met with the Sunrise Neighborhood Association approximately 13 times from February 2008 to February 2009. Staff did not attend these meetings.

Staff believes that the developer has diligently engaged the neighbors in good faith to develop the project proposal and address resident concerns. A "Letter of Agreement" between the developer and the Sunrise Neighborhood Association outlining particular topics which are mutually supported by both the developer and SNA is provided in Attachment 22. *(Staff notes that upon review of the final development plan in December 2008, SNA believes that the plan is not fully consistent with the letter of agreement. Outstanding SNA issues and staff responses are detailed in Attachment 24).*

The applicant has provided an overview of project features or revisions made to site plan in response to neighborhood concerns (Attachment 25).

Project Description

The applicant proposes a 108 unit residential development. The three existing parcels would be merged and re-subdivided to create single family lots; and parcels condominium units; new public street; city greenbelt; common open space; and private drives. Vehicular access would be from two entrances located off E. Eighth Street. The Chiles Ranch subdivision would provide a variety of architectural designs, house sizes, and resident amenities built around a public street and private drives. The development would include market rate and for-sale low/moderate income housing. The dwellings would be a mix of traditional single family detached and attached dwelling units; alley loaded dwellings with detached garages; and small pods of six to eight homes surrounding a courtyard. Twenty-one dwellings are proposed with a second dwelling unit or fifth bedroom/den/study constructed over the detached garage. Twenty low/moderate income condominium units are also proposed. The applicant proposes approximately 3.66 acres of the 12.1 acre site as public and private open space (30%). Approximately 1.86 acres (15%) of the site is proposed as city greenbelt and/or mini park. The remaining 1.8 acres (15%) is proposed as common open space.

The Applicant Narrative is provided in Attachment 10. The Tentative Map and Site Plan are provided in Attachment 11.

The project proposal would include the following:

- ✓ 86 market rate units; 22 for-sale market low/moderate income units
- ✓ Diversity of housing options and styles
 - Approximately 15 architectural exteriors
 - Attached and detached single family dwellings
 - Condominium units
 - 11 units proposed with second dwelling units located above detached garage
 - 10 units proposed with additional bedroom/den/game room located above detached garage
- ✓ “Like to like” housing (ie. a new home constructed near an existing single story would be single story; a new home constructed near an existing two story home would be two story).
- ✓ Maintain privacy of adjacent properties on north and east edges of the development with greenbelt / buffer between existing and new homes
- ✓ Approximately 217 new trees planted on the site
- ✓ Common resident amenities such as open space, resident gardens, and walking paths throughout the site
- ✓ Monthly Homeowner’s Association fees collected and used to maintain the common area landscaping and infrastructure
- ✓ Bicycle/pedestrian connectivity through Chiles Ranch to Mace Ranch Park
- ✓ Encourage automobile trip reduction by facilitating a potential new bus route (*Currently due to a “dip” in the street gutter at Mesquite Drive, buses cannot travel on E. Eighth Street east of Pole Line Road.*) The developer proposes gutter modifications that would accommodate a future bus route.
- ✓ Provide a 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
- ✓ Consistency with City’s Infill Guidelines
- ✓ Consistency with City’s Green Building Ordinance
- ✓ Development Agreement including, the following key elements:
 - Carbon Reduction Proposal
 - Supplemental Residential Fee for Market Rate Units
 - Tree Mitigation Fee
 - Provision Requiring Diverse Architectural Lots
 - Timing of Payment for Project Fees

Staff notes that the current generations of the Chiles family, neighbors, and the applicant propose to name the subdivision “*Chiles Ranch*” to acknowledge the role of the Chiles family in the history of the property.

Staff believes that the project proposal as presented, and with the proposed conditions, represents a sound residential development that would be compatible with the surrounding neighborhood, while also helping to further city housing and sustainability and climate change goals. The site provides ample open space, architectural diversity, and is designed to minimize impacts on adjacent existing homes. Overall, staff is supportive of the project including proposed density,

housing mix and design, inclusion of second units, affordable housing plan, and site layout. Significant issues identified by staff are addressed on the following page.



Proposed Chiles Ranch Layout

Significant Issues

Staff has identified four outstanding issues. The Sunrise Neighborhood Association has provided consolidated concerns regarding the development in Attachment 24, some of which are addressed below. Appropriate conditions have been incorporated into the Recommended Findings and Conditions of Approval (Attachment 4) to address the significant issues. Conditions related to lot sizes revisions, setbacks, etc. would be shown on the Tentative and Final maps. The Planning recommendations regarding the significant issues are provided in the following section.

1. Applicant Greenbelt Proposal

During the SACOG process, the City Council required as a project feature, fifty foot buffers on the north and east edges of the site to reduce impacts of the development on existing properties. The applicant has incorporated buffer areas and other open space into the site plan, proposed as “city greenbelt”, to meet the buffering requirement. The areas proposed by the applicant as city greenbelt would reduce the overall amount of common space within the development and resulting Homeowner's Association fees for new residents. The key issue for staff is that the Council recommendation was to provide “buffers” in the development, but did not specify “greenbelts.”

The applicant is proposing approximately 15% of the site as city greenbelt, including Lot C (north and east buffers); Lot N and Lot P. Staff is recommending only a portion of Lot C, east buffer, should be accepted as city greenbelt, or 6.1% of the site. Staff finds this area would function as a greenbelt, which is to, “... *develop linkages, corridors and other connectors to provide an aesthetically pleasing and functional network of parks, open space areas, greenbelts and bike paths throughout the city.*” The eastern area would provide connectivity to the existing city greenbelt system from Wellesley Place to Mace Ranch Park. and from Wellesley Place southward to Lot R, then west between Lot 15 and 17 and 13-14 (not including Lot Q) and ending at the back of the public sidewalk north of Lot 12. The bicycle path termination as described was recommended independently by the Public Works Department and the traffic consultant for safety reasons. The recommendation was to get riders onto the new public street and into the flow of traffic before entering E. Eighth Street, where the road is at its narrowest and where the confluence of bicyclists and vehicles would be the greatest. Staff finds that the remainder of the open space would provide buffering and open space with resident amenities, but would not serve the purpose of a greenbelt.

Staff notes that staff, the applicant, and the cemetery district, extensively explored potential bicycle connectivity through the northwest corner of the Chiles Ranch and through to Pole Line Road. Ultimately this was not possible at this time due to conditions that the cemetery district desired but that staff could not support (ie. allow the cemetery district at their discretion to turn the bike path lighting off at night and/or gating the bike path if vandalism, loitering, etc occurred.). If a bike path through the cemetery been possible, staff would have considered recommending the north buffer as city greenbelt. Given that this did not occur, staff finds the area would server primarily as a “buffer” and outdoor amenity for new residents, but would not function as function a “greenbelt.” Staff has included language in the conditions of approval that would allow for a bicycle connection through the cemetery at the northwest corner, should it become feasible in the future.

Staff recommends that the eastern area of “Lot C” as generally described, shall be identified as “City Greenbelt” on a separate parcel on the Tentative Map and Final Map. The northern portion of “Lot C” and all other parcels identified as “city greenbelt” shall be identified on the Tentative Map as private open space. These areas shall be owned and maintained by the Homeowner's Association.

2. Mini park

The applicant proposes Lot N as greenbelt or mini-park. Staff does not recommend accepting the parcel as city greenbelt for reason noted above. Lot N is an attractive project feature that would provide outdoor recreational open space for new residents, but would not serve the purpose of a greenbelt for the reasons stated above; it would not provide connectivity to existing greenbelt or bicycle systems. In terms of the mini-park concept, the city does not desire a new park in this area. There are three parks located within a 1/2 mile radius of the Chiles Ranch property (Slide Hill, Chestnut, and Mace Ranch Park). The city does not wish to own and maintain a new park or the gathering structure; does not have the funding to do so; nor is the park included in the recently adopted Parks Master Plan. The existing residents desire access to the central open space and use of the gathering structure. Staff does not oppose community use of the open space, at the discretion of the Homeowner's Association, who would own and maintain the space and structure.

Applicant Response. In response to staff's recommendation to accept only a portion of the greenbelt proposed, the applicant provided a revision of Lot N, Concept A (Attachment 12) for consideration. The city owned property under this proposal would be 9.3% of the site. Concept A would shift Road 2 and lots 21-40 to the south by approximately 20 feet and subsequently narrow Lot N by the same footage. The north property lines for Lots 86, 87, 88 and the northeast portion of the accepted city greenbelt would be extended north 9'4". The north buffer would continue to meet the required 50 foot width at these locations. The west property line of Lot 6 would be shifted 8 feet, making Lot 6 forty feet wide. These modifications will reduce the burden to the HOA and shift ownership and maintenance responsibilities to the respective lot owners. The proposed modification to "Lot N" would also add driveways to the homes on lots 48-57 providing additional on-site parking for residents. One on-street parking space would be lost resulting in a net gain of 18-19 on site parking spaces.

Staff is supportive of the proposed concept A for Lot N which would reduce Homeowner's Association fees and provide additional on-site parking. The development would still provide over 25 percent open space. However, staff recommends that Lot N in either the original size or as proposed under Concept A, should not be accepted as city greenbelt, but would be owned and maintained by the Homeowner's Association.

Staff recommends that Lot N be relabeled "Homeowner's Association" on the Tentative Map and Final Map. The parcel, including but not limited to the gathering structure, trees, landscaping, and all other features or amenities located within Lot N shall be owned and maintained by the Homeowner's Association.

3. Delineation of Private and Public Space

Staff is recommending that the east property lines on five lots located adjacent to the east greenbelt be revised from zero to three feet, three inches. This is a staff recommended modification to provide a buffer between private property and city owned greenbelt. Staff believes that it is necessary to allow room to install fencing between the areas for logistical purposes. The homes would not be increased in size or moved on the lot. Staff concern is that without delineation of space, private dwellings would directly abut the greenbelt, which

would potentially create issues for the city. These range from the inability of city crew to maneuver maintenance equipment around the dwellings; potential damage to the exterior of the structure during maintenance or irrigation, or by the public; complaints regarding privacy impacts as the public and city access the greenbelt for maintenance or recreational purposes; and potential noise from activity in the greenbelt directly impacting inhabitants of the dwelling. Fencing would provide a sense of privacy to the resident in the dwellings located on the greenbelt. Although staff is not opposed to the existing blank east side building elevations, from an aesthetic perspective, an increase of the east property line would allow windows on the building, improving the appearance and allowing for light and ventilation.

The significant issue is that the SNA does not support the property line shift. The revision would reduce the greenbelt from fifty feet to forty-six feet, nine inches. The Mesquite Drive residents believe that the buffer should be a full fifty feet of greenbelt. Staff understands the response, but believes there are practical implications that must be dealt with to satisfy concerns related to city liability and maintenance. With the proposed shift in the property line, the distance between new and existing dwellings would be a total of nearly 66.9 feet (with the exception of three lots on Mesquite Drive that have second units located at the rear property line). Staff does not find the 3.3 foot shift significant, and believes that the installation of the fencing would not be a detriment to the existing homes.

The property lines of four other lots (1-4) not located adjacent to the greenbelt are also proposed to be shifted from a zero side property lines to 3 feet 3 inches on either the west or east side to provide window openings and light and ventilation. The shift on these four lots would not impact any exiting dwelling.

Staff recommends that the east property lines on five lots located adjacent to the east greenbelt, and Lots 1-4 be revised from zero to three feet, three inches. (*Renderings of the east side lot treatment at zero feet without fencing, and at 3.'3" with fencing has been provided in the Council packet.*)

4. Second Dwelling Units

The project proposal would provide twenty-one dwellings with conditioned space above the detached garage. The applicant had originally proposed second dwelling units on each of the 21 lots. The Sunrise Neighborhood does not consider the second dwelling units appropriate as they were not discussed at the time the MOU was signed in June 2008. Although the development concept and site plan layout were in the final stages at that point, the building plans and elevations were not. The concern among the neighbors is twofold: 1) this was new information present to them after the MOU was signed; and 2) the inclusion of second units would significantly increase the density. There is concern that Chiles Ranch residents would park on their streets. In response, the applicant proposed a compromise (not accepted by SNA) to include only 11 second dwelling units; the remaining 10 would be bedroom/den/office without a kitchen.

Staff finds the inclusion consistent with two key General Plan housing policies:

- *Promote adequate housing opportunities for people of all ages, incomes, lifestyles and types of households (Housing Goal 1)*

- *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)*

Other applicable policies encourage housing for students, seniors and rental housing to meet the needs of all renters. In staff opinion, the inclusion of the second units should not necessarily be limited 11 dwellings.

Staff notes that the development would meet the city's required number of parking spaces for single family zoning. In addition to the standard number of on-site parking spaces, the zoning also requires one extra on-site parking space for each dwelling with an additional bedroom or second dwelling unit. The additional parking requirement is the same for either use. The applicant has not requested a deviation from this standard. Visitor parking would be available on the street. Staff believes that if parking impacts occur, it would likely be within the development itself. Generally residents do not want to park in another neighborhood and walk to their homes. The applicant has adequately addressed the parking issue and the project would be within the density recommended by the City Council. Even if the units were counted, the density would be 10.66 units per gross acre, which is only slightly above the recommended density

Staff recommends flexibility for the applicant to increase the number of second dwelling unit to be constructed within the development from 11 units up to 21 units

Commission Review and Recommendation

Planning Commission Action

This project was reviewed by the Planning Commission at a public hearing on May 27, 2009. The Planning Commission supported the project as an innovative infill development, the proposed mix of dwelling types, the density, and the site plan. The Commission supported staff recommendation (including flexibility to allow up to 21 second dwelling units within the development), with the following modifications.

By a vote of 6-1:

1. Strongly recommend that the city consider accepting Lot N (Concept A) as city property, with option for integrating bike path through Lot N, subject to review of staff, as appropriate.
2. Request that City Council be-provided a breakdown of Major Project Impact Fees and Development Agreement Fees. *(Staff has provided the information requested in Attachments 7 and 8.)*
3. Accept revision of east property lines from zero to 3 feet 3 inches on lots located adjacent to east greenbelt and incorporate provisions to prohibit structures or debris visible from public view outside the fence as part of the CC&Rs and in the zoning. *(Appropriate conditions have been incorporated into the project approvals to address this recommendation.)*

By a vote of 4-2-2:

4. Require garages to remain clear for parking. Enforcement shall be the responsibility of the Homeowners' Association. *(Staff notes that some units will have 2-car garages plus driveway to accommodate required parking spaces. The Commission did not specify whether this condition would apply only to the one required covered space within the garage or all spaces*

within the garage. Staff recommends that if the Council supports the recommendation, that the condition be limited to the required parking covered space to allow for some storage within the garage, and that the condition would also be applicable to required parking spaces within carports.

Discussion / #1 Lot N

The Planning Commission recommendation to accept Lot N as city property (either greenbelt or mini-park) was based on the following discussion points:

- Conceptually it makes sense to accept Lot N as a continuation of the east greenbelt.
- A bike path could be integrated in the parcel to provide an east west connection to the public street.
- The existing neighbors desire access to the open space and the proposed gathering structure.
- Lot N would provide for the larger community benefit as a greenbelt (in the original size proposed).

During the public hearing the developer proposed Lot N as city greenbelt for similar reasons, and also stated that the overall common area and Homeowner's Association and associated costs to maintain it would be reduced. The developer further stated that, based on Public Works and the traffic consultant recommendation to end the bike path in the east greenbelt, Lot N --as either public or private space--would not include a developer installed bicycle path. A pedestrian path could be possible. The SNA stated public use of the space and gathering structure would foster interaction among existing and new neighbors. The SNA felt that access to this space was consistent with the guiding principles for development of the site.

After the Planning Commission meeting staff met with Parks and General Services and Public Works to consider the Commission's recommendation on condition #1. Ultimately, staff recommendation remains unchanged. Staff rationale is as follows:

1. Lot N does not connect to any existing or proposed city greenbelt, bicycle path, or bicycle lane system. It provides an attractive entry, but does not meet the intent or definition of a city greenbelt or park. The city recognizes the unique circumstances and limitations of this site and other infill sites within the city and is in the process of developing policies to allow flexibility for greenbelt requirements for smaller infill projects with which this project would comply. However, even under the draft policies under consideration, this area would not be acceptable greenbelt.
2. Staff believes that appropriate findings for consistency can be made to accept a portion of "Lot N", eastern side, as city greenbelt. Although the area and width do not provide the General Plan requirement for greenbelt, the area would provide bicycle linkage to existing corridors and other connectors in the city.
3. Staff does not support a city bike path through Lot N for safety reasons, as it would encourage "counter flow" traffic.
4. Lot N would be used for stormwater treatment purposes, with a bioswale up to 4'.5" to 6'.5" feet in depth located directly off the sidewalk in southeast corner of the site, behind lot 24. A similar bioswale, less deep, would be located south of the barn. The Lot would also include the retention of a structurally unsound tree (which will need to be fenced off for safety) and paved paths, thus minimizing the usable area for recreational purposes
5. The city does not desire a park in the development. The General Plan does not include a park at this location, and in fact, the city is deleting the concept of "mini-parks" from the master plan. The neighborhood is well within 3/8 miles of a neighborhood park (Chestnut, Slide Hill) and 1.5 miles of a community park (Mace Ranch Community Park) which complies with the General Plan standards.

6. While it has been noted that the intent would be to install primarily low water usage plants in Lot N, the city would still be responsible for costs for landscape maintenance and irrigation costs for vegetation and two large oak trees; and maintenance of the bioswale drainage system located in the parcel.
7. If the city accepts the barn, it would be added to the city's Facility Maintenance List. The city would be responsible for repairs; emergency maintenance calls; preventative maintenance; building alterations; specialized maintenance and constructing activities; responding to complaints about inadequate parking, inappropriate use; and providing custodial services to ensure a safe and clean environment for users. City staff time would also be necessary to handle reservations; collect fees and issue deposits; process cancellations; issue noise and alcohol use permits; and handle special requests.
8. Depending on the materials of the barn, the life expectancy would be estimated to be 15 years for wood; and 20 to 25 years for metal. Currently, the facilities replacement fund is good for the next two years, and then it becomes underfunded. Choices would have to be made dependent upon what facilities need to be replaced first and others would be deferred.
9. The applicant noted that the city has already established a precedent for accepting a structure similar to the barn in Woodbridge. Staff notes that the structure is an old wood pump house that was kept at its existing location next to the city greenbelt. There is no public access to it, whereas the barn is proposed for public use. The city owns it but there is no maintenance on it. It is not on the Facility Replacement Schedule.
10. The value of Lot N is questionable as a city wide benefit. Larger, accessible parks offering a greater range of amenities are available throughout the city. Staff believes that the community at large would continue to utilize existing parks and would not necessarily be drawn to this area.

Should the City Council support accepting Lot N a city property, staff is recommending that:

1. The City should not accept the barn at its current location, or on any city property.
2. Due to the poor health/structural condition of the large oak tree in Lot N as noted in the Tree Appraisal Study, a structural study shall be required for the tree. The tree shall be removed or have structural corrections made before the city accepts the tree.
3. The structural material(s) of the barn shall be provided, subject to review and approval of Parks & General Services Superintendent and Community Development Director or designees prior to issuance of building permits. The structure shall be constructed of materials to ensure longevity, and to reduce structural maintenance, repair and replacement costs.
4. The City should increase the general fund budgets of the departments which will be responsible for maintenance and operations associated with the area.

Social Services Commission Action

The applicant's Affordable Housing Plan Proposal was reviewed by the Social Services Commission on November 17, 2008. The Social Services Commission by a vote of 3-2 supported staff findings and conditions of approval recommended by staff as shown below. The two dissenting votes were due to the small amount of fully accessible units in the project. A memo containing the meeting summary and the staff report with full conditions is provided Attachment 26.

- Twenty-two low moderate income units shall be provided by the project.
- All units will be advertised and sold in accordance with the City's Buyer Selection Guidelines.
- All unit sales prices will be adjusted downward from the City's standard pricing in order to account for the project's monthly Homeowner's Association fees (approximately \$80-\$90 per month).
- Resale Restriction and Right of First Refusal Agreement recorded against all units upon initial sale.
- 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 low/moderate income units have been issued a Certificate of Occupancy.
- Resale of units will be administered under the City's Right of First Refusal Program.

The Social Services Commission further recommended that eleven lots, 6-12 and 43-46 provide an accessible path and entrance via the garage in lieu of an accessible path from sidewalk to front of the unit due to drainage requirements for the lots. These lots exceed the ADA slope for entry into the unit.

The applicant recognizes that the City Council has adopted a local policy that 100% of new market rate units be visitable. All units within the subdivision would provide visitability features with the exception of the ADA exterior path of travel on the eleven lots noted above. Five lots would have a single car garage. It would not be possible for a wheelchair to maneuver through the garage, around a parked car and into the house. It is possible that the other 5 lots, which would have a two-car garage, could provide a path of travel through the garage if only a single car was parked in it. The applicant's concern is that because the city's description of visitability refers to ADA standards for path of travel, the houses with the tandem garages and lots with steeper driveway slopes cannot be considered visitable in any manner. These homes would not meet the legal definition for visitability.

General Plan/Housing Element Update Steering Committee Recommendation

The site has been evaluated by the General Plan / Housing Element Update Steering Committee. Out of 36 potential housing sites that were ranked, this site is identified as number 10 of 20 recommended "Secondary" or "green light" housing sites. ("Primary" housing sites are those currently planned and zoned for housing.) The Committee recommended rezoning for the site for residential use and a range of 88-180 units. The proposed medium density project is consistent with the Committee's recommendation for medium density development and with the principles used by the Committee in ranking sites. These principles included: promotes overall proximity to existing community facilities including parks, greenbelts, and schools and shopping; is capable of providing compact development; promotes pedestrian, bicycle and transit mobility; and is compatible with existing land uses in the vicinity.

Project Data

Applicant / Property Owner:	New Urban Development, LLC c/o Don Fouts and Steve Sherman 1930 E. Eighth Street, Suite 100 Davis, CA 95616
Project Location:	2411 E. Eight Street, and the abutting parcel to the east (west of Mesquite Drive), and the abutting parcel to the south (north of E. Eighth Street). Assessor's Parcel Numbers: 71-020-15; 71-401-02, 71-401-03
Existing General Plan Land Use:	Residential Low-Density
Proposed General Plan Land Use:	Residential Medium-Density
Current Zoning:	Agriculture (A); and Residential one and Two single Family (R-2)
Proposed Zoning	PD #8-07, Residential Uses
Existing Lot Sizes:	.846 acres (37,635.84 square feet); 4.911 acres (213,923.16 square feet); 6.313 acres (274,994.28 square feet)
Existing Uses:	Vacant
Adjacent Zoning and Land Use:	North and 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 (Attachment 27) has been completed for the project to evaluate potential impacts associated with the residential development of the subject site. It reveals 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 has been prepared for the project.

Traffic

A Traffic Impact Analysis was prepared for the project by *KD Anderson & Associates* in October 2008. The study was conducted after the beginning of the new school year 2008-09 to ensure that the highest potential traffic volumes in the vicinity of the project were captured and analyzed in the report. The study area is shown in Attachment 28. The study stated that the proposed project plus existing conditions would have no potential for significant net new impacts on traffic. Trips generated (volume) and Levels of Service (LOS) at intersections would continue to

operate above the city's General Plan level of service thresholds. The study stated that traffic mitigations are not necessary.

Neighborhood residents have expressed concerns regarding existing vehicle speeding on E. Eighth Street and the potential increase in speeding vehicles generated by the proposed project. Staff notes that the traffic generated from the project itself would actually contribute to traffic calming as adding more volume to a street generally serves to reduce speeds. The *KD Anderson & Associates* traffic report did not recommend traffic calming mitigations, but given resident concerns, the city independently collected speed data in November 2008 in the project vicinity along E. Eighth Street between North Diameter and Mesquite Drive. Results showed critical speeds of 32 miles per hour, which does not warrant traffic calming measures. However, the applicant proposes to work with the city to install traffic calming measures along E. Eighth Street in the project vicinity. Final determination of method(s) and placement(s) would be subject to review and approval of the Public Works Department.

Public Noticing

Public Hearing Notices and Notices of Availability for the Initial Study 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. The 500 foot radius was measured from the each edge of the subject site (N, S, E and W) to ensure that the maximum members of the public received notice of the meeting. Notices were also sent to the property owners within the Sunrise Neighborhood Association boundaries. Staff has received one comment in response to the public hearing notice (Attachment 29).

Community Meetings

As part of the SACOG process, community outreach meeting were held on September 17, 18, 20, and November 3, 2007. The meetings were conducted by the consultants to engage the public in providing input on potential site plan development and to solicit feedback on the preliminary and final concept plans created during the process.

Neighborhood Noticing and Neighborhood Meetings

On December 5, 2008 the city conducted a neighborhood meeting to provide information on the project proposal and solicit feedback on the final plan submitted by the applicant. The noticing area for the neighborhood meeting was the same as for the Public Hearing Notice noted above. Approximately 25 members of the public attended the meeting. Meeting minutes are provided in Attachment 23.

Project Analysis

Infill Development

The City General Plan defines infill as "urban development or redevelopment on vacant or "underutilized" urban-designated land within a city's boundaries, as an alternative to accommodating growth through expansions of city boundaries." Staff believes that the proposed subdivision is an appropriate project consistent with the General Plan policies for infill development and that the project would result in an effective utilization of the land. Interim Infill Guidelines which staff finds relevant to the proposed project are provided in Attachment 18. A table demonstrating consistency with the city's Interim Infill Guidelines has been provided by the applicant in Attachment 19.

General Plan Amendment

The proposal is to allow a General Plan Land Use change from Residential Low-Density to Residential Medium-Density to develop a 108 unit residential subdivision on 12.1 gross acres. The unadjusted gross density of the proposal is 8.93 units per acre. This is within the range of the requested General Plan land use designation of Residential Medium-Density. However, the General Plan Policy Interpretation excludes the required acreage for neighborhood greenbelt and parkland dedication from the density calculation. Thus, the site's "adjusted" acreage for density calculation without the proposed greenbelt and mini-park proposed by the applicant would be 9.87. The adjusted gross density for the project excluding the greenbelt area recommended by staff would be 9.47. Under the proposed General Plan amendment, the project (under either density) would be consistent with the General Plan medium density land use designation of 4.80-13.99 units per gross acre, or up to 169 dwelling units. The proposed density of the project proposal would be consistent with the surrounding neighborhoods of single family dwellings, one and two family attached dwellings, and multi-family uses, with a mix of densities ranging from low to high.

Staff believes that the proposed project will comply with applicable General Plan policies based on the use and configuration, subject to the overall recommended conditions of approval and mitigation measures of other entitlement applications. Applicable General Plan policies identified by staff are provided in Attachment 20. A table demonstrating General Plan Consistency has been provided by the applicant in Attachment 21.

Development Agreement. A Development Agreement provides a vested right for the development of an approved project. Any city, county, or city and county, may enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property pursuant to Government Code § 65864 *et. seq.* A development agreement does not require a nexus with project impacts because they serve as voluntary alternative to normal regulations. The Development Agreement for the Chiles Ranch contains several main elements including: meeting greenhouse gas emission reduction thresholds; provisions requiring architectural diversity; traffic calming and roadway improvements; and , and deferring payment of water connection, sewer connection, and Quimby fees (park in-lieu) from Final Map to Certificate of Occupancy;. Supplemental fees payable by the Developer under the agreement include:

Supplemental Residential Fee. The Developer shall pay \$3,000 for each and every market-rate residential unit (86 units) within the Subdivision prior to issuance of building permit for that unit. **(\$258,000).** The contribution will be utilized for the purposes of community enhancements.

Tree Appraisal and Mitigation Fees. To accommodate the development a total of 221 trees are proposed for removal. Approximately 217 new trees would be planted. The appraisal value of the trees to be removed is \$175,150. The city recognizes that the property is unique. The site was formerly a farm and orchard. The site contains significantly more trees than any other similarly sized parcel in the city, some marginal and near the end of their life span; others deformed and providing little canopy. The new trees to be planted would be geared toward species suitable for the climate to ensure longevity. The number of trees to be planted would over time provide canopy to mitigate loss of canopy of the trees slated for removal.

Accordingly, the otherwise required fee has been modified to \$50,000. The value of the new trees to be planted in the Chiles Ranch Subdivision shall be credited towards the modified fee in the amount of \$28,210. The remaining Developer obligation shall be:

- **\$21,790** shall be deposited into the city's Tree Planting, Protection and Preservation Fund
- **\$3,500** contribution to Tree Davis

Other Provisions. In addition to the above and payment of all city fees required to be paid for development of the parcel, the Developer agrees to full compliance without limitation to ordinances, rules, and regulations and polices in effect at the date of the tentative subdivision map for the parcel, including but not limited to affordable housing ordinances, greenbelt/open space dedication and/or in-lieu fee payment at the city's sole discretion. The Development Agreement Ordinance and Development Agreement are provided in Attachment 3.

Planned Development Ordinance

Section 40.22.050(a) of the city code requires that a Planned Development district process two separate applications; the Preliminary Planned Development and the Final Planned Development. The applications may be processed concurrently. Preliminary Planned Development designates land use classifications, development densities and standards, and street circulation patterns. Final determinations regarding lot configurations and design standards are made through the Final Planned Development and Tentative Map processes.

The Zoning Ordinance states that the purpose of the Planned Development District (Section 40.22.010) is to allow diversification in the relationship of various buildings, structures, lot sizes, and open spaces in order to be relieved from the rigid standards of the conventional zoning. A planned development district shall comply with the regulations and provisions of the general plan, and the following key criteria:

- *Provide housing for persons of low, moderate and high income levels.*
- *Provide a mix of housing styles and costs.*
- *Provide creative approaches in the development of the land in an efficient and desirable use of open space; provide variety in the physical development pattern of the city.*

The applicant is proposing to construct a development with a mix of traditional detached single family homes and attached units on a range of lot sizes. The project also includes condominium units. Staff believes the proposal is an efficient use of the land. The site is designed creatively with a combination of typical residential patterns with homes facing the street, and with more dense housing in the middle of the site located around common open space. The proposed subdivision will allow for diversification in the relationship of various buildings, structures and open spaces on the site and in the surrounding area.

The proposed Preliminary Planned Development #8-07 (Zoning Ordinance Amendment, Attachment 2) would apply to the 108 residential parcels within the subdivision. Underlying uses would be consistent with the R-1-6 (Residential One-Family) Zoning District. Staff believes that the proposed project, as conditioned, would comply with the stated purposes of the Planned Development (P-D) District. The Preliminary Planned Development, if approved by the

City Council, would become part of the city's zoning map in conformance with city code section 40.22.060(a).

Final Planned Development

The Zoning Ordinance states that the purpose of the Planned Development District is to allow diversification in the relationship of various buildings, structures and open spaces in order to be relieved from the rigid standards of the conventional zoning. The proposed new P-D requests deviations from conventional base zoning yard setbacks, usable open spaces, lot area, lot width, lot coverage and floor area ratio requirements in order to develop a unique residential project, park and greenbelt. The development would be similar with the existing area and land uses in terms of building size and height, parking standards and open space amenities, and would be compatible with surrounding densities. The FPD map the following page illustrates lot and building footprints; proposed greenbelt and park area; common open space; and street and private drive circulation patterns that would be established under the proposed planned development.

A Final Planned Development shall provide a residential environment of sustained stability in harmony with the character of the surrounding neighborhood (Section 40.22.110(c)). Staff believes that the planned development and project design have been developed to allow for deviation of the R-1-6 standards while ensuring overall compatibility with the surrounding neighborhood. The P-D ordinance calls for the development of sound housing for persons of varying income levels, creative approaches to developing land, the efficient use of land, and variety in the physical development pattern of the city. Staff believes that the proposed subdivision would successfully achieve these goals. The proposed Final Planned Development would be fully consistent with the requirements of Preliminary Planned Development #8-07. Amendments to the established standards would require a Revised Final Planned Development which would be subject to review and approval by the Planning Commission.

Staff finds that the deviations proposed under the Planned Development are justified in that:

- The project conforms to the General Plan and is consistent with policies that encourage infill within the city limits.
- The project is compatible with the character of the surrounding neighborhood.
- No negative environmental impacts are associated with the project.
- The proposed buildings setbacks would not create privacy impacts on existing adjacent properties.
- The project would add to the variety of housing types in the area.
- The project would provide a minimum of two parking spaces for each dwelling
- The project would provide for-sale single family housing opportunities for various income levels.

Staff is recommending approval of final development standards for the project as shown in Table 1 and Table 2 in Attachment 5. Because the project proposes numerous architectural plans, the standards for each lot would vary minimally, but would be different. Therefore, typical standards proposed for each lot within the development are shown. A full size matrix detailing the proposed standards for each individual residential lot has been provided to the Planning Commission. Future amendments to the proposed standards would require a revised Final

Planned Development which would be subject to review and approval by the Planning Commission.

Site Plan. The Chiles Ranch subdivision would include residential development around a central loop street and private drives. The development would provide a mix of one, one and-a-half, and two story homes, intended to provide “like to like” housing near existing homes. The one and a-half story models would be located along E. Eighth Street to complement the existing streetscape which includes single duplexes and two story apartment complexes. Four other one and a-half story models would be located along the cemetery border, along the west edge of the property. The interior of the site would feature landscaped and open space areas with pedestrian pathways and resident gardens. Primary vehicular access would be two entrances located off E. Eighth Street. Textured pavement is proposed at the main project entrance. An open space area with two large oak trees and a gathering structure would provide an aesthetically pleasing view at the entrances. The applicant proposes this area as mini-park to be dedicated to the city (see “Significant Issue” discussion, Page 8). Street bicycle lanes surround the project on E. Eighth Street. The project would be served by both Yolo bus and Unitrans.

Street Circulation. The project provides for primary access from two entries located off E. Eighth Street. A secondary access for emergency use only would be available at the northeast corner of the site via a new bike path connection Wellesley Avenue. This was a key component of the Fire Department’s support for the project in the event that a situation arose where E. 8th Street was not accessible for ingress of emergency vehicles and/or egress for resident vehicles. Circulation within the site would be in both directions around the private street, and in both directions through the public street. Access to a number of detached garages would be from private drives. The public street would range in width from 20 feet to 34 feet. For emergency access, Fire requires a minimum street width of 20, and a minimum width of 16 feet on the private drives. Parking would be permitted on one side of the street in some areas, and on both sides of the street in other areas. The private drives would be 21feet wide; parking on private drives would not be permitted. Enforcement would be the responsibility of the Homewoner's Association. Planning, Public Works, Fire and Police staff have reviewed the circulation plan and find it acceptable, as conditioned.

Lot Area and Width. The R-1-6 zoning standards require a minimum lot size of 6,000 square feet interior lot and 7,000 square feet corner lot. Minimum width standard is 55 feet interior lot; 65 feet corner lot. Historically the city has permitted small lot area and lot width in planned development districts in order to achieve innovative and unique development projects. City polices and goals support densification through infill to preserve existing city borders. Staff believes that smaller lots would contribute to a clustered and compact project that would provide a variety of housing types and sizes, with ample areas of common usable open space within the development.

Setbacks. The building setbacks are necessary for the proposed development to occur. The site layout and building designs have taken this factor into consideration. Staff believes the impacts from reduced setbacks would not be significant. The development proposes usable open space and an attractive streetscape. Front yards would be located along the public street, or oriented toward common open space or clustered courtyards. The site is designed so that no rear yards

would abut any other rear yard, either within the new development, or existing dwellings, thereby ensuring privacy. Reduced side yard setbacks between buildings would be addressed through window placement and site layout. Where windows would face adjacent properties the house plan would vary so that windows are not in alignment. Reduced yard setbacks within the development would not impact existing properties. Buffering would be provided between new and existing properties along the north and east edges of the site to ensure adequate separation of structures.

Usable Open Space. Required usable open space is 20 percent of the area of the lot. The open space calculation includes areas with a minimum dimension of twelve feet by twelve feet, not counting required front yard or paved parking areas. Some lots in the proposed development would not meet the strict application of useable open space. The PD proposes including the front yards and all landscaped areas on the interior lots as usable open space. Under this proposal, open space would range from 25 percent to 50 percent. Staff believes that although the lots provide less than the traditional open space, adequate space for outdoor use is provided on the lot. In addition, the development provides ample common open space and gardens for residents to use and enjoy.

Floor Area Ratio. The underlying zoning for the planned development would be single family residential, subject to the maximum R-1 standard of 40%. The project proposes floor area ratios ranging from 40% to 90%. The proposed FAR would not be inconsistent with other medium density developments in the city. The purpose of the floor area ratio standard is to discourage the overdevelopment of lots with large houses. As discussed previously, the development proposes modest size homes on small lots to maximize common open space.

Lot Coverage. A significant deviation would be in lot coverage requested. In some developments, excess lot coverage results when the square footage of the house is maximized. In this development, the site is designed with small to medium size dwellings to maximum the amenity of common open space throughout the site. The openness of the development is intended to create a sense of community that encourages the residences to interact with their neighbors. Given the uniqueness of the proposed project and the Residential Medium-Density designation, staff believes that the requested lot coverage deviation is appropriate.

Building Height. Maximum height would be consistent with R-1-6 standard which limits building height to two stories or 30 feet. Dwelling height would range from 24 to 30 feet.

Parking Standards. The project would provide on-site parking to meet city zoning standards. No deviations are requested. Dwelling with four or fewer bedrooms, including the condominium units, require two on-site parking spaces. Parking would be accommodated in one or two-car garages, carport and uncovered spaces. The 21 dwellings proposed with a fifth bedroom or a second dwelling unit would require a minimum of three parking spaces. Garage, carports, and uncovered parking space dimensions shall be as shown on the Final Planned Development map.

The number of required on-site street spaces for residents would be 237, which would include one additional space for each dwelling with a second dwelling unit (or bedroom/den/study). A total of 263 on-site parking spaces would be provided in attached or detached one or two-car

garage or carport and uncovered space. (With acceptance of Lot N, Concept A, the number of on-site parking spaces would increase by 18-19 spaces). Public parking would primarily be limited to one side of the street, providing 70 on-street spaces for visitor parking. The parking exhibit is provided in Attachment 15.

Future Changes. The maximum development standards are established under the Final Planned Development. Any building expansion shall require a Revised Final Planned Development.

Second Dwelling Units. Eleven second dwelling units are proposed. As noted, staff supports allowing up to 21 additional second dwelling units in the initial construction should City Council support it. Under the restrictions of the Final PD, a bedroom/den/study constructed over a detached garage would not be permitted to be converted to second dwelling unit without approval of a Revised Final Planned Development and Conditional Use Permit by the Planning Commission

Garage Conversions. Garage conversions (partial or whole) shall not be permitted under this Final Planned Development.

Greenbelt / Consistency with General Plan. The Chiles Ranch subdivision proposes 15 percent greenbelt. As recommended by staff, the project would provide 6.1 percent greenbelt. Concept A would provide 9.3 percent greenbelt. Under either scenario the greenbelt would not meet the minimum 10 percent or the average 100 feet width required under the General Plan. Given that this is an infill site, it is practically infeasible to provide the average 100 feet greenbelt width and still design an acceptable residential density for the site, especially with the required buffer on the edges. The General Plan policy is intended to address larger development projects where entire new pathways are created. In fill projects, such as this and Verona, serve more as a “connector” of existing developed areas. Staff is in the process of developing General Plan policy to specifically address the unique circumstances of infill sites. Staff believes that flexibility is necessary and appropriate for smaller infill sites. Other subdivisions such as Glacier Place, Cassel Lane, and Verona were approved without providing the minimum 10 percent greenbelt or the 100 feet average width.

Waste Receptacles and Greenwaste. Each single family unit lot would have an area designed for tote storage. Davis Waste Removal has reviewed the plan and stated that the substantial lengths of no parking areas on the public streets provided enough opportunities for placement and collection. DWR commented that the placement of garbage and recycling totes on the street at this site plan posed no more an issue than many other neighborhoods in town. DWR has found that residents figure out what works best in their neighborhood, and if there are not enough open street parking spots for totes on a particular day, people place them between the cars. DWR has become used to these tight conditions, especially in Old North Davis, downtown and other dense neighborhoods.

Utilities. During the SACOG concept review process, the Council requested that the applicant pursue the possibility of undergrounding the existing utilities on the north edge of the site. The site was surveyed and showed that there is an existing public utility easement containing six power poles located behind the fences of the existing homes on Regis Drive. The easement belongs to the Regis property owners and the power poles are not located on the Chiles Ranch

property. Originally the developers anticipated drawing some power for the development from the existing power poles located in the easement. However, in consultation with PG&E, it was determined that the project could be served solely from an underground connection via E. Eighth Street. All utilities associated with the project would be undergrounded. Under the city's Municipal Code (Section 36.09.020(g)(1) the project would not require undergrounding, nor payment of fees in-lieu of undergrounding existing utilities.

Fencing. The applicant proposes to install all fencing within the development. New fencing along the north and east edges of the property would replace the existing fences of abutting homes at no cost to the homeowners. Developer shall submit fencing plan and fence details prior to issuance of building permits. Fencing will be located on private property or common areas. Maintenance and repair shall be the responsibility of the abutting property owner and/or the Homeowner's Association to maintain. Conditions of approval related to fencing are provided in the Findings and Conditions of Approval.

Product Placement. The total number of each house plan constructed within the development shall be consistent with that shown on the Final Planned Development. A house plan change proposed on any lot shall be subject to review and approval by the Community Development Director. No more than two houses of the same plan shall be permitted to be located side by side. Exterior paint colors shall differ, and where possible exterior materials should vary. (FPD, DR)

Covenants Codes and Restrictions. A detailed set of CC&Rs shall be drafted by the applicant and submitted for review and approval by the Community Development Department and the City Attorney, including but not limited to explicit use, maintenance and repair, replacement of private drive, 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; and/or common walls, roofs; parking enforcement etc. Issuance of building permits shall not be granted until the CC&Rs have been submitted in a form determined to be adequate by the city based on review by the Community Development Department and the City Attorney. Enforcement of the CC&Rs shall be the responsibility of the individual property owners via private proceedings.

Tentative Subdivision Map

The Tentative Subdivision Map application proposes to merge and re-subdivide three vacant parcel located at 2411 E. Eighth Street for the creation of a residential subdivision of 108 single family lots, and street, common space, private drive, public street and greenbelt parcels. Sections 36.04.010 through 36.04.130 of the Subdivision Ordinance contain the requirements for a tentative map for division of land into five or more parcels. The Planning Commission is authorized by the Subdivision Ordinance to make its recommendation to the City Council. Given that this project involves concurrent applications processing the City Council is the approving body. The City Council is required by the ordinance to approve or conditionally approve a tentative map upon making a finding that the proposed subdivision together with the provisions for its design and improvement is consistent with the General Plan and all applicable provisions of the Subdivision Ordinance.

The most significant issues related to the tentative map are the areas proposed as city greenbelt and mini-park by the applicant. As recommended by staff, the Tentative Map shall be revised to identify the area recommended by staff in “Lot C” as a separate parcel. Conditions of approval have been included to ensure that the city greenbelt and bicycle paths shall be designed and installed to city standards. “Lot N” and the remaining open space on the site shall be identified on the Tentative Map as common open space to be owned, developed and maintained by the developer or Homeowner’s Association.

Staff has not identified any other issues related to the map application and recommends approval of the Tentative Subdivision Map. Provisions including, but not limited to use, maintenance, repair, and replacement of the private drives, common area shall be subject to the review and approval of the City engineer and/or City Attorney. Easement and maintenance agreement provisions shall record concurrently with the Final Map of this subdivision and shall run with the land.

Climate Change and Sustainability

The Davis General Plan has for many decades provided policy direction and support for resource conservation, compact community design and energy efficiency. The city has adopted standard and guidelines to address local, regional and global climate change impacts of future development. The city also promotes smart growth principles to provide more livable communities and reverse the trend of urban sprawl through housing diversity; compact development; use of existing assets; natural resource protection, and quality design. The long-range goals and objectives for sustainability and smart growth initiated by the City Council address land-use policy through implementation of the Green Building Ordinance. In November 2008, and more recently in April 21, 2009, the City Council adopted resolutions establishing thresholds and standards for greenhouse gas emission reduction. The project would comply with the city' Green Building Ordinance and proposes a Carbon Reduction plan that would meet the greenhouse gas emission reduction standards.

The Chiles Ranch subdivision also proposes the following “green” features:

- Bioswales installed in greenbelts and common area to direct and filter stormwater before release into city system
- Encourage production of a percentage of food on site by providing common gardens for residents
- Minimum fifty percent drought tolerant landscaping for reduced water consumption
- Encourage alternative forms of transportation by providing street gutter modifications to accommodate potential future bus route
- Provide connectivity to existing greenbelt and bicycle paths
- Promote social and physical well being of residents through inclusion of pedestrian and outdoor open space amenities within the development to encourage walkability and interaction among neighbors
- Compact development with ample greenbelt and common open space

Affordable Housing Plan

The city’s Affordable Housing Ordinance (Chapter 18.05 of the Municipal Code) requires off site land dedication to accommodate low and moderate income affordable housing in

developments with more those 76 units. The land dedication required for this project would be 1.47 acres. The ordinance also permits a developer to submit for a “Project Individualized Plan” (PIP), which may include a proposal to provide all of the affordable units on site. The applicant has submitted such a plan. Staff is supportive of the plan given the small size of the land dedication that would be required, the limited funds available, and the length of time it could take to develop. The project would also supply for-sale housing which the neighbors support over affordable rental housing.

A total of 22 low/moderate income units are required for the project. The applicant proposes to meet the requirement by providing all of the affordable units on a single common parcel. The units would include 20 condominium located in four buildings, and two units located in an attached dwelling. A Project Individualized Plans for affordable housing is subject to city review by the Social Services Commission and subject to the requirements below:

Affordable Housing Requirements.

Twenty-five percent of the units to be constructed shall be low-moderate income units. It is estimated that for-sale housing prices would range from \$160,995 to \$264,863 for a two bedroom unit; and from \$178,198 to \$301,866 for a three bedroom unit. The pricing assumes \$50 monthly Homewoner's Association. Affordable housing prices are based on the 2008 Yolo County Area Medium Income of \$71,000 (for a household of 4 people).

Accessibility/Visitability. Staff notes that through a Planned Development, the city may approve development with densities on any given parcel than higher than the otherwise allowable maximum density for a given area, provided that the overall density is consistent with the allowable density. Under this provision, the condominium parcel with the income units would be exempt from the visitability/accessibility requirement due to exceeding a density threshold of 1.25 units per net acre. However, the applicant proposes two visitable condominium units; nine accessible condominium units; and one fully accessible unit in the attached dwelling unit. The remaining low/moderate income units are on the second floor.

Design Review

The Zoning Ordinance states that the purpose of the design review is, “a *comprehensive site plan and architectural review so as to determine compliance with the Zoning Code and to promote the orderly and harmonious growth of the city and stability of land values and investments and its general welfare...*” The design review evaluates the siting, elevations, landscaping, and the overall appearance of a proposed project relative to compatibility with the existing neighborhood. Staff believes the proposed project site layout and amenities, building design, and landscaping would be compatible with the existing neighborhood and would enhance the character of the neighborhood. Exterior materials and colors are to be determined, but would be high quality, durable materials, with colors complementary to existing structures in the neighborhood. Final selection would be subject to staff review and approval.

Building Design. Dwelling would be a mix of attached, detached and condominium units. Twenty-one of the units would provide living space above a detached garage constructed as a fifth bedroom or second dwelling unit. Fifteen different complementary elevations are proposed to provide architectural diversity. Dwellings would contain two, three or four bedrooms; and

one, one and a-half bath, or two and a-half baths. Single family units would include attached one or two-car garage. A carport would be provided for each condominium unit. Maximum building height would range from 24 feet to 30 feet. Building elevations are provided in Attachment 13.

Staff believes that the proposed elevations are acceptable as they complement the existing structures and uses in the neighborhood. Recommended conditions of approval will ensure that the proposed building elevations, materials and colors are carried out.

Visitability and Accessibility. The visitability and accessibility features for the affordable income units have been addressed. The market rate units would provide 62 first floor only accessible units; 2 single story accessible units; and 11 visitable units. As noted previously, the drainage constraints on some lots will require an accessible path and entrance via the garage in lieu of acceptable ADA accessible path from sidewalk to front of the unit.

Greenbelt/Buffer. The greenbelt and buffer would be installed in two phases, consistent with the construction phasing. A portion of the east greenbelt would be installed in the first phase, beginning at the Phase I line shown on the tentative map and south to E. Eighth Street. The bicycle path and emergency fire lane access located in the northeast corner of the site, located north of the Phase I line, would also be installed in the first phase. The north buffer and the remainder of the east greenbelt would be improved in Phase II. The project would be conditioned to install greenbelt / buffer prior to issuance of first Certificate of Occupancy for a residential unit in each phase.

Landscaping. The applicant shall install landscaping and irrigation for the project including common open space, private front yards, greenbelt and buffer as shown on the conceptual landscape plan. Landscaping would include trees, shrubs and ground cover. Final landscaping plan including tree and plant selection shall be subject to review of Planning and Parks department. A minimum of 50 percent of the landscaping will be drought tolerant. Landscaping, trees and irrigation installed within the common areas of the project by the developer shall be maintained by the Homeowners Association. The conceptual landscaping plan is provided in Attachment 14.

Conclusion

Staff believes that the proposed project offers a compact development with variety of housing choices for a variety of lifestyles. The site design would offer a mix traditional detached homes, attached homes, and condominium in a variety of prices and sizes. Though compact, the dwellings are well situated. The development provides a sense of openness through placement of greenbelt, common open space, and gardens. Walking paths located throughout the site encourage interaction among residents, and front porches facing E. Eighth Street provide a welcoming streetscape. Yards and common areas would be maintained by the Homeowner's Association to ensure a neat, well maintained environment. The development would improve the appearance of the surrounding area by developing the unsightly vacant lot in a manner that respects the existing residential uses.

Staff believes the plan reflects a mix of features and characteristics desired by the neighbors, the developer, the community, and the city. Staff recommends approval of the project applications

for the following reasons: (a) the use complement the existing neighborhood; (b) the mix of housing types, size and prices, including the affordable component, address the city's local and regional housing needs; (d) conditions of approval recommended for adoption will adequately address any concerns raised; (e) the uses and buildings will be compatible with existing uses and structures (f) the project as conditioned is consistent with city sustainability goals and objectives. Findings and Conditions of Approval for the requested entitlement applications are provided in Attachment 4.

Attachments

1. Proposed Resolution of Intent to Amend General Plan
2. Proposed Zoning Ordinance Amendment, Preliminary Planned Development #8-07
3. Proposed Development Agreement Ordinance and Development Agreement
4. Recommended Findings and Conditions of Approval
5. Table 1 and Table 2 Establishing Final Planned Development Standards
6. Summary Fiscal Analysis
7. Summary of Major Project Impact Fees
8. Summary Development Agreement Fees and Obligations
9. Project Location
10. Applicant Narrative
11. Chiles Ranch Tentative Map / Site Plan
12. Concept A Plan, Lot N
13. Building Elevations
14. Conceptual Landscaping Plan
15. Parking Exhibit
16. Chiles Ranch Carbon Reduction Proposal
17. Guiding Principals for Development of the Site
18. Applicable Interim Infill Guidelines
19. Applicant's Table Demonstrating Consistency with Interim Infill Guidelines
20. Applicable General Plan Policies I
21. Applicant's Table Demonstrating Consistency with General Plan Policies
22. Letter of Agreement Between New Urban Development and Sunrise Neighborhood Association, June 23, 2008
23. Neighborhood Meeting Minutes, December 4, 2008
24. Sunrise Neighborhood Associations Comments, May 12, 2009
25. Applicant Comments, May 12, 2009
26. Social Services Commission Meeting Memorandum, November 17, 2008
27. Initial Study
28. *KD Anderson & Associates*, Traffic Study Area, October 2008
29. Correspondence
30. May 27, 2009 Planning Commission Staff Report
<http://cityofdavis.org/CDD/projects/Chiles-Ranch/pdfs/20090527-Planning-Commission-Meeting/00-PC-Chiles-Ranch-Report-FINAL-with-Maps.pdf>

City of Davis Website: Proposed Chiles Ranch Subdivision
<http://cityofdavis.org/CDD/projects/Chiles-Ranch/documents.cfm>

RESOLUTION NO. XXX, SERIES 2009

RESOLUTION OF INTENT TO AMEND THE CITY OF DAVIS GENERAL PLAN LAND USE MAP TO REDESIGNATE 2411 E. EIGHTH STREET (APN #071-010-15) AND THE ABUTTING PARCEL TO THE EAST (APN #7-071-401-02) LOCATED WEST OF MESQUITE DRIVE, AND THE ABUTTING PARCEL TO THE SOUTH (APN# 071-401-03) LOCATED NORTH OF E. EIGHTH STREET, FROM RESIDENTIAL-LOW DENSITY TO RESIDENTIAL MEDIUM-DENSITY

WHEREAS, the parcels described above consisting of 12.1 acres is designated “Residential Low Density”; and

WHEREAS, the proposed amendment would allow for consistency between the General Plan Land Use Map designation and the Zoning Ordinance Land Use Map designation that zoned the parcel for development with residential homes; and

WHEREAS, amending the General Plan land use designation of the parcel designated Residential Low Density to Residential Medium Density enables the development of a project that reflects General Plan policies; contributes to infill housing within the city limits; and thus contributes to the mix of use types in the neighborhood while promoting transit use due to its location; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 27, 2009, to receive comments and consider amendment of the General Plan related to property; and the Planning Commission recommended that the City Council approve the amendment of the General Plan based on findings below.

1. Find that the proposed General Plan amendment is appropriate in that it provides needed housing and contributes to infill housing development within the city limits.
2. Find that the proposed project’s density is consistent with the General Plan Residential
3. Medium Density land use designation, which permits a range of 4.80 to 11.20 units per gross acre, or 6.00 to 13.99 units per net acre with density bonus.
4. Find that the proposed amendment provides consistency with General Plan policies for sensitive infill, a mix of housing types and creative development patterns.
5. Find that Mitigated Negative Declaration #1-08 has been prepared for this project and determines that impacts of the project will be less than significant with the mitigation measures adopted; and that pertinent mitigation measures in the General Plan would apply to the development of the subject site.
6. Find that the project is consistent with the City’s Interim Infill Guidelines.
7. Find that the project provides a mix of housing types in the neighborhood and promotes transit use.
8. Find that the project provides an architectural “fit” with the scale of surroundings uses and the mix of adjoining medium density land and high density land uses.
9. Find that the project provides an urban/community design which is human-scaled, comfortable, safe and conducive to pedestrian use.
10. Find that development respects the setback requirements and existing uses and privacy on

adjacent properties through the use of greenbelt and buffer.

WHEREAS, based on oral testimony and documentary evidence reviewed during the public hearing, the City Council determined that Negative Declaration #1-08 adequately addresses the potential environmental impacts of the project, that mitigations were made part of the project to reduce impacts to a less than significant; and that the appropriate findings were made.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Davis that the General Plan of the City of Davis is amended based on the map revision exhibited as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Davis on this ____ day of _____, 2009 by the following vote.

AYES:

NOES:

ABSENT:

Ruth Uy Asmundson, Mayor

ATTEST: _____
Zoe Mirabile, City Clerk

ORDINANCE NO. _____

REZONING / PRELIMINARY PLANNED DEVELOPMENT ZONING ORDINANCE

AN ORDINANCE AMENDING SECTION 40.01.090 OF CHAPTER 40 OF THE CITY OF DAVIS MUNICIPAL CODE REZONING 2411 E. EIGHTH STREET (APN #071-010-15), THE ABUTTING PARCEL TO THE EAST (APN #7-071-401-02) LOCATED WEST OF MESQUITE DRIVE, AND THE ABUTTING PARCEL TO THE SOUTH (APN# 071-401-03) LOCATED NORTH OF E. EIGHTH STREET CONSISTING OF APPROXIMATELY 12.1 ACRES, ZONED AGRICULTURE (A) AND RESIDENTIAL ONE AND TWO FAMILY (R-2), TO PLANNED DEVELOPMENT (P-D) #8-07 (RESIDENTIAL USE) - CHILES RANCH SUBDIVISION

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

SECTION 1. ZONING MAP CHANGE

Section 40.01.090 (Zoning Map) of Chapter 40 of the Code of the City of Davis, as amended, is hereby amended by changing the land use designation of three parcels containing approximately 12.1 acres APN #071-010-15; 7-071-401-02; 071-401-03) located north of E. Eighth Street, south of Regis Drive, east of the Davis Cemetery, and west of Mesquite Drive, attached as Exhibit A, to Planned Development #8-07 (Residential use).

SECTION 2. PURPOSE.

The purpose of this preliminary planned development is to:

- a) Provide a portion of the City's need for residential units through infill development;
- b) Stabilize and protect the residential characteristics of the district; and
- c) Promote and ensure that the new residential uses will be in harmony with the existing neighborhood; and respect the privacy of adjacent homes through reasonable setbacks, architectural design and general landscaping plan.

SECTION 3. USES.

- A. Permitted Uses. The principal permitted uses of land of Planned Development #8-07 are as follows.
 1. Single-family residential units attached or detached.
 2. Family and Group Day Care Homes as defined in Section 40.26.270.
 3. Group care homes subject to the provisions of Sections 40.26.135.
- B. Accessory Uses. The accessory uses of this district shall be consistent with the accessory uses in section 40.03.030 of the Zoning Ordinance, as amended from time to time.
- C. Conditional Uses. The conditional uses of this district shall be permitted consistent with Section 40.03.040(c) of the Zoning Ordinance, as amended.
- D. Prohibited Uses. Due to the unique nature of this subdivision, the following are explicitly prohibited.

1. *Garage Conversions.* Garage conversions (whole or partial) shall not be permitted.
- E. Development Standards. The development standards for this district shall be consistent with the standards in Sections 40.03.050 and 40.03.060 of the Zoning Ordinance as it is written now and as it may be amended in the future. The exceptions to the zoning standards shall be those shown on the Final Planned Development map. The final planned development approval will establish the final development standards for each lot.
- F. Special Conditions. This district shall comply with special conditions in Section 40.03.070 of the Zoning Ordinance as it is written now and as it may be amended in the future. Additional special conditions are imposed below.
1. *Garages.* Garages shall remain clear for parking. Enforcement shall be the responsibility of the Homeowner's Association
 2. *Maintenance of Eastern Side Yards.* Structures or debris visible from public view shall be prohibited on side yards located adjacent to the greenbelt. Provisions to ensure compliance shall be incorporated in the project CC&Rs.

SECTION 4. SPECIAL REQUIREMENTS

The following special requirements are placed on the uses in this P-D district:

1. Park Land. The Subdivider shall pay fees in-lieu of parkland dedication.
2. Greenbelt. Subdivider shall dedicate to the city and install approximately .070 acres of greenbelt. The greenbelt shall be in substantial conformance to the portion of "Lot C" shown on the tentative map and described generally as beginning at the north edge of the emergency access road; continuing south to "Lot R"; west between Lots 15-17 and 13-14 (not including Lot Q), and ending at the back of the public sidewalk north of Lot 12. Subdivider shall provide for the design of, and construction drawings for grading, pathway, emergency access road, (including lighting), and landscaping improvements for the greenbelt bicycle and pathway system, subject to the review and approval of the Parks and Community Services Director or designee and the City Engineer. Additional improvements may be required as part of the detailed design of the greenbelt improvements to provide a safe and convenient interface of the bicycle/pedestrian path and the public street. The greenbelt shall be installed in Phase I of the development prior to issuance of first Certificate of Occupancy.
3. Secondary Emergency Access. The enhanced bicycle path / emergency access for the project, beginning in the easement located on Wellesley Place and connecting through the northeast area of the greenbelt shall also be installed in Phase I prior to issuance of first Certificate of Occupancy. The path shall be constructed to the specifications of the Fire Department, subject to review and approval by the Fire Department and Public Works Department.
4. Lot A / Easement. Lot A shall be fully landscaped by the Developer, subject to review and approval of parks and General Services Superintendent and Community Development Director or designee, in Phase I prior to issuance of first Certificate of Occupancy. Concurrently, the developer will execute an agreement with the cemetery district with the option to install an access road within the thirty-five foot easement of Lot A, no sooner than 25 years from the date of the completion of Phase I. The purpose of the road will be for use during funeral processions and not otherwise for public use. The agreement shall include

provisions for Lot N ownership, maintenance, and party response for the cost of installation of the access road, prior to the cemetery exercising their option to do so. The city will not own or maintain Lot A or the access road within the easement.

5. Drought Tolerant Landscaping. Landscaping shall include drought tolerant landscaping features. Landscaping shall be drought tolerant (minimum 50%) and incorporate inactive vegetation to the maximum extent feasible. Use of turf shall be minimized and restricted to areas of passive recreation only.
6. Affordable Housing Plan. The developer/applicant shall provide the affordable units as approved in the Affordable Housing Plan. Certificates of occupancy will not be provided on the last twenty market rate units in the project, as designated by city staff during the review and approval for the placement of unit types, until all low/moderate units have been issued a Certificate of Occupancy.

SECTION 5. MITIGATION MEASURES.

The Planned Development District is subject to the mitigation measures in the environmental negative declaration prepared for this project. Other applicable mitigation measures are contained in Mitigated Negative Declaration #1-08. A copy of all mitigation measures for this project are provided in Exhibit B are attached hereto to Planned Development #8-07.

SECTION 6. FINDINGS.

The City Council of the City of Davis hereby finds:

1. The proposed project is in conformance with the General Plan, which designates the site Residential-Medium Density.
2. The proposed project is consistent with the Zoning Ordinance, as the purpose of the Planned Development District is to allow for diversification in the relationship of various buildings and structures and provide relief from the rigid standards of conventional zoning. The proposed Planned Development is intended to provide an integrated and harmonious single-family environment by utilizing various common theme concepts that allow for, and encourage architectural variation while maintaining the residential character of the surrounding area.
3. Public necessity, convenience and general welfare require the adoption of the proposed amendment, given that the residential subdivision may be considered an infill development, to serve the housing needs of the city.
4. The project constitutes a residential environment of sustained desirability and stability in harmony with the character of the surrounding neighborhood.
5. The project incorporates sustainability features consistent with General Plan and city policies to ensure long term sustainability of the project, reduce energy consumption, and promote green construction.

6. Mitigated Negative Declaration #1-08 has been prepared for this project and declares that impacts of the project will be less than significant with the mitigation measures adopted; and that pertinent mitigation measures in the General Plan would apply to the development of the subject site.

SECTION 7. EFFECTIVE DATE.

This ordinance shall become effective on and after the thirtieth (30th) day following its adoption.

INTRODUCED on _____, AND PASSED AND ADOPTED on _____,
by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Ruth Asmundson
Mayor

Zoe Mirabile
City Clerk

Mitigated Negative Declaration #1-08
Summary of Mitigation Measures

Biological Resources:

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).

Summary of Standard Conditions

Aesthetics:

1. Prior to building permit issuance, a final lighting plan for all exterior lighting, including a photometric plan, shall be submitted to the Community Development Department for review and approval. All exterior lighting shall comply with the city's outdoor lighting control ordinance.

Air Quality:

2. An effective dust control program should be implemented whenever earthmoving activities occur on the project site. In addition, all dirt loads exiting a construction site within the project area should be well watered after loading.
3. 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, earthmoving, and other site preparation activities. Non-potable water shall be used, where feasible. Existing wells shall be used for all construction purposes where feasible.
4. Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour).
5. Haul trucks shall be equipped with tarpaulins and other effective covers. Public streets shall be swept at the end of the day and cleared of any deposits caused by construction activities.
6. Outdoor storage of fine particulate matter on construction sites shall be prohibited.
7. Contractors shall cover any stockpiles of soil, sand and similar materials.
8. Construction-related trucks shall be covered and installed with liners and on the project site shall be swept at the end of the day.
9. Throughout the construction period, streets adjacent to the project shall be swept at the end of the day and cleared of any deposits caused by construction activities.
10. Revegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the project.
11. Soils shall not be exposed, nor grading occur during high wind conditions with wind speeds greater than 20 mph average over an hour.
12. Vehicle speeds shall not exceed 15 miles per hour on unpaved areas.
13. Construction equipment and engines shall be properly maintained.
14. 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.
15. Construction activities shall utilize new technologies to control ozone precursor emissions, as they become available and feasible.
16. Vehicle idling shall be kept below five minutes.

Cultural Resources:

17. If subsurface archaeological or historic remains, including unusual amounts 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

mitigation measures to reduce any archaeological impact to a less than significant level before construction continues.

Noise:

18. All windows and sliding glass doors should be weather stripped or mounted in low air-infiltration design frames meeting ANSI air infiltration standards. Standard energy-conserving building practices will satisfy this requirement.
19. Noise insulation features shall be incorporated into building construction and site improvement as may be necessary to ensure interior noise levels on greater than 45 dBA and a maximum exterior noise level of 60 dBA.
20. All construction activity and equipment shall be in compliance with the City of Davis Noise Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
DAVIS APPROVING A 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, on July 16, 2009, the City certified the Mitigated Negative Declaration #1-08 for the Chiles Ranch Subdivision;

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; and

WHEREAS, the Development Agreement will assure both the City and the Developer of 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 notices public hearing on May 27, 2009 on Planning Application #55-07, and the Development Agreement, 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 June 16, 2009, on Planning Application #55-07, and the Development Agreement, during which the 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 CITY OF DAVIS DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. This Ordinance incorporates, and by this reference makes a part hereof, the 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, as amended, 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 in, 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;
- (d) The Development Agreement will not be detrimental to the public health, safety and general welfare;
- (e) The Development Agreement will not adversely affect the orderly development of property or the preservation of property values; and
- (f) 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 Mitigated Negative Declaration #1-08, Planning Application #55-07,

including General Plan Amendment #5-07, the Development Agreement and other actions relating to the Property;

- (p) 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, the Development Agreement, the General Plan Amendment, and other actions relating to the Property; and
- (q) 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 Development Agreement, attached hereto as Exhibit A, subject to the provisions of Section 6 hereof, and 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 prior 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 10 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; provided, however, that if all of the actions referred to in Section 6 hereof are not effective on such date, then the effective date of this Ordinance shall be the date on which all of said actions become effective, as certified by the City Clerk.

* * * * *

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

AYES:
NOES:
ABSTAIN:
ABSENT:

Ruth Uy Asmundson, Mayor of the City of
Davis

Attest:

Zoe Mirabile, City Clerk of the City of
Davis

**AGREEMENT
BY AND BETWEEN
THE CITY OF DAVIS AND
NEW URBAN DEVELOPMENT, LLC
Relating to the Development
of the Property Commonly Known as Chiles Ranch**

THIS AGREEMENT is entered into this _____, 2009, by and between the CITY OF DAVIS, a municipal corporation (herein the "City"), and NEW URBAN DEVELOPMENT, LLC (herein the "Developer"), pursuant to the authority of Sections 65913.4 and 65864 et seq. of the Government Code of the State of California.

RECITALS

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 Section 65864 et seq. of the Government Code which authorizes any city, county or city and county to enter into a development agreement with an applicant for a development project, establishing certain development rights in the property which is the subject of the development project application.

The Developer owns in fee or has a legal or equitable interest in certain real property (ies) described in Exhibit A attached hereto and incorporated herein by this reference and located in the City of Davis (herein the "Property"). The Developer desires to amend the General Plan Use Land Designation of the Property from "Residential Low-Density" to "Residential Medium-Density" to develop consistent with the General Plan of the City (herein the "General Plan"), including but not limited to the Project Approvals for the Property, as described in this Agreement. The Developer also desires to rezone the Property from a mix of Agriculture (A) and Residential One and Two Family (R-2) zoning to a residential Planned Development (PD) to permit the development of a residential subdivision on the Property. Development of the Property will include construction of new affordable housing and market rate housing.

To offset the impacts of the requested amendments and rezoning the Developer has agreed to pay certain additional fees with respect to development of the Property, in addition to the impacts fees and charges applicable to development within the city, and to pay all other amounts in effect at the time of payment thereof except as set forth herein,

and to develop the subject Property in accordance with the City's ordinances, rules, regulations and polices in effect as of the approval of the development by the City of the subject Property.

This Agreement is voluntarily entered into by the Developer in order to implement the General Plan and in consideration of the rights conferred and the procedures specified herein for the development of the Property. This Agreement is voluntarily entered into by the City in the exercise of its legislative discretion in order to implement the General Plan and in consideration of the agreements and undertakings of the Developer hereunder.

Land use entitlements have been approved by the City for the Property. The Land Use entitlements are set forth on Exhibit C, attached hereto and incorporated herein (hereinafter the "Project Approvals"). The Land Use entitlements contain project conditions and mitigations that assure compliance with the General Plan and zoning regulations and cannot be changed without further entitlement processes.

Developer seeks to comply with the project conditions of approval and develop the Property in accordance with the General Plan and the Project Approvals for the Property. Development of the Property pursuant to the Project approvals is hereinafter called the "Project."

This Agreement will eliminate uncertainty in planning for and securing orderly development of the Project, provide the certainty necessary for Developer to make significant investments in public infrastructure and other improvements, assure compliance with the conditions of approval, assure the timely and progressive installation of necessary improvements, provide public services appropriate to each stage of development, establish phasing for the orderly and measured build-out of the Project consistent with the desires of the City to maintain the City's small city atmosphere and to have development occur at a pace that will assure integration of the new development into the existing community, provide for affordable housing and provide significant public benefits to the City that the City would not be entitled to receive without this Agreement.

In exchange for the benefits to the City, Developer desires to receive the assurance that it may proceed with the Project in accordance with the existing land use

ordinances, subject to the terms and conditions contained in this Agreement and to secure the benefits afforded the Developer by Government Code section 65865.3.

AGREEMENTS

IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES OF THE PARTIES, THE CITY AND THE DEVELOPER HEREBY AGREE AS FOLLOWS:

Article I: General Provisions.

[Sec. 100] Property Description and Binding Covenants. The Property is located north of E. Eighth Street, south of Regis Drive, east of the Davis Cemetery, and west of Mesquite Drive and is more particularly described in Exhibit A, which consists of a map showing its location and boundaries and a legal description. The Developer represents that it has a legal or equitable interest in the Property and that all other persons holding legal or equitable interests in the Property (excepting owners or claimants in easements) agree to be bound by this Agreement. It is intended and determined that the provisions of this Agreement shall constitute covenants which shall run with said Property, and the burdens and benefits hereof shall bind and inure to all successors in interest to the parties hereto.

[Sec. 101] Project Description.

A. The Project is a 108 unit residential subdivision. Of the 108 units, 76 will be detached dwellings, 10 will be attached dwellings; and 22 will be condominium units.

There is an affordable housing plan that applies to the Project which requires 22 low/moderate income units. The low/moderate income units will consist of the 22 condominium units. As set forth in the affordable housing plan, the affordable units will be a mixture of two-bedroom units; three-bedroom units, and 1 one-bedroom units. The remaining 86 units are market rate units.

[Sec. 102] 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 10 years from the effective date, unless said term is terminated, modified or extended by circumstances set forth in this Agreement or by mutual consent of the parties hereto, subject to the provisions of Section 104 hereof.

B. Following the expiration of said term, this Agreement shall be deemed terminated and of no further force and effect, subject, however, to the provisions of Section 408 hereof.

C. The City shall cause any such written notice of termination to be recorded with the County Recorder within ten (10) days of receipt of such notice.

D. This Agreement shall be deemed terminated and of no further effect upon entry after all appeals have been exhausted of a final judgment or issuance of a final order directing the City to set aside, withdraw or abrogate the city council's approval of this Agreement or the tentative subdivision map;

[Sec. 103] Equitable Servitudes and Covenants Running With the Land; Release upon sale to Homebuyer.

A. Any successors in interest to the City and the Developer shall be subject to the provisions set forth in Government Code sections 65865.4 and 65868.5. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do, or refrain from doing, some act with regard to the development of the Property: (a) is for the benefit of and is a burden upon the Property; (b) runs with the Property and each portion thereof; and (c) is binding upon each Party and each successor in interest during ownership of The Property or any portion thereof. Nothing herein shall waive or limit the provisions of Section 104, and no successor owner of the Property, any portion of it, or any interest in it shall have any rights except those assigned to the successor by the Developer in writing pursuant to Section 104. In any event, no owner or tenant of an individual completed residential unit within Project shall have any rights under this Agreement.

B. Release of Obligation Upon Completion of the First Re-sale of a Residential Unit. Without any further action by any party or need to record any additional document, with respect to sale of an individual single family residential lot within the Property, upon completion of first sale for a single family dwelling unit upon such residential lot and conveyance of such improved residential lot by the Developer to a bona-fide good-faith purchaser, in accordance with the terms of this Agreement, the bona fide good faith purchaser shall have no further obligation with respect to this Agreement. Nothing in this section shall release the Developer from any and all of its obligations under this Agreement.

[Sec. 104] Right to Assign; Non-Severable Obligations.

A. Upon the express written assignment by the Developer and assumption by the assignee of such assignment, City's approval of such assignment pursuant to this Section, and the conveyance of the Developer's interest in the Property related thereto, the Developer shall be released from any further liability or obligation under this Agreement related to the portion of the Property so conveyed and the assignee shall be deemed to be the "Developer" with all rights and obligations related thereto, with respect to such conveyed property.

B. The Developer shall have the right to sell, encumber, convey, assign or otherwise transfer (collectively "assign"), in whole or in part, its rights, interests and obligations under this Agreement to a third Party during the term of this Agreement.

C. No assignment shall be effective until the City, by action of the City Council, approves the assignment. Approval shall not be unreasonably withheld provided:

1) The assignee (or the guarantor(s) of the assignee's performance) has the financial ability to meet the obligations proposed to be assigned and to undertake and complete the obligations of this Agreement affected by the assignment; and

2) The proposed assignee has adequate experience with residential developments of comparable scope and complexity to the portion of the Chiles Ranch Subdivision that is the subject of the assignment.

D. Any request for City approval of an assignment shall be in writing and accompanied by certified financial statements of the proposed assignee and any additional information concerning the identity, financial condition and experience of the assignee as the City may reasonably request; provided that, any such request for additional information shall be made, if at all, not more than fifteen (15) business days after the City's receipt of the request for approval of the proposed assignment. All detailed financial information submitted to the City shall constitute confidential trade secret information if the information is maintained as a trade secret by the assignee and if such information is not available through other sources. The assignee shall mark any material claimed as trade secret at the time it is submitted to the City. If the City wishes to disapprove any proposed assignment, the City shall set forth in writing and in reasonable detail the grounds for such disapproval. If the City fails to disapprove any

proposed assignment within forty-five (45) days after receipt of written request for such approval, such approval shall be deemed to be approved.

E. The City, upon receipt of a written request therefore from a foreclosing Mortgagee, shall permit the Mortgagee to succeed to the rights and obligations of the Developer under this Agreement, provided that all defaults by the Developer under this Agreement that are reasonably susceptible of being cured are cured by the Mortgagee as soon as is reasonably possible. The foreclosing Mortgagee shall comply with all of the provisions of this Agreement. If the City receives notice from a Mortgagee requesting a copy of any notice of default given to the Developer and specifying the address for such notice, the City shall endeavor to deliver to the Mortgagee, concurrently with service thereof to the Developer, all notices given to the Developer describing all claims by the City that the Developer has defaulted hereunder. If the City determines the Developer is not in compliance with this Agreement, the City also shall endeavor to serve notice of noncompliance on the Mortgagee concurrently with service on the developer. Each Mortgagee shall have the right during the same period available to the Developer to cure or remedy, or to commence to cure or remedy, the condition of default claimed, or the areas of noncompliance set forth in the City's notice.

F. The Specific Development Obligations set forth in Article II, Sec. 201, are not severable, and any sale of the Property, in whole or in part, or assignment of this Agreement, in whole or in part, which attempts to sever such conditions shall constitute a default under this Agreement and shall entitle the City to terminate this Agreement in its entirety.

G. Notwithstanding subsection C above, mortgages, deeds of trust, sales and leases-back or any other form of conveyance required for any reasonable method of financing are permitted, but only for the purpose of securing loans of funds to be used for financing the acquisition of the Property, the development and construction of improvements on the Property and other necessary and related expenses. The holder of any mortgage, deed of trust or other security arrangement with respect to the Property, or any portion thereof, shall not be obligated under this Agreement to construct or complete improvements or to guarantee such construction or completion, but shall otherwise be bound by all of the terms and conditions of this Agreement. Nothing in this Agreement shall be deemed to construe, permit or authorize any such holder to devote the Property, or any portion thereof, to any uses, or to construct any improvements thereon, other than

those uses and improvements provided for or authorized by this Agreement, subject to all of the terms and conditions of this Agreement.

H. Nothing in this Section shall be deemed to constitute or require City consent to the approval of any subdivision or parcelization of the Property, in addition to the Subdivision Tentative Map identified in Exhibit B. The parties understand and recognize that any such actions must comply with applicable City laws and regulations and be consistent with the General Plan, and this Agreement.

[Sec. 105] Notices. Formal written notices, demands, correspondence and communications between the City and the Developer shall be sufficiently given if dispatched by certified mail, postage prepaid, to the principal offices of the City and the Developer, as set forth in Article 8 hereof. Such written notices, demands, correspondence and communications may be directed in the same manner to such other persons and addresses as either party may from time to time designate. The Developer shall give written notice to the City, at least thirty (30) days prior to the close of escrow, of any sale or transfer of any portion of the Property and any assignment of this Agreement, specifying the name or names of the transferee, the transferee's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given, and any other information reasonable necessary for the City to consider approval of an assignment or any other action City is required to take under this Agreement.

[Sec. 106] Amendment of Agreement. This Agreement may be amended from time to time by mutual consent of the parties, in accordance with the provisions of Government Code Sections 65867 and 65868.

[Sec. 107] Operating Memoranda. The parties acknowledge that refinement and further implementation of the Project may demonstrate that certain minor changes may be appropriate with respect to the details and performance of the parties under this Agreement. The parties desire to retain a certain degree of flexibility with respect to the details of the Project and with respect to those items covered in the general terms of this Agreement. If and when the parties find that clarifications, minor changes, or minor adjustments are necessary or appropriate, they shall effectuate such clarifications, minor changes or minor adjustments through operating memoranda approved in writing by the parties. "Minor" as used above shall not include any changes to the Development that is

not substantially in conformance with the project approvals for the project and do not include any change to the number or type of units and/or price and resale restrictions for the affordable housing set forth herein. Unless required by law, no such operating memorandum shall require prior notice or hearing, nor shall it constitute an amendment to this Agreement.

[Sec. 108] Estoppel Certificate.

A. Either party may, at any time, and from time to time, deliver written notice to the other party requesting such party to certify in writing that, to the knowledge of the certifying party, (i) this Agreement is in full force and effect and a binding obligation of the parties, (ii) this Agreement has not been amended or modified either orally or in writing, or if so amended, identifying the amendments, and (iii) the requesting party is not in default in the performance of its obligations under this Agreement, or if in default, to describe the nature of such default. The party receiving a request hereunder shall execute and return such certificate within thirty (30) days following receipt. The City acknowledges that the certificate may be relied upon by transferees and mortgagees of the Developer.

Article II: Development of the Property.

[Sec. 200] Permitted Uses and Development Standards. In accordance with and subject to the terms and conditions of this Agreement, the Developer shall have a vested right to develop the Property for the uses and in accordance with and subject to the terms and conditions of this Agreement, and the Project Approvals, including the conditions of approval and the mitigation measures for the Project attached hereto as Exhibit C and incorporated herein by reference, (the "Project Approvals") the Development Standards in effect that the time this Agreement was approved, (i.e. the General Plan, any applicable Specific Plan, etc.), and any amendments to the Project Approvals or Agreement as may, from time to time, be approved pursuant to this Agreement. Developer understands that, no changes or amendments can be made that are inconsistent with the conditions of approval without the approval of such changes or amendments by the City Council.

Developer hereby agrees to develop the Project in accordance with the Project approvals, including the conditions of approval and the mitigation measures for the Project, and the Development Standards and any amendments to the Project Approvals or Agreement as may, from time to time, be approved pursuant to this Agreement. Without

limiting the foregoing, Developer understands and agrees that substantial construction must be commenced within eighteen months of approval of this Agreement, unless an extension is granted by the City, as set forth below in Section 202.

[Sec. 201] Specific Development Obligations. In addition to the conditions of approval contained in the Project Approvals, the Developer and the City have agreed that the Development of the Property by the Developer is subject to certain "Specific Development Obligations," described herein. These Specific Development Obligations, together with the other terms and conditions of this Agreement, provide the incentive and consideration for the City entering into this Agreement.

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 the issuance of a Certificate of Occupancy for each and every market-rate residential unit with the Chiles Ranch Subdivision. For purposes hereof, a market-rate residential unit shall mean and refer to a housing unit with 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 Requirement. The 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. The 108 unit project shall mitigate 259.2 MT of CO₂, consistent with the "Chiles Ranch Mitigation Scenario" set forth on Exhibit D, attached hereto, as follows:

- 1) 2% Credit for Medium Density
- 2) 5% Credit for transit route within one-quarter (1/4) mile radius of the Property
- 3) The Project shall provide, in the aggregate, 35% above current (2005) Title 24 standards calculated as a total for all buildings within the Project.
- 4) In addition, the Developer shall install 37kW of household(rooftop) photovoltaics within the Project (approximately 18, 2.05 kW photovoltaic systems, the exact size and number of such photovoltaic systems to be determined prior to issuance of building permits and approved by the Building Official)

5) In addition, each unit within the Project shall be designed with and the Developer shall install the components necessary to facilitate the future installation of Photovoltaic systems, to the satisfaction and approval of the Building Official

C. Tree Appraisal and Mitigation Fees. The Property was surveyed in July 2007 by a certified arborist. The Tree Summary Report included and identified 265 trees on the site. The report identified trees to remain and trees to be removed. Subsequently, in March 2008, a "Tree Appraisal Summary" was provided indicating species, condition and appraisal value of the 265 trees. Consistent with City of Davis Municipal Code, Chapter 37.03.070, Tree Planting, Preservation and Protection, the loss of trees on the Property shall be mitigated through the planting of trees on site and/or off site. An inch for inch credit is given for each tree planted towards the total inches of trees removed. If in the City Urban Forest Manger determines that no feasible alternative exists to fully mitigate the impact, or there are other considerations for alternative mitigation, the applicant shall pay into the Tree Preservation Fund an amount determined by the Director Based on the appraisal value of the trees to be removed. In total 221 trees would be removed and approximately 217 new trees would be planted. Based upon the Tree Survey Report, the appraisal value of the trees to be removed is \$175,150.

The city recognizes that the Property is unique. The site was formerly a farm and orchard. The ordinance is intended to mitigate the loss of heritage trees and trees of significance for very large projects, and for smaller project which typically contain only a small number of trees. The Property contains significantly more trees than any other similarly sized parcel in the city, some marginal and near the end of their life span; others deformed and providing little canopy. The new trees to be planted would be geared toward species suitable for the climate to ensure longevity. The number of trees to be planted would over time provide canopy to mitigate loss of canopy of the trees slated for removal. Accordingly, the otherwise required fee has been modified as shown below.

- 1) The Developer shall provide tree mitigation in the amount of \$50,000, as follows:
 - (a) The value of the new trees to be planted in the Chiles Ranch Subdivision, as shown in the Landscape Plan, per the Conditions of Approval, shall be credited towards amount set forth in section C(1) in the amount of \$28,210.

- (b) The remaining \$21,790 shall be paid by the Developer to the city and deposited into the city's Tree Planting, Protection and Preservation Fund Developer prior to issuance of any Demolition Permit.
- (c) The Developer shall also make a contribution to Tree Davis in the amount of \$3,500 prior to issuance of Demolition Permit.

D. Architectural Diversity. Small Builder lots shall not be required in the Chiles Ranch Subdivision City of Davis Municipal Code, Section 18.01.060(b). The intent of this requirement is to encourage the development of architecturally diverse neighborhoods, with a mix of housing types, densities, prices and rents and designs in each new development area. The General Plan also includes goals, policies and actions (Urban Design) that promote design standards for new single family residential development that create variability of lot sizes, floor area ratios, setbacks, building height floor plans, and architectural styles/treatments within each new development area. The Chiles Ranch Subdivision would be consistent with these General Plan goals and polices. The development will include a mix of lot sizes, a variety of setbacks, and alternating heights throughout the subdivision. The Chiles Ranch Subdivision will provide a diverse, yet cohesive neighborhood with complementary housing types, sizes, and elevations. The developer shall provide all of the following in the Chiles Ranch Subdivision.

- 1) Detached single family dwellings
- 2) Attached single family dwellings
- 3) Condominium units

These units shall provide a minimum of fifteen diverse elevations, as set forth in the Project Approvals. Such elevations may be modified if necessary during the development of the project, so long as the diversity is maintained, and the modifications are approved by the city.

E. Roadway Improvements. The Developer shall provide the following roadway improvements.

1) Street Gutter Modification. The Developer shall modify the gutter at the intersection at Mesquite Drive and E. Eighth Street to provide for a potential future bus route on E. Eighth Street. The modifications will entail reducing the grade-change to accommodate a bus traversing gutter. The edges of the new gutters will match existing pavement grades. No other paving modifications are proposed. The Developer obligation shall be limited to gutter modification proposal submitted to the Community Development Department on December 11, 2008, or modifications substantially similar in scope and anticipated Developer costs. The gutter modification is subject to review and approval by the Public Works Department and the City Engineer.

2) Traffic Calming. The Developer shall provide up to two traffic calming features, such as radar speed box(es) or speedtable(s) in the vicinity of the project in consultation with the Public Works Department. The total cost to the Developer for traffic calming measures shall not exceed \$15,000. Final determination of method(s) and placement(s) of potential traffic calming measures shall be subject to review and approval of the Public Works Director and/or City Engineer.

F. Fiscal Impacts. The Developer will pay applicable City Development Impacts Fees and Residential Impact Fees as set forth in Exhibit C-5. The payment of fees shall be paid at time of issuance of Certificate of Occupancy for each residential unit.

G. Community Improvements. The City and Developer have agreed that certain improvements to the area in the vicinity of the project site are important to maintaining and improving the quality of life for the community. Therefore the Developer and the City have agreed to provide improvements to the project site and vicinity in accordance with the improvements described in Exhibit C-7.

[Sec. 202] Development Timing. Developer shall be obligated to construct the improvements and provide funding at the times set forth in this Agreement. Developer shall also initiate and pursue development of the Project as set forth herein.

A. Initial commencement of development. There is an approved Tentative Map for the Project, a reduced copy of which is attached to this Agreement as part of Exhibit A . The city has also approved a Final Planned Development and Design Review Approvals. Pursuant to these approvals, Developer must commence substantial construction on the Project within eighteen (18) months of the Effective Date of this

Agreement which may be extended pursuant to City of Davis Municipal Code, Section 40.32.110.

B. Failure to Proceed in a Timely Manner. After commencement of construction, if the Developer ceases construction of infrastructure improvements for a period exceeding _____ months and/or does not finalize any residential units for occupancy for a period exceeding forty eight (48) months this Agreement shall terminate unless extended by the City as set forth herein. Developer may request an extension of the Agreement and these performance obligations if the City is involved in litigation, initiative or referendum proceedings, or other circumstances that affect the City's ability to provide building permits and/or water or sewer connections, in which case City shall grant an extension for the same time as the time period during which sewer or water connections or building permits are unavailable. In the event the City approves a moratorium on water or sewer hook-ups or building permits or other entitlements necessary for the Project to proceed, then the period during which the moratorium is in effect shall not count towards the forty eight (48) month period. .Developer may request and City may not unreasonably withhold approval of extensions not to exceed six months at a time for reasons other than lack of sewer, water, or drainage capacity, or other circumstances affecting the City's ability to provide building permits or sewer, water, or drainage capacity, provided the Developer continues to undertake good faith efforts to proceed with Development and further provided that any extension beyond twelve (12) months will require that the Development impact fees for the project be adjusted to those in effect at the time of issuance of the building permit.

[Sec. 203] Rules, Regulations and Official Policies.

A. For the term of this Agreement, the rules, regulations, ordinances and official policies governing the permitted uses of land, the density and intensity of use, design, improvement and construction standards and specifications applicable to the development of the Property, including the maximum height and size of proposed buildings, shall be those rules, regulations and official policies in force on the effective date of this Agreement. Except as otherwise provided in this Agreement, to the extent any future changes in the General Plan, zoning codes or any future rules, ordinances, regulations or policies adopted by the City purport to be applicable to the Property but are inconsistent with the terms and conditions of this Agreement, the terms of this Agreement shall prevail, unless the parties mutually agree to amend or modify this Agreement pursuant to Section 106 hereof. To the extent that any future changes in the General

Plan, zoning codes or any future rules, ordinances, regulations or policies adopted by the City are applicable to the Property and are consistent with the terms and conditions of this Agreement or are otherwise made applicable by other provisions of this Article 2, such future changes in the General Plan, zoning codes or such future rules, ordinances, regulations or policies shall be applicable to the Property.

1) This section shall not preclude the application to development of the Property of changes in City laws, regulations, plans or policies, the terms of which are specifically mandated and required by changes in state or federal laws or regulations. In the event state or federal laws or regulations enacted after the date of this Agreement or action by any governmental jurisdiction other than the City prevent or preclude compliance with one or more provisions of this Agreement or require changes in plans, maps or permits approved by the City, this Agreement shall be modified, extended or suspended as may be necessary to comply with such state or federal laws or regulations or the regulations of such other governmental jurisdiction.

B. To the extent that any actions of federal or state agencies (or actions of regional and local agencies, including the City, required by federal or state agencies) have the effect of preventing, delaying or modifying development of the Property, the City shall not in any manner be liable for any such prevention, delay or modification of said development. The Developer is required, at its cost and without cost to or obligation on the part of the City, to participate in such regional or local programs and to be subject to such development restrictions as may be necessary or appropriate by reason of such actions of federal or state agencies (or such actions of regional and local agencies, including the City, required by federal or state agencies).

1) Nothing herein shall be construed to limit the authority of the City to adopt and apply codes, ordinances and regulations which have the legal effect of protecting persons or property from conditions which create a health, safety or physical risk.

C. All Project construction and the improvement plans and final maps for the Project shall comply with the rules, regulations and design guidelines in effect at the time the construction, improvements plan or final map is approved. Unless otherwise expressly provided in this Agreement, all city ordinances, resolutions, rules regulations and official policies governing the design and improvement and all construction standards and specifications applicable to the Project shall be those in force and effect at

the time the applicable permit is granted. Ordinances, resolutions, rules, regulations and official policies governing the design, improvement and construction standards and specifications applicable to public improvements to be constructed by Developer shall be those in force and effect at the time the applicable permit approval for the construction of such improvements is granted. If no permit is required for the public improvements, the date of permit approval shall be the date the improvement plans are approved by the City, or the date construction for the public improvements is commenced, whichever occurs first.

D. Uniform Codes applicable. This Project shall be constructed in accordance with the provisions of the Uniform Building, Mechanical, Plumbing, Electrical, and Fire Codes, city standard construction specifications and details and title 24 of the California Code of Regulations, relating to Building Standards, in effect at the time of approval of the appropriate building, grading, encroachment or other construction permits for the Project. If no permits are required for the infrastructure improvements, such improvements will be constructed in accordance with the provisions of the codes delineated herein in effect at the start of construction of such infrastructure.

E. The parties intend that the provisions of this Agreement shall govern and control as to the procedures and the terms and conditions applicable to the development of the Property over any contrary or inconsistent provisions contained in Section 66498.1 et seq. of the Government Code or any other State law now or hereafter enacted purporting to grant or vest development rights based on land use entitlements (herein "Other Vesting Statute"). In furtherance of this intent, and as a material inducement to the City to enter into this Agreement, the Developer agrees that:

- 1) Notwithstanding any provisions to the contrary in any Other Vesting Statute, this Agreement and the conditions and requirements of land use entitlements for the Property obtained while this Agreement is in effect shall govern and control the Developer's rights to develop the Property;
- 2) The Developer waives, for itself and its successors and assigns, the benefits of any Other Vesting Statute insofar as they may be inconsistent or in conflict with the terms and conditions of this Agreement and land use entitlements for the Property obtained while this Agreement is in effect; and

3) The Developer will not make application for a land use entitlement under any Other Vesting Statute insofar as said application or the granting of the land use entitlement pursuant to said application would be inconsistent or in conflict with the terms and conditions of this Agreement and prior land use entitlements obtained while this Agreement is in effect.

F. This section shall not be construed to limit the authority or obligation of the City to hold necessary public hearings, to limit discretion of the City or any of its officers or officials with regard to rules, regulations, ordinances, laws and entitlements of use which require the exercise of discretion by the City or any of its officers or officials, provided that subsequent discretionary actions shall not conflict with the terms and conditions of this Agreement.

G. Moratorium, Quotas, Restrictions or Other Growth Limitations. Subject to applicable law relating to the vesting provisions of development agreements, the Developer and the City intend that, except as otherwise provided herein, this Agreement shall vest the Entitlements against subsequent City resolutions, ordinances, initiatives and referenda that directly or indirectly limit the rate, timing, or sequencing of development, or prevent or conflict with the permitted uses, density and intensity of uses as set forth in the Entitlements. The Developer shall, to the extent allowed by the laws pertaining to development agreements, be subject to any growth limitation ordinance, resolution, rule regulation or policy which is adopted on a uniformly applied, City-wide or area-wide basis and directly concerns a public health or safety issue, in which case the City shall treat the Developer in a uniform, equitable and proportionate manner with all properties, public and private, which are impacted by that public health or safety issue. By way of example only, an ordinance which precluded the issuance of a building permit because the City had inadequate sewage treatment capacity to meet the demand therefore (either City-wide or in a designated sub-area of the City) would directly concern a public health issue under the terms of this paragraph and would support a denial of a building permit within the property, so long as the City was also denying City-wide or area-wide all other requests for building permits which require sewage treatment capacity, however, an attempt to limit the issuance of building permits because of a general increase in traffic congestion levels in the City would not directly concern a public health or safety issue under the terms of this paragraph.

H. City Cooperation. The City agrees to cooperate with the Developer in securing all permits which may be required by the City. In the event state or federal laws

or regulations enacted after this Agreement has been executed, or actions of any governmental jurisdiction, prevent, delay or preclude compliance with one or more provisions of this Agreement, or require changes in plans, maps or permits approved by the City, the parties agree that the provisions of this Agreement shall be modified, extended or suspended as may be necessary to comply with such state and federal laws or regulations or the regulations of other governmental jurisdictions. Each party agrees to extend to the other its prompt and reasonable cooperation in so modifying this Agreement or approved plans.

[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 below, and make those dedications and improvements prescribed in the Project Approvals and this Agreement and any Subsequent Approvals.

1) Developer shall pay all City Development Impact Fees and Water and Sewer Connection Fees applicable to the Project in the amounts in effect at the time of the issuance of Certificate of Occupancy for each unit. Developer shall pay all impact fees imposed by or on behalf of other public agencies, such as the school district or the County of Yolo, in the amounts applicable to the Project on the date the fees are paid.

2) City may charge and Developer shall pay processing fees for land use approvals, building permits, and other similar permits and entitlements which are in force and effect on a citywide basic at the time the application is submitted for those permits, as permitted pursuant to California Government Code section 66014 or its successor sections(s)

3) The Developer shall pay \$855,518.76 in City Park In-lieu fees in effect on the date of this agreement (\$7,921.47 per unit). The park in-lieu fee for each residential unit shall be paid at Certificate of Occupancy for each unit.

4) The Developer shall pay \$258,000 for (\$3,000 per unit for each and every market rate unit (86 units)). The supplemental fee shall be paid at Certificate of Occupancy for each residential unit. The contribution will be utilized for the purposes of community enhancements, as determined by the City.

5) The Developer shall be obligated to provide all other Specific Development Obligations described in Section 201, specifically 2(a-e), 3(a-d), 4(a-d) and 5(a-b).

6) Except as specifically permitted by this Agreement or mandated by state or federal law, City shall not impose any additional capital facilities or development impact fees or charges or require any additional dedications or improvements through the exercise of the police power, with the following exception: (a) the City may impose reasonable additional fees, charges, dedication requirements or improvement requirements as conditions of City's approval of an amendment to the Project Approvals or this Agreement, which amendment is either requested by the Developer or agreed to by the Developer; and (b) the City may apply subsequently adopted development exactions to the Project if the exaction is applied uniformly to development either throughout the city or with a defined area of benefit that includes the Property if the subsequently adopted development exaction does not physically prevent development of the Property for the uses and to the density and intensity of development set forth in this Agreement. In the event that the subsequently adopted development exaction fulfills the same purpose as an exaction or development impact fee required by this Agreement or by the Project Approvals, the Developer shall receive a credit against the subsequently adopted development exaction for fees already paid that fulfill the same purpose.

7) Compliance with Government Code section 66006. As required by Government Code section 65865(e) for development agreements adopted after January 1, 2004, the City will comply with the requirements of Government Code section 66006 pertaining to the payment of fees for the development of the Property.

Article III: Obligations of the Developer.

[Sec. 300] Improvements. The Developer shall develop the Property in accordance with and subject to the terms and conditions of this Agreement as described in Exhibit C, the Project Approvals, and the subsequent discretionary approvals referred to in Section 201, if any, and any amendments to the Project Approvals or this Agreement as, from time to time, may be approved pursuant to this Agreement. The failure of the Developer to comply with any term or condition of or fulfill any obligation of the Developer under this Agreement, the Project Approvals or the subsequent discretionary approvals or any amendments to the Project Approvals or this Agreement as may have been approved pursuant to this Agreement, shall constitute a default by the Developer under this Agreement. Any such default shall be subject to cure by the Developer as set forth in Section 400 hereof.

[Sec. 301] Developer Obligations. Developer shall be responsible, at its sole cost and expense, to make the contributions, improvements, dedications and conveyances set forth in this Agreement, the Project Approvals, and the **Additional Developer Requirements.**

[Sec. 302] City's Good Faith in Processing.

A. Developer and City shall comply with the time frames set forth in the Subdivision Map Act, and, if applicable, the Permit Streamlining Act, for the processing of parcel and final maps.

B. With City approval, Developer may utilize an expedited plan check process for the review of improvements plans and building plans for the Project. Within two (2) weeks of a written request by Developer, City shall determine whether expedited plan check is feasible for the requested work. If City determines that expedited plan check is feasible, City shall retain an outside consultant for review of Developer improvement plans and building plans. Such outside consultant shall be at the sole selection of the City and shall be paid for at the sole cost and expense of Developer. Upon written request, Developer shall advance a deposit sufficient to cover the City's estimated costs of retaining the outside consultant. Such deposit shall be replenished as necessary, from time to time, to assure that the City shall not bear any of the cost of the outside consultant.

Article IV: Default, Remedies, Termination.

[Sec. 400] General Provisions. Subject to extensions of time by mutual consent in writing, failure or unreasonable delay by either party to perform any term or provision of this Agreement shall constitute a default. In the event of default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party not less than thirty (30) days notice in writing specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured. During any such thirty (30) day period, the party charged shall not be considered in default for purposes of termination or institution of legal proceedings.

A. After notice and expiration of the thirty (30) day period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other party to this Agreement may at its option:

- 1) terminate this Agreement, in which event neither party shall have any further rights against or liability to the other with respect to this Agreement or the Property; or
- 2) institute legal or equitable action to cure, correct or remedy any default, including but not limited to an action for specific performance of the terms of this Agreement;

B. In no event shall either party be liable to the other for money damages for any default or breach of this Agreement.

[Sec. 401] Enforcement of Special Conditions. Before any subdivision, parcelization, lot line adjustment or building permit is issued for any residential uses on the Property; the Developer shall establish and implement a legal mechanism approved by the City to assure enforcement of this Agreement and the Special Conditions, as applicable to such residential property.

[Sec. 402] Developer Default; Enforcement. No building permit shall be issued or building permit application accepted for the building shell of any structure on the Property if the permit applicant owns or controls any property subject to this Agreement and if such applicant or any entity or person controlling such applicant is in default under the terms and conditions of this Agreement unless such default is cured or this Agreement is terminated. The Developer shall cause to be placed in any covenants, conditions and

restrictions applicable to the Property, or in any ground lease or conveyance thereof, express provision for an owner of the Property, lessee or City acting separately or jointly to enforce the provisions of this Agreement and to recover attorneys' fees and costs for such enforcement.

[Sec. 403] Annual Review. The City Manager shall, at least every twelve (12) months during the term of this Agreement, review the extent of good faith substantial compliance by Developer with the terms and conditions of this Agreement. Such periodic review shall be limited in scope to compliance with the terms and conditions of this Agreement pursuant to California Government Code Section 65865.1.

A. The City Manager shall provide thirty (30) days prior written notice of such periodic review to Developer. Such notice shall require Developer to demonstrate good faith compliance with the terms and conditions of this Agreement and to provide such other information as may be reasonably requested by the City Manager and deemed by him to be required in order to ascertain compliance with this Agreement. Notice of such annual review shall include the statement that any review may result in amendment or termination of this Agreement. The costs of notice and related costs incurred by the City for the annual review conducted by the City pursuant to this Section shall be borne by Developer.

B. If, following such review, the City Manager is not satisfied that Developer has demonstrated good faith compliance with all the terms and conditions of this Agreement, or for any other reason, the City Manager may refer the matter along with his or her recommendations to the City Council.

C. Failure of the City to conduct an annual review shall not constitute a waiver by the City of its rights to otherwise enforce the provisions of this Agreement nor shall Developer have or assert any defense to such enforcement by reason of any such failure to conduct an annual review.

[Sec. 404] Enforced Delay, Extension of Times of Performance. In addition to specific provisions of this Agreement, performance by either party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, governmental entities, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar bases for excused performance. If written

notice of such delay is given to the City within thirty (30) days of the commencement of such delay, an extension of time for such cause shall be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon.

[Sec. 405] Limitation of Legal Actions. In no event shall the City, or its officers, agents or employees, be liable in damages for any breach or violation of this Agreement, it being expressly understood and agreed that Developer's sole legal remedy for a breach or violation of this Agreement by the City shall be a legal action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Agreement.

[Sec. 406] Applicable Law and Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of California. Developer acknowledges and agrees that City has approved and entered into this Agreement in the sole exercise of its legislative discretion and that the standard of review of the validity or meaning of this Agreement shall be that accorded legislative acts of the City. Should any legal action be brought by a party for breach of this Agreement or to enforce any provision herein, the prevailing party of such action shall be entitled to reasonable attorneys' fees, court costs and such other costs as may be fixed by the Court.

[Sec. 407] Invalidity of Agreement.

A. If this Agreement shall be determined by a court to be invalid or unenforceable, this Agreement shall automatically terminate as of the date of final entry of judgment.

B. If any provision of this Agreement shall be determined by a court to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any law which becomes effective after the date of this Agreement and either party in good faith determines that such provision is material to its entering into this Agreement, either party may elect to terminate this Agreement as to all obligations then remaining unperformed in accordance with the procedures set forth in Section 400, subject, however, to the provisions of Section 410 hereof.

[Sec. 408] Effect of Termination on Developer Obligations. Termination of this Agreement shall not affect Developer's obligations to comply with the General Plan and the terms and conditions of any and all land use entitlements approved with respect to the

Property, nor shall it affect any other covenants of Developer specified in this Agreement to continue after the termination of this Agreement.

[Sec. 409] Effect of Termination. If this Agreement is terminated following any event of default by the Developer or for any other reason, such termination shall not affect the validity of any building or improvement within the Property which is completed as of the date of termination, provided that such building or improvement has been constructed pursuant to a building permit issued by the City. Furthermore, no termination of this Agreement shall prevent the Developer from completing and occupying any building or other improvement authorized pursuant to a valid building permit previously issue by the City that is under construction at the time of termination, provided that any such building or improvement is completed in accordance with said building permit in effect at the time of such termination.

Article V: Hold Harmless Agreement.

[Sec. 500] Hold Harmless Agreement. Developer hereby agrees to and shall hold the City, its elective and appointive boards, commissions, officers, agents and employees harmless from any liability for damage or claims for damage for personal injury, including death, as well as from claims for property damage, which may arise from the Developer's or the Developer's contractors', subcontractors', agents' or employees' operations under this Agreement, whether such operations be by the Developer, or by any of the Developer's contractors, subcontractors, or by any one or more persons directly or indirectly employed by or acting as agent for the Developer or any of the Developer's contractors or subcontractors.

A. In the event of any legal action instituted by a third party or any governmental entity or official arising out of the approval, execution or implementation of this Agreement (exclusive of any such actions brought by Developer), Developer agrees to and shall cooperate fully and join in the defense by the City of such action; provided, however, that the City and Developer shall each bear their own respective costs, if any, arising from such defense. Such agreement by Developer does not include any agreement to indemnify the City and its elective and appointive boards, commissions, officers, agents and employees from any such legal actions.

Article VI: Project as a Private Undertaking.

[Sec. 600] Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Property is a separately undertaken private development. No partnership, joint venture or other association of any kind between Developer and the City is formed by this Agreement. The only relationship between the City and Developer is that of a governmental entity regulating the development of private property and the owner of such private property.

Article VII: Consistency With General Plan.

[Sec. 700] Consistency With General Plan. The City hereby finds and determines that execution of this Agreement is in the best interest of the public health, safety and general welfare and is consistent with the General Plan.

Article VIII: Notices.

[Sec. 800] Notices. All notices required by this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, to the addresses of the parties as set forth below.

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

City Manager
City of Davis
23 Russell Boulevard
Davis CA 95616

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

New Urban Development, LLC
c/o Don Fouts and Steve Sherman
1930 E. Eighth Street, Suite 100
Davis, CA 95616

Either party may change the address stated herein by giving notice in writing to the other party, and thereafter notices shall be addressed and transmitted to the new address.

Article IX: Recordation.

[Sec. 900] When fully executed, this Agreement will be recorded in the official records of Yolo County, California. Any amendments to this Agreement shall also be recorded in the official records of Yolo County.

Article X: Entire Agreement.

[Sec. 1000] Entire Agreement. This Agreement is executed in duplicate originals, each of which is deemed to be an original. This Agreement consists of **thirty six (36) pages and four (4) exhibits** which constitute the entire understanding and agreement of the parties. Unless specifically stated to the contrary, the reference to an exhibit by designated letter or number shall mean that the exhibit is made a part of this Agreement. Said exhibits are identified as follows:

Exhibit A: Map and Legal Description of the Property

Exhibit B: Tentative Subdivision Map

Exhibit C: Project Approvals and Development Standards

Exhibit D. Carbon Mitigation Scenario

IN WITNESS WHEREOF, the City and the Developer have executed this Agreement as of the date set forth above.

CITY OF DAVIS

By _____

Ruth Asmundson

Mayor

Attest _____

Zoe Mirabile

City Clerk

"CITY"

APPROVED AS TO FORM:

Harriet Steiner
City Attorney

DEVELOPER
NEW URBAN DEVELOPMENT

By _____
Don Fouts, DEVELOPER

Steve Sherman, DEVELOPER

EXHIBIT A

MAP AND LEGAL DESCRIPTION

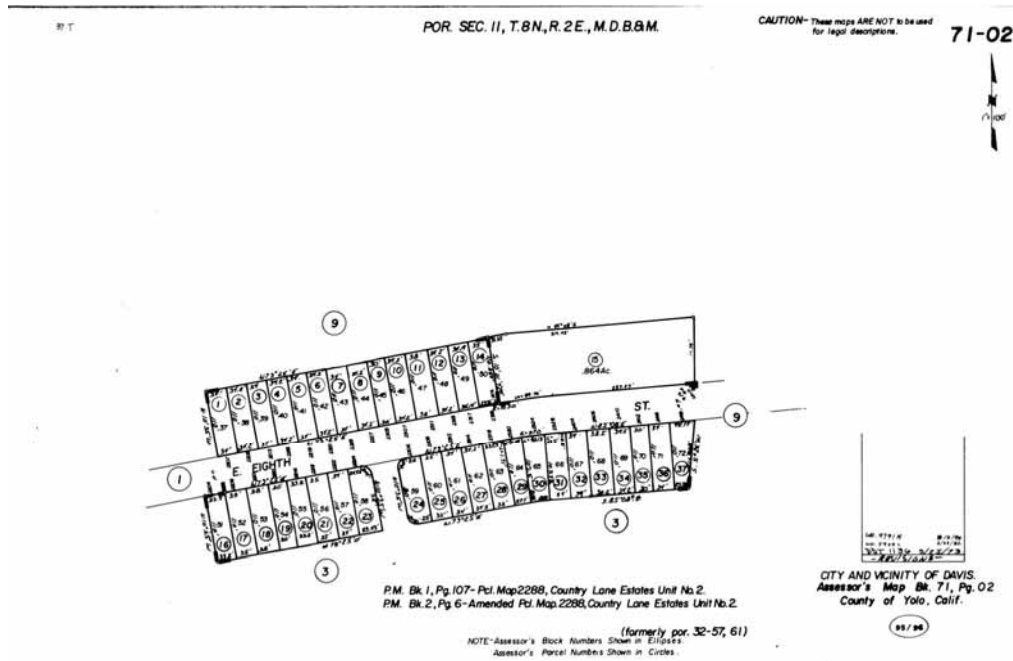
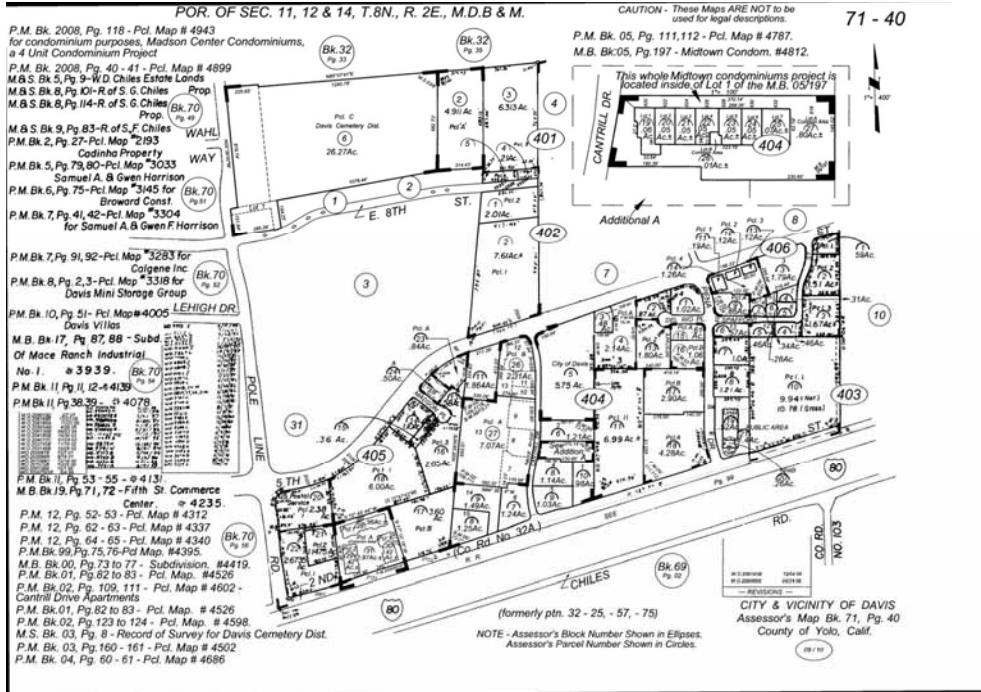


EXHIBIT B SUBDIVISION TENTATIVE MAP



Recommended Findings and Conditions of Approval

Chiles Ranch Subdivision

E. Eighth Street

(APN# 71-020-15; 71-401-02; 71-401-03)

Planning Application #55-07: Mitigated Negative Declaration #1-08, General Plan Amendment #5-07, Rezone/Preliminary Planned Development #8-07, Development Agreement #04-08, Tentative Subdivision Map #3-08, Final Planned Development #12-07, Affordable Housing Plan #1-08, Design Review #7-08:

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. (FPD, DR)

2. CONFORMANCE TO REQUIREMENTS.

General Plan. The proposed planned development, with adoption of the proposed General Plan Amendment, will comply with the land use designation of Residential Medium-Density for the parcel currently designated Residential Low-Density General Plan. This allows for a consistent land use designation and zoning for the parcel, which would facilitate the development of the proposed project. (GPA, PPD, FPD, DR)

General Plan Greenbelt Consistency. While the project does not meet the strict General Plan policy requirement for 10 percent greenbelt, the City finds this acceptable in light of the infill nature of the site, the small size of the site, and its location surrounded by existing residential uses. Furthermore, it is impractical for the project to provide the average 100 feet greenbelt width and to design an acceptable residential layout and density project for the site. The project provides, in aggregate, over 25 percent greenbelt/common open space, not including private yards. The project is consistent with General Plan goals to provide linkages, corridors and other connectors to provide an aesthetically pleasing and functional network of parks, open space areas, greenbelts and bike paths throughout the city. The project would be one of several infill projects recently approved by the City Council that do not provide the General Plan requirement for greenbelt. Furthermore, the city recognizes the unique circumstances and limitations of this site and other infill sites within the city and is in the process of developing policies to allow flexibility for greenbelt requirements for smaller infill projects with which this project would comply.

Zoning. The proposed project, with the adoption of the proposed rezone, will be consistent with the Zoning Ordinance, as the purpose of the planned development district is to allow diversification in the relationship of various buildings and structures and provide relief from the rigid standards of conventional zoning in order to allow for new and compatible housing development with surrounding residential uses. The proposed project will provide for an integrated and harmonious residential environment and creative relationship with adjacent residential uses. It will allow for and encourage architectural variation while maintaining the residential character within the area. (GPA, PPD, FPD, DR)

Infill Guidelines. The proposed development has been shown to comply with the General Interim Infill Guidelines in the analysis of the staff report to the Planning Commission dated May 21, 2009, and as may be amended herein. The public necessity, convenience and general welfare require adoption of the proposed amendment, given that the proposed project is an infill project that will address the housing needs of the city. (GPA, PPD, FPD, DR)

3. **CIRCULATION.** The auto, bicycle and pedestrian traffic system shall be 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. (FPD, TM, DR)
4. **ENVIRONMENTAL.** Mitigated Negative Declaration #1-08 prepared for this project. It declares that impacts associated with the project have been adequately addressed through city standard conditions of approval and mitigation measures recommended for adoption, and that pertinent measures in the General Plan would apply to the development of the subject site. . No environmental impact report (EIR) is needed.. (FPD, DR, ND)
5. **ADEQUACY OF THE DEVELOPMENT.** The residential development constitutes a residential environment of sustained desirability and stability in harmony with the character of the surrounding neighborhood. As conditioned, the proposed development is consistent with the requirements of the new Planned Development #8-07 (R-1). The development is appropriate in area, location and overall planning for the purpose intended. (FPD, DR)
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. (FPD, DR)
7. **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. (TM)
8. **CLIMATE CHANGE & SUSTAINABILITY.** The project, as conditioned, complies with the city's Green Building Ordinance; adopted thresholds for greenhouse gas emission reduction. The project building and site features are consistent with General Plan and city policies to ensure long term sustainability of the project, water and conservation, and greenhouse gas emission reduction. (FPD, DR)

9. **FINAL MAP.** A subsequent Final Map shall be filed with the City to merge three exiting lots, and subdivide the merged parcel into single family residential lots; condominium parcel; city street; city greenbelt; private drives; and common open space parcels. (TM)
10. **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. (AHP)
11. **APPROPRIATE DESIGN.** The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community. (FPD, DR)
12. **COMPATIBLE WITH EXISTING CONTEXT.** The architectural design of the proposed project is compatible with the existing properties and anticipated future developments within the neighborhood in terms of such elements as height, mass, scale and proportion; in that the project does not change the longstanding existing character of the neighborhood. The materials, colors, and architectural elements of the dwelling will be compatible with existing development within the project vicinity. (DR)
13. **ENVIRONMENTAL CONSIDERATION.** The location, climate, and environmental conditions of the site are adequately considered in determining the use of appropriate construction materials and methods. Sufficient conditions are included with the approval to ensure the long-term maintenance of the project. (DR)

II. CONDITIONS OF APPROVAL:

1. **APPROVAL.** The entitlements approved for the project are: 1) General Plan Amendment changing the Land Use Designation from “Residential Low-Density” to “Residential Medium-Density”; 2) Preliminary Planned Development rezoning three vacant parcels (APN #s from a mix of Agriculture (A) and Residential One and Two Family (R-2) to Planned Development #8-07; 3) Tentative Subdivision Map; 4) Final Planned Development; 5) Affordable Housing Plan to govern the affordable housing component of the development; 5) Design Review for site plan and architectural review of proposed building elevations; and 6) Development Agreement between the City of Davis and the Developer.

The approval will allow for the development of a 108 unit subdivision; public street, city greenbelt, private open space and private drives on 12.1 (ALL)

2. **SUBSTANTIAL CONFORMANCE.** The project shall be completed in substantial conformance to the plans contained within the staff report and date stamped November 21, 2008, 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. (FPD, DR)

3. **TIME LIMITS FOR FINAL PLANNED DEVELOPMENT AND DESIGN REVIEW.** The approval period for Final Planned Development #12-07, Design Review #7-08 shall become null and void after a period of 18 months from the approval date if substantial construction in good faith reliance on the approval has not commenced subsequent to such approval. The Community Development Director may extend the expiration date for one or more periods not exceeding a total of 18 months upon a showing that the circumstances and conditions upon which the approval was based have not changed. A written request for a time extension, application, required exhibits and plans, and applicable fees must be submitted at least thirty days prior to the expiration. (FPD, DR)
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. (ALL)
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 Department, the conditions contained herein, Municipal Code regulations, and PD #8-07. (PD, FPD, DR)
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. (ALL)
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. (ALL)
8. **CONFLICTS.** When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail. (PPD, FPD, DR)
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. (ALL)

- 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. (FPD, DR)
- 11. 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.. (FPD)
- 12. PROJECT DEVELOPMENT IMPACT FEES.** Payment of project development impact fees; water and sewer connection fees; and Quimby fees shall be payable at Certificate of Occupancy for each unit, in accordance with the provisions of the Development Agreement. (TM).
- 13. PLAN CHECK FEES.** A plan check fee shall be required by the Community Development Department when an application for a building permit is submitted. The plan check hours shall be billed to the building permit application, unless advised otherwise by the applicant/developer. (FPD, DR)
- 14. CONSTRUCTION TIMES AND NOISE.** 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. (FPD)
- 16. FINAL PLANNED DEVELOPMENT APPROVAL.** The Final Planned Development approval is for a 108 unit residential subdivision providing single family market rate lots and low/moderate income affordable units. Twenty-one dwelling units would be constructed with a fifth bedroom or a second dwelling unit above the detached garage. The lot layout shall be in substantial compliance with the Final Planned Development Map date stamped November 21, 2008, except as modified herein. (FPD, DR)
- 17. 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 detailed in the Chiles Ranch Lot Matrix, date stamped November 21, 2008. Any significant changes to the Final Planned Development shall require an additional discretionary action for approval subject to the determination of the appropriate process by the Community Development Department staff. (FPD, DR)
- 18. FINAL PLANNED DEVELOPMENT SET.** Prior to issuance of building permits the applicant shall submit a reproducible copy of the Final Development Plan set and Chiles Ranch Lot Matrix, 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 Director has signed and dated the set. The applicant shall provide two prints of the signed set to the Community Development Department. Electronic copies are recommended. (FPD)

- 19. LOT / SITE PLAN REVISIONS.** The following changes will be incorporated into the Final Development Plan and Final Map.
- a. The east property line on lots 14, 17, 18, 60, 61, and 88 will be revised from zero to three feet three inches.
 - b. The west property line on lots 1 and 2, and the east property line on lots 3-4 will be revised from zero to three feet three inches.

The CC&Rs shall incorporate provisions to prohibit structures or debris visible from public view outside the fence on lots located adjacent to the east greenbelt. (PPD, FPD, TM)

- 20. BUILDING HEIGHT / STORIES.** (FPD, DR). Maximum building height shall not exceed 30 feet / two stories, with the following exceptions:
- a. Lots 14 and 17 shall be restricted to single story.
 - b. Lots 1-13 shall be restricted to one and a-half story.

- 21. 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 second dwelling unit. Garage, carport and parking space dimensions shall be as shown on the Final Planned Development Plan (FPD, DR)

- 22. GARAGES.** (PPD, FPD, DR)
- a. Garage conversions (partial or whole) shall not be permitted under this Final Planned Development.
 - b. Garages shall remain clear for parking. Enforcement shall be the responsibility of the Homeowners' Association.

- 23. SECOND DWELLING UNITS.** Up to twenty-one dwellings may be permitted with a second dwelling unit constructed over the detached garage as indicated on the Final Planned Development Map. Second dwelling units not approved on the Final Planned Development Map shall require a Revised Final Planned Development and a Conditional Use Permit. (FPD, DR)

- 24. MAINTENANCE OF EASTERN SIDE YARDS.** Structures or debris visible from public view shall be prohibited on side yards located adjacent to the greenbelt. Provisions to ensure compliance shall be incorporated in the project CC&Rs.

- 25. VISITABILITY / ACCESSIBILITY.** The applicant/developer shall provide visitability / accessibility features consistent with city policies for market rate units. The development would provide 62 first floor only accessible units; 2 single story accessible units, and 11 visitable units. Eleven units within the development will be neither visitable nor accessible due slopes that exceed ADA requirements. (FPD, DR)

The low/moderate condominium units are exempt from the visit ability/accessibility requirement due to exceeding a density threshold of 1.25 units per net acre. However, two condominium units will be visitable and nine condominium units will be accessible. (AHP, FPD, DR)

26. PRODUCT PLACEMENT. The total number of each house plan constructed within the development shall be consistent with that shown on the Final Planned Development. No more than two houses of the same plan shall be permitted to be located side by side. Exterior paint colors shall differ, and where possible exterior materials shall vary. Any plan change proposed on any lot shall be subject to review and approval by the Community Development Director. (FPD, DR)

27. 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.
- e. 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.

28. 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.

It is recommended that a minimal number of medium growing shrubs be planted well back from bicycle paths. Tree should be selected with canopies that will provide a clear view underneath to allow bicyclist to see clearly for a distance and to reduce areas that restrict visibility. (PPD, DR)

29. RESIDENTIAL EMERGENCY ACCESS. For emergency response purposes, each dwelling unit shall have an identifiable “front” door that has a reasonable connection to the street to which it is addressed. Reasonably connected means a dwelling must have a door visible from (usually in the same plane) as the paved surface adjacent to the building. The Fire Department will determine whether exterior doors and adjacent paved surfaces are reasonably connected. (FPD, DR)

30. RESIDENTIAL ADDRESSING. Each dwelling unit address shall correspond to a street or private drive. No unit shall be addressed to the common area or driving surface that is not a named street or alley. Names for the private drives and addressing shall be subject to the review and approval of the City Engineer. (TM, FPD, DR)

- a. Dwellings unit numbers must be visible from the street.
- b. Dwellings located on private drive shall provide addresses on both the front and rear of the dwelling. Address number shall comply with Section 505 of the California Fire Code, 2007 edition, “Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 and inch (12.7mm).”
- c. Addresses for all dwellings shall also be shown together on centrally located signage, in
- d. such a position that numbers are easily visible to approaching emergency vehicles.

- e. In locations where end paved areas serve several dwellings, a prominent sign shall be provided at each entrance to the paved areas.
- f. Signs shall display address number of the dwellings on that paved area.
- g. Signage design and location are subject to review and approval of Police and Fire Department and the Community Development Department.

31. TRAFFIC CALMING. The developer/applicant shall work with the City to install up to two traffic calming measures along E. Eighth Street in the project vicinity. Traffic calming measures to be considered are speed box(es) and/or speed table(s). The total cost to the Developer for traffic calming measures shall not exceed \$15,000. Final determination of method(s) and placement(s) of potential traffic calming measures shall be subject to review and approval of the Public Works Director and/or City Engineer. (TM, FPD, DR)

32. STREET GUTTER MODIFICATION. The Developer shall modify the gutter at the intersection at Mesquite Drive and E. Eighth Street to provide for a potential future bus route on E. Eighth Street. The modifications proposed entail reducing the grade-change to accommodate a bus traversing gutter. The edges of the new gutters will match existing pavement grades, and no other paving modifications are proposed. The Developer obligation shall be limited to gutter modification proposal submitted to the Community Development Department on December 11, 2008, or modifications substantially similar in scope and anticipated Developer costs. The gutter modification is subject to review and approval by the Public Works Department and the City Engineer. (TM, FPD, DR)

33. GREEN CONSTRUCTION. The project shall comply with the city's Green Building Ordinance. (FPD, DR)

34. FENCING. Concurrently with application for the first building permit, developer shall submit a plan showing the location and design details for all fences proposed in the project subject to review and approval of the Community Development Department and Parks and General Services. The developer shall install all fencing within the development consistent with the following requirements. (FPD, DR)

- a. *Greenbelt.* All fencing design, material and construction details adjacent to public or private open space, roads, or bicycle paths, shall subject to review Parks and General Services Director or designee for review and approval. All fencing adjacent to public property shall be placed fully 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 fences through CC&Rs.
- b. *Greenbelt Fence Modification.* Any future fence or gate modification along a public greenbelt or public street shall be subject to review and approval, in writing, by the Parks and General Services Superintendent designee and shall comply with the city's Park and Greenbelt Gate and Fence Guidelines.
- c. *Common Area Fencing.* All fencing design, material and construction details for common area fencing shall be subject to review and approval of the Community Development Director or designee. All fencing within the HOA common area shall be located fully on common area property. The Homeowner's Association shall own and be responsible for maintenance and repair of all fencing located in common area(s).

- d. *Residential Lots.* All fencing design, material and construction details for residential lots shall be subject to review of the Community Development 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.
- 35. 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. (DR)
- 36. TREE MAINTENANCE.** All trees planted or preserved in Homeowner's Association common area trees and any multi-family zoned property within the subdivision in accordance with this approval shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA). Any pruning of the trees, other than light pruning of no more than 25 percent of the foliage within any one growing season, requires review and approval of a Tree Modification Permit prior to the commencement of the work. Trees planted in the private drive or public access streets or common space lots with the subdivision are to be privately maintained. (DR)
- 37. 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 (FPD, DR)
- 38. ACCENT LANDSCAPING.** The applicant/developer shall install common area landscaping and irrigation. Landscaping and irrigation shall be maintained by Homeowner's Association. Landscaping design shall be reviewed and approved prior to issuance of permits. (FPD)
- 39. 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 Department, Parks and General Services, and/or the Public Works Department prior to issuance of permits. (FPD, DR)
- 40. MAINTENANCE STATEMENT.** The following statement shall be included on the final landscape plan set: "All common space landscaped areas shall be maintained in perpetuity upon completion and kept free from weeds and debris and maintained in a healthy, growing condition and shall receive regular pruning, fertilizing, mowing and trimming. Any damaged, dead, diseased, or decaying plant material or tree shall be replaced within 30 days. Significant trimming or pruning will not be permitted without prior City approval. (FPD, DR)
- 41. APPROVED BUILDING DESIGN.** No substantive deviations from the approved building design may be permitted without another Design Review approval. Minor changes may be approved through the minor improvement application process. (DR)
- 42. COVENANTS CODES AND RESTRICTIONS.** A detailed set of CC&Rs including but not necessarily limited to explicit use, maintenance and repair, replacement of private street, private drives, common area, shared walls and roofs; 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 shall be submitted and shall be reviewed and approved by the Community Development Department, City Engineer and/or the City Attorney prior to recordation of the Final Map for the project. The CC&Rs shall be recorded no later than the first sale of any lot. Issuance of building permits shall not be granted until the CC&Rs have been submitted in a form determined to be adequate by the city based on review by the Community Development Director and the City Attorney. Enforcement of the CC&Rs shall be the responsibility of the Homeowner's Association via private proceedings. (FPD, TM)

- 43. REQUIRED UNITS.** Twenty-two low/moderate 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 low/moderate units have been issued a certificate of occupancy. (FPD, AHP)
- 44. 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. (AHP)
- 45. 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. (AHP)
- 46. 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: (AHP)
- 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.

47. 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 Department prior to occupancy. (AHP)

48. 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. (AHP)

49. 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." (DR)

50. PROJECT LANDSCAPING. The developer shall be responsible for installing landscaping and irrigation for the project including east greenbelt, north buffer, common open space, and private front yards in substantial conformance to the conceptual landscape plan dated April 2008. Final landscaping plan including tree and plant selection shall be subject to review and approval of Planning, Parks and General Services and Public Works department prior to issuance of the building permits. Installation of landscape areas within its respective phase shall occur prior to issuance of first Certificate of Occupancy in that phase. Landscape and irrigation plans shall specify the following: (FPD, DR)

- a. Location, size and quantity of all plant materials.
- b. A plant legend specifying species type (botanical and common names) container size, maximum growth habit, and quantity of all plant materials.
- c. Landscaping shall include drought tolerant landscaping features. Landscaping shall be drought tolerant (minimum 50%) and incorporate inactive vegetation to the maximum extent feasible. Use of turf shall be minimized and restricted to areas of passive recreation only to reduce.
- d. Location of all pavements, fencing, buildings, accessory structures, parking lot light poles, property lines, and other pertinent site plan features;
- e. Planting and installation details and notes including soil amendments;
- f. Existing trees on site shall be identified. Identification shall include species type, trunk diameter at 4'-6" above adjacent grade, and location on site. Trees planned for removal or

relocation shall be marked on the plans, methodology to preserve trees in place shall be provided on the plans;

- g. Details of all irrigation (drip and sprinkler) as well as all equipment such as backflow, controller and controller and meter devices identified.

51. PARKING LOT SHADING. The project shall comply with the city's the Parking Lot Shading Guidelines for the condominium parcel lot and "Lot O". A parking lot shading plan and related shade calculations shall be submitted to the Community Development Department demonstrating compliance.

52. PRECONSTRUCTION SURVEY AND TREE REPORT. Prior to issuance of grading, diking or building permit, and prior to commencing any improvement activities or construction on the site the developer/applicant shall commission a preconstruction survey of the site and provide a detailed map of trees to be preserved and removed. An arborist report shall be submitted to the Parks and General Services Director or designee for review and approval and shall provide the condition and appraisal value of each tree to be removed.

53. TREE MODIFICATION PLAN. A Tree Modification Permit shall be required for the tree removal proposed for the project (FPD, DR)

54. 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. (FPD,DR)

55. CITY STREET/GREENBELT TREES. The developer shall provide an updated list of tree species for the street and greenbelt trees to be planted. Location of street tree easements and tree selection shall be subject to review and approval by Parks and General Services prior to recordation of Final Map.

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.*" (TM, FPD, DR)

56. 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. (AHP, FPD)

- 57. 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 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. (DR)
- 58. EXTERIOR LIGHTING.** Exterior lighting shall be directed so as to not adversely impact adjacent sites or traffic. Light standards shall not exceed 15 feet in total height and shall comply with the provisions of the City's Outdoor Lighting Control Ordinance as well as the City's Security Ordinance. 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 Department prior to the issuance of permits. (DR)
- 59. 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. (DR)
- 60. LANDSCAPE WATER CONSERVATION.** The project shall comply with the Landscape and Water Conservation requirements (Section 40.26.190 of the Davis Municipal Code). 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. (PPD, PFD, DR)
- 61. 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. (DR)
- 62. 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 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. (DR)
- 63. CONSTRUCTION WASTE RECYCLING.** The project shall comply with the city's Construction and Demolition Ordinance. (DR)

64. 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 Department. (DR)

65. 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. (TM, DR)

Prior to the Final Map

66. 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 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 Director City Engineer and/or City Attorney. (TM, FPD, DR)

67. GREENBELT. Subdivider shall dedicate and improve approximately six percent (.70 acres) of the project site as city greenbelt. The greenbelt, currently shown on the tentative map as "Lot C" shall be identified as a new separate parcel. The greenbelt shall be in substantial conformance to the portion of "Lot C" shown on the tentative map and described generally as beginning at the north edge of the emergency access road; continuing south to "Lot R"; west between Lots 15-17 and 13-14 (not including Lot Q), and ending at the back of the public sidewalk north of Lot 12. (TM, PPD, FPD, DR)

68. IMPROVEMENT PLANS REQUIRED FOR IMPROVEMENTS TO GREENBELT. Subdivider shall provide for the design of, and construction drawings for grading, pathway (including lighting), and landscaping improvements for the greenbelt bicycle and pathway system, subject to the review and approval of the Parks and General Services Director and the City Engineer. (TM, PPD, FPD, DR)

70. BUFFER. The northern portion of "Lot C" as shown on the tentative map shall be redrawn to exclude the area acceptable to the city as dedicated greenbelt generally described above as "GREENBELT." The parcel shall be shown on the Final Map as "Homeowner's Association. (TM, PPD, DPS DR)

- 71. BUFFER / FUTURE BICYCLE CONNECTION.** (TM, PPD, FPD, DR). For purposes of providing a potential future bicycle connection from Chiles Ranch through the Cemetery District property, the city would consider accepting the north buffer as city greenbelt under the following conditions:
- a. The successor in interest, (ie. Homeowner’s Association) provides the city with written agreement from the Davis Cemetery District dedicating an easement through their property to northwest portion of the Chiles property for purposes of providing bicycle connectivity into the cemetery road/path system.
 - b. The developer would make an Irrevocable Offer of Dedication to the city for the greenbelt. The IOD would include the area in the northwest corner identified as community garden. The IOD would initially be rejected, offer to open. The offer would not be accepted unless further action by the Cemetery Board, creating an easement/right of way for bicycle/pedestrian purposes, occurred.
 - c. The IOD may be accepted by the city if, and at the time a bicycle/pedestrian path connection is provided through the cemetery.
 - d. The developer (Homeowner's Association) shall develop and maintain this area until and unless the IOD is accepted by the city.
 - e. The greenbelt and greenbelt improvements shall be built to city standards or refurbished to city standards prior to City’s acceptance of IOD.
- 72. LOT A.** The developer shall prepare the necessary easements and/or other documents such as CCR&s to provide access to a portion of “Lot A” to the Davis Cemetery District for future vehicle access to the south portion of their property. The language of said easements and/or other documents shall include provisions for access, maintenance, repair, and replacement and shall be subject to the review and approval of the Community Development Director or prior to recordation of the Final Map(s) and prior to issuance of building permits. All Provisions for maintenance by abutting property owners and/or Homeowner's Association shall be subject to the approval of Community Development Director City Engineer and/or City Attorney. (PPD, FPD, DR, TM)

The language of said easement shall include the following provisions:

- a. Lot A will be landscaped in Phase I.
 - b. After a period of twenty-five years, but not before, the Davis Cemetery District may improve the lot for vehicle access.
 - c. Access will be for funerals processions. Vehicle use of the access by the public shall only be during processions.
 - d. The cemetery shall install a gate that is similar to the gate located on Pole Line. Gate is to be kept lock at all times except during funeral use.
 - e. During the first 25 years, the only acceptable use of the easement would be a bicycle path.
- 73. Lot N.** “Lot N”, shown on the tentative map as “Greenbelt” shall be shown with the changes reflected in “Concept A” on the Final Map as “Homeowner's Association.” The parcel and all improvements including but not limited to resident garden, landscaping, irrigation, pedestrian paths gathering structure, trees, and other amenities or features located within the parcel shall be owned and maintained by the Homeowner's Association. (TM, FPD, DR)

- 74. Lot P.** “Lot P” shown on the tentative map as “Greenbelt” shall be shown on the Final Map as Homeowner's Association. (TM, FPD, DR)
- 75. LOT R.** “Lot R” improvements, including but not limited to resident garden, landscaping, irrigation, trees, and fences shall be owned and maintained by the Homeowner's Association. (TM, FPD, DR)
- 76. 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. (TM, FPD, DR)
- 77. PUBLIC / ROADWAY IMPROVEMENTS.** (TM, FPD, DR)
- a. All curb, gutter and sidewalk improvements shall be monolithic construction except as permitted by the City Engineer.
 - b. All existing sidewalk curb, and gutter improvements abutting the subdivision shall be brought up to ‘first-class’ condition, subject to the review and approval of the city Engineer.
- 78. 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. (TM, FPD, DR)

Prior to Certificate of Occupancy

- 79. 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 the first phase of development prior to issuance of the first Certificate of Occupancy (TM, PPD, FPD DR).
- 80. BUFFER IMPROVEMENTS.** The subdivider shall install the north buffer in Phase II of the development prior to the issuance of first Certificate of Occupancy for Phase II. 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. (TM, PPD, FPD, DR).

Prior to Issuance of Grading

- 81. 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. (DR)

82. 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. (TM, DR)

83. 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 Department. All accessibility features and bicycle access routes are to be clearly shown on the site plan and grading plan. (DR)

84. DRAINAGE PLAN REQUIRED. An on-site drainage plan shall be submitted for review and is subject to the approval of the City of Davis Public Works Department prior to the issuance of permits. (DR)

85. 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 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 Department prior to installation and may be subject to discretionary Design Review processing and fees by the Community Development Department. (DR)

86. STREET LIGHTING. Final street lighting design, including location and number of fixtures, are subject to the review and approval of the City Engineer. (TM, FPD, DR)

87. 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. (DR)

Prior to Construction

88. 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/or Public Works. (DR, TM)

During Construction Activities

89. 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. (DR)

- 90. 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. (FPD, DR)
- 91. TRASH MAINTENANCE.** The entire site shall be kept free of trash or debris at all times. (FPD, DR)
- 92. 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. (DR)
- 93. NATURAL VENTILATION.** All of the south facing windows on the upper floor(s) of the building(s) shall be operable to allow natural ventilation of units/tenant spaces. Adequate natural ventilation must be demonstrated prior to issuance of occupancy for all units. (DR)
- 94. RECYCLING.** An appropriate recycling storage area and containers shall be provided within each unit in the project to the satisfaction of the Community Development Department. (DR)
- 95. 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 (DR)
- 96. 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. (DR)
- 97. THE AIR QUALITY DURING CONSTRUCTION.** The following actions shall be taken during construction to minimize temporary air quality impacts (dust): (DR)
 - a. An effective dust control program should be implemented whenever earth-moving 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.
 - b. 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.
 - c. Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour).
 - d. Outdoor storage of fine particulate matter on construction sites shall be prohibited.
 - e. Contractors shall cover any stockpiles of soil, sand and similar materials.
 - f. Construction-related trucks shall be covered and installed with liners and on the project site shall be swept at the end of the day.

- g. Revegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the project.
- h. Vehicle speeds shall not exceed 15 miles per hour on unpaved surfaces.

96. 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: (DR)

- 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.

97. 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. (TM, DR)

98. 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. (DR)

- 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.

Prior to Certificate of Occupancy

99. 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. (DR)

100. 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 Department. The site and buildings shall be inspected for compliance prior to the issuance of a certificate of occupancy. (ALL)

101. FENCING. The applicant/developer shall install all fencing required for Phase I and Phase II prior to issuance of first Certificate of Occupancy for each phase. (FPD, DR).

102. 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)

III. ENVIRONMENTAL:

The following mitigation measures and standard conditions apply to the new Planned Development District.

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).

STANDARD CONDITIONS:

AESTHETICS:

1. Prior to building permit issuance, a final lighting plan for all exterior lighting, including a photometric plan, shall be submitted to the Community Development Department for review and approval. All exterior lighting shall comply with the city's outdoor lighting control ordinance.

AIR QUALITY:

2. An effective dust control program should be implemented whenever earthmoving activities occur on the project site. In addition, all dirt loads exiting a construction site within the project area should be well watered after loading.
3. 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, earthmoving, and other site preparation activities. Non-potable water shall be used, where feasible. Existing wells shall be used for all construction purposes where feasible.
4. Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour).
5. Haul trucks shall be equipped with tarpaulins and other effective covers. Public streets shall be swept at the end of the day and cleared of any deposits caused by construction activities.
6. Outdoor storage of fine particulate matter on construction sites shall be prohibited.
7. Contractors shall cover any stockpiles of soil, sand and similar materials.
8. Construction-related trucks shall be covered and installed with liners and on the project site shall be swept at the end of the day.
9. Throughout the construction period, streets adjacent to the project shall be swept at the end of the day and cleared of any deposits caused by construction activities.
10. Revegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the project.
11. Vehicle speeds shall not exceed 15 miles per hour on unpaved areas.
12. Construction equipment and engines shall be properly maintained.
13. Construction activities shall utilize new technologies to control ozone precursor emissions, as they become available and feasible.
14. 14. Vehicle idling shall restricted to 5 minutes.

CULTURAL RESOURCES:

15. If subsurface archaeological or historic remains, including unusual amounts 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 mitigation measures to reduce any archaeological impact to a less than significant level before construction continues.

NOISE:

- 16.** All windows and sliding glass doors should be weather stripped or mounted in low air-infiltration design frames meeting ANSI air infiltration standards. Standard energy-conserving building practices will satisfy this requirement.
- 17.** Noise insulation features shall be incorporated into building construction and site improvement as may be necessary to ensure interior noise levels on greater than 45 dBA and a maximum exterior noise level of 60 dBA.
- 18.** All construction activity and equipment shall be in compliance with the City of Davis Noise Ordinance.

**Chiles Ranch Subdivision
Final Planned Development Standards**

Table 1. Zoning for Single Family Dwellings

	Standard R-1	Proposed Standard	Compliance
Lot Area	7,000 sq. ft. corner lot 6000 sq. ft. interior	Ranging from 5,715 sq. ft. to 2,032 sq. ft.	Yes, under PD
Lot Width	65 feet corner lot 55 feet interior lot	Ranging from 35 feet to 50 feet'	Yes, under PD
Building Setbacks <i>1st Story 1st story</i> Front: 20 feet Sides: 5 feet/ 7 feet Rear: 20 feet <i>2nd Story</i> Front: 20 feet Sides: 10 feet Rear: 25 feet	<u>Eighth Street Plan</u> <i>1st story</i> Front: 20 feet Sides: 5 feet / 3 feet ¹ Rear: 37 feet <i>2nd Story</i> Front: 20 feet Side: 5 feet / 3 feet Rear: 37 feet <u>Alley Plan</u> <i>1st story</i> Front: 3 feet Side: 5 feet / 0 feet ¹ Rear: 32 feet-34 feet <i>2nd Story</i> Front: 3 feet Side: 5 feet / 0 feet Rear: 32 feet-34 feet <u>One and A-Half Story Plan</u> <i>1st story</i> Front: 3 Side: 5 feet / 0 feet Rear: 10 feet <i>2nd Story</i> Front: 20 feet Side: 5 feet / 0 feet Rear: 14 feet-18 feet	<u>Cluster Plan</u> <i>1st story</i> Front: 10 feet-20 feet Sides: 5 feet / 0 Rear: 3 feet <i>2nd Story</i> Front: 10 feet-20 feet Side: 5 feet / 0 feet Rear: 5 feet <u>Duplex Plan</u> <i>1st story</i> Front: 3 feet Side: 5 feet/ 3 feet ¹ Rear: 20 feet - 40 feet <i>2nd Story</i> Front: 3 feet Side: 5 feet / 0 feet Rear: 20 feet – 40 feet <u>Single Story Plan</u> Front: 3 feet Side: 5 feet/ 3 feet Rear: 10 feet	Yes, under PD
Usable Open Space	20% minimum	Ranging from 25% to 50%	Yes, under PD ²
Floor Area Ratio	Up to 40% maximum (plus up to 500 sq. ft. for garage)	Ranging from 40% to 90%	Yes, under PD
Lot Coverage	40% maximum	Ranging from 30% to 70%	Yes, under PD
Building Height	30 feet / 2 story maximum	One story: 24 feet 1-1/2 to 2 stories: 28 feet 2 story: 30 feet	Yes

	Standard R-1	Proposed Standard	Compliance
Parking spaces	2 spaces for dwelling with four or fewer bedrooms	2 spaces for dwellings with four or fewer bedrooms (242 spaces)	Yes
	1 additional space for each bedroom over four or second dwelling unit.	1 additional space for each dwelling with fifth bedroom or second dwelling unit. (21 spaces)	Yes

¹ Garage Setback 3 feet

² Usable open space defined as lot area, minus building footprint minus paved parking areas.

Table 2. Zoning for Multi-family Units (Condominium Units)

	Standard R-3-M	Proposed Standard	Compliance
Lot Area	7,500 square feet	41,528 square feet	Yes
Lot Width	75 feet	67 feet	Yes, under PD
Building Setbacks 1st Story & 2nd Story			Yes, under PD
Front	20 feet	Front: 7 feet	
Sides	6 feet side / total 18'	Sides: 35 feet / 45 feet	
Rear	15 feet	Rear: 5 feet	
Usable open space	650 sf for each 2 bedroom unit (13,000 square feet)	14,534 square feet provided (35%)	Yes
Floor Area Ratio	N/A		
Lot Coverage	40%	50%	Yes, under PD
Building Height	38 feet / 2 stories	24 feet / 2 stories	Yes
Parking spaces	2 spaces per dwelling unit, covered or uncovered	2 spaces per dwelling unit, 1 covered in carport + 1 uncovered in tandem	Yes

Table 19: Summary of Fiscal Impacts for City of Davis

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Revenues															
Property Taxes	\$43,061	\$83,208	\$84,872	\$86,569	\$88,301	\$90,067	\$101,080	\$111,506	\$113,736	\$116,011	\$118,331	\$120,696	\$123,112	\$125,942	\$142,065
Property Transfer Tax	\$15,187	\$18,006	\$4,271	\$4,356	\$4,443	\$4,532	\$5,087	\$5,611	\$5,723	\$5,838	\$5,955	\$6,074	\$6,195	\$6,340	\$7,151
Sales and Use Taxes	\$24,288	\$42,215	\$43,482	\$44,786	\$46,130	\$47,513	\$48,939	\$50,407	\$51,919	\$53,477	\$55,081	\$56,734	\$58,436	\$60,189	\$61,994
Prop. 172 Public Safety Sales Tax	\$1,082	\$1,897	\$1,954	\$2,013	\$2,073	\$2,136	\$2,200	\$2,266	\$2,334	\$2,404	\$2,476	\$2,550	\$2,626	\$2,705	\$2,786
Municipal Services Tax	\$3,169	\$5,201	\$5,357	\$5,517	\$5,683	\$5,853	\$6,029	\$6,210	\$6,396	\$6,586	\$6,786	\$6,989	\$7,199	\$7,415	\$7,637
Parks Maintenance Tax	\$3,136	\$5,292	\$5,292	\$5,292	\$5,292	\$5,292	\$5,292	\$5,292	\$5,292	\$5,292	\$5,292	\$5,292	\$5,292	\$5,292	\$5,292
Public Safety Tax	\$2,491	\$4,088	\$4,211	\$4,337	\$4,467	\$4,601	\$4,739	\$4,882	\$5,028	\$5,179	\$5,334	\$5,494	\$5,659	\$5,829	\$6,004
Transient Occupancy Tax	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Business License Tax	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Franchise Fees	\$994	\$1,728	\$1,780	\$1,834	\$1,889	\$1,945	\$2,004	\$2,064	\$2,126	\$2,189	\$2,255	\$2,323	\$2,392	\$2,464	\$2,538
0.65% Motor Vehicle License Fees	\$980	\$1,529	\$1,575	\$1,622	\$1,671	\$1,721	\$1,772	\$1,826	\$1,880	\$1,937	\$1,995	\$2,055	\$2,116	\$2,180	\$2,245
Property Tax In-Lieu of Vehicle License Fees	\$17,162	\$33,164	\$33,827	\$34,503	\$35,193	\$35,897	\$40,287	\$44,442	\$45,331	\$46,238	\$47,163	\$48,108	\$49,068	\$50,196	\$56,622
Fines and Forfeitures	\$74	\$128	\$132	\$136	\$140	\$145	\$149	\$153	\$158	\$163	\$168	\$173	\$178	\$183	\$189
Sub-Total Revenues	\$111,533	\$196,456	\$186,752	\$190,966	\$195,282	\$199,703	\$217,578	\$234,658	\$239,924	\$245,315	\$250,835	\$256,487	\$262,214	\$268,735	\$294,524
Expenditures															
Public Works	\$2,075	\$2,151	\$2,231	\$2,313	\$2,398	\$2,486	\$2,578	\$2,673	\$2,772	\$2,874	\$2,980	\$3,090	\$3,204	\$3,322	\$3,444
Planning and Building	\$2,047	\$3,610	\$3,774	\$3,945	\$4,124	\$4,310	\$4,506	\$4,710	\$4,923	\$5,146	\$5,380	\$5,623	\$5,876	\$6,145	\$6,423
Community Services	\$5,138	\$8,993	\$9,327	\$9,673	\$10,032	\$10,405	\$10,791	\$11,192	\$11,608	\$12,039	\$12,486	\$12,949	\$13,430	\$13,929	\$14,446
Parks and General Services	\$21,470	\$43,273	\$45,038	\$46,837	\$48,671	\$50,538	\$52,438	\$54,373	\$56,344	\$58,351	\$60,394	\$62,474	\$64,590	\$66,742	\$68,930
Police	\$23,704	\$41,840	\$43,763	\$45,775	\$47,879	\$50,081	\$52,383	\$54,791	\$57,310	\$59,945	\$62,701	\$65,583	\$68,506	\$71,572	\$75,050
Fire	\$19,441	\$34,293	\$35,900	\$37,583	\$39,344	\$41,188	\$43,119	\$45,140	\$47,255	\$49,470	\$51,789	\$54,216	\$56,757	\$59,417	\$62,202
General Government	\$13,161	\$23,008	\$23,836	\$24,694	\$25,582	\$26,503	\$27,456	\$28,444	\$29,468	\$30,528	\$31,627	\$32,765	\$33,944	\$35,165	\$36,430
Sub-Total Expenditures	\$87,036	\$157,168	\$163,666	\$167,020	\$170,505	\$177,785	\$191,371	\$198,988	\$201,563	\$210,183	\$219,175	\$228,555	\$238,340	\$248,549	\$259,198
NET GENERAL FUND BALANCE	\$24,497	\$39,288	\$22,884	\$23,947	\$24,778	\$21,918	\$26,206	\$35,670	\$38,361	\$35,132	\$31,660	\$27,932	\$23,893	\$20,186	\$35,325

Source: City of Davis

.70 Greenbelt / No Park

Table 2: 2411 E. 8th Absorption Schedule

	Total Units	Cumulative Absorption (Year)														
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Phased Ownership																
Small Affordable Units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medium Affordable Units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Large Affordable Units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Market Rate Units	24	12	24	24	24	24	24	24	24	24	24	24	24	24	24	24
Medium Small Market Rate Units	30	15	30	30	30	30	30	30	30	30	30	30	30	30	30	30
Medium Market Rate Units	5	2	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Medium Large Market Rate Units	6	3	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Large Market Rate Units	21	10	21	21	21	21	21	21	21	21	21	21	21	21	21	21
SUB-TOTAL RESIDENTIAL UNITS	108	64	108	108	108	108	108	108	108	108	108	108	108	108	108	108
Parks and Open Space																
Park	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Min-Park/Green Space/Village Greens	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Greenbelts	0	0.00	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70
Linear Green	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Habitat	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Streets																
Two-Lane Arterial	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Collector Street 1	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Collector Street 2	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Street (Connector to Collector)	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Lane	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Park Side Street	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Linear Green Side Street	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Linear Green Frontage / Live-Work Street	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Half-Circle (One-Way)	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Connector Lanes	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Alley Commons	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Main Arterial Traffic Calming	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Collector Street Traffic Calming	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Street Traffic Calming	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Lane - Modified	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Lane Side Street	0	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320
Total Publicly Maintained Streets	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320	1,320

Notes:
Developer anticipates 36 to 40 months for the completion of the 83 homes.

Sources: City of Davis, Community Development Department

Table 4: Assessed Valuation (2008 \$)

Phased Ownership	Estimated Valuation	Estimated Valuation	
	Market Rate Units	Affordable Units	
Small Affordable Units	224,000	\$224,000	0%
Medium Affordable Units	n.a.	\$255,000	0%
Medium Large Affordable Units	n.a.	\$425,000	0%
Large Affordable Units	n.a.	\$445,000	0%
Market Rate Units	\$425,000		0%
Medium Small Market Rate Units	\$525,000		0%
Medium Market Rate Units	\$575,000		0%
Medium Large Market Rate Units	\$625,000		0%
Large Market Rate Units	\$668,500		0%

City of Davis - Fee Estimate

*All estimates should include a copy of the fee schedule for applicant's reference.
Prospect/Inquiry



Date: 5/28/09 REVISED

Proj# 270055

Type of use: Single & Multi family residential
 Square Footage: 175,950 See Assumptions
 Estimated Construction Valuation per each building: \$ 20,338,317 Total Blue Text for Details
 Estimated Site Improvements: \$ 3,000,000
 Demolition Credit: 0 s.f.

Street Address: Simmons Property
 Contact: Mark Rutheiser
 Phone #: 758-2026 x137
 Email: mark@ceewest.com
 Property Owner: 0
 Description: 12.1 Acres - 108 Homes . See notes in Blue on "Assumptions" page.
 APN #: 0

#	Fee Categories	Fees	In.	Factors	Adjustment	Fee Methodology
City Planning Fees						
1	Planning Hours/Fees billed thru 1/9/09	\$43,060	SW			Actuals-proj# 270055 \$31,055.60 & proj# 270072 \$12,004.80-NO deposits remain
2	Future Planning Costs:	\$15,000	SW			Estimate
3	General Plan Amendment					
4	Rezone					
5	Final PD					
6	Design Review					
7	Aff. Housing Plan					
8	Development Agreement					
9	Plan Check Review	\$650	SW			Charged per hour at BP issuance
10	Affordable Housing In Lieu Fee					\$33,500 per unit
11	Long Range Planning Fee (Community & Gen Plan)	\$40,677	SW			.002 of construction valuation
12	Negative Declaration w/Fish and Game	\$2,377	MAW			\$500 deposit plus \$1876.75 filing fee
13	Quimby Act Fees (Park In-lieu)	\$855,519	SW	updated 5/29/09 SW		For new SF 5+ subdivisions \$7,921.47 per unit
	Subtotal	\$957,283				
Building Division Fees						
14	Building Department Plan Check	\$118,876	mjw			See 'Building Permit Fees Break' down tab
15	Fire Department Plan Check	\$5,651	mjw			See 'Building Permit Fees Break' down tab
16	Site Permit Fee		mjw			See 'Building Permit Fees Break' down tab
17	Building Permit	\$182,886	mjw			See 'Building Permit Fees Break' down tab
18	Electrical/Mechanical/Plumbing Inspection					
19	Construction Water Fees	\$0		assume meter		\$27.25 for each \$25,000 of est.construction value after first \$100K + \$81.75
20	Energy & Plan Check Fee					
	Subtotal	\$307,413				
Public Works Fees						
21	Public Impr., Plan Ck. & Inspection Fees	\$150,930		1	\$280+% imprv. costs	By Enc. Prmt. @ 7.5% of 1st \$10,000; 6% next \$40,000; 5%remainder
22	Water Meter Permit	\$11,922		1	262	For 1st meter + \$106 for each add'l meter(incl. plan ck. & inspt.)
23	Backflow Permit	\$501		1	289	For 1st device + \$106 for each add'l device(incl. plan ck. & inspt.)
24	Fire Water Inspection	\$8,214		1	\$64+% imprv. costs	By Enc. Prmt. @ 7.5% of 1st \$10,000; 6% next \$40,000; 5%remainder
25	Water Use Permit	\$500			\$95+deposits	Deposits required: \$25/tag; \$200/valve & wrench if necessary
	Subtotal	\$172,067				
26	Construction Tax	\$495,634	SW			Net New - \$2.89er s.f. new residential/commercial, \$2.30/sf for multi-family
Development Impact Fees						
27	Roadways	\$784,022	BB			Use Base Rate (not Mello Roos) for Affordable Apartments
28	Water	\$968,760	RN			
29	Drainage	\$28,100	BB			
30	Sewer	\$586,840	RN			
31	Parks	\$506,708	BB			
32	Open Space	\$87,226	BB			
33	Public Safety Facilities	\$100,246	BB			
34	General Facilities	\$241,420	BB			
	Subtotal	\$3,303,322				
Other Public Agency Fees						
35	Strong Motion State Fee	\$2,302	mjw			See 'Building Permit Fees Break' down tab
36	Yolo County	339,654	SW	updated 5/29/09 SW		Net New - Res per dwelling unit
37	DJUSD - School Impact Fee	\$489,141	SW			Net New - If Not in CFD #2; pay impact fee (per s.f.); \$2.78 residential-new, \$2.24 Res-addition, \$0.36 commercial, \$2.27-Industrial, \$0.09- Warehouse
38	CA Dept of Fish & Game	\$1,993	SW			Neg Dec/Mit Neg Dec \$1876.75; EIR \$2,606.75
	Subtotal	\$831,097				
39	TOTAL ESTIMATE FEES	\$6,066,815				
40	FEES PER SQUARE FOOT	34.48				

NOTES:

Development Impact Fees based on those effective as of February 2009.
 Yolo County Impact Fees based on current fee structure last updated in 3/09
 DJUSD Impact Fees based on current fee structure last updated 2/07
 All Planning Department Fees are deposits.
 Construction Tax update 1/09.

Summary of Development Agreement Fees and Supplemental Obligations
Chiles Ranch Subdivision
108 Units (86 Market Rate + 22 Low/Moderate Income Units)

1. 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 upon the issuance of a building permit for each and every market-rate residential unit with the Chiles Ranch Subdivision.

2. Greenhouse Gas Emissions Reduction Requirement. The 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. The 108 unit project shall mitigate 259.2 MT of CO₂, consistent with the "Chiles Ranch Mitigation Scenario", as follows.

- a) 2% Credit for Medium Density
- b) 5% for transit route within one-quarter (1/4) mile radius of the Property
- c) 35% above current (2005) Title 24 standards
- d) Installation of 37kW of household photovoltaics within the Chiles Ranch Subdivision
- e) The Developer shall demonstrate to the satisfaction of the Building Division prior to issuance of building permit that each unit within the Chiles Ranch Subdivision has been installed with components to facilitate future photovoltaic.

3. Tree Appraisal and Mitigation Fees. The Property was surveyed in July 2007 by a certified arborist. The Tree Summary Report included and identified 265 trees on the site. The report identified trees to remain and trees to be removed. Subsequently, in March 2008, a "Tree Appraisal Summary" was provided indicating species, condition and appraisal value of the 265 trees. Consistent with City of Davis Municipal Code, Chapter 37.03.070, Tree Planting, Preservation and Protection, the loss of trees on the Property shall be mitigated through the planting of trees on site and/or off site. An inch for inch credit is given for each tree planted towards the total inches of trees removed. If in the City Urban Forest Manger determines that no feasible alternative exists to fully mitigate the impact, or there are other considerations for

alternative mitigation, the applicant shall pay into the Tree Preservation Fund an amount determined by the Director Based on the appraisal value of the trees to be removed. In total 221 trees would be removed and approximately 217 new trees would be planted. Based upon the Tree Survey Report, the appraisal value of the trees to be removed is \$175,150.

The city recognizes that the Property is unique. The site was formerly a farm and orchard. The ordinance is intended to mitigate the loss of heritage trees and trees of significance for very large projects, and for smaller project which typically contain only a small number of trees. The Property contains significantly more trees than any other similarly sized parcel in the city, some marginal and near the end of their life span; others deformed and providing little canopy. The new trees to be planted would be geared toward species suitable for the climate to ensure longevity. The number of trees to be planted would over time provide canopy to mitigate loss of canopy of the trees slated for removal. Accordingly, the otherwise required fee has been modified as shown below.

- a) The Developer shall provide tree mitigation in the amount of \$50,000.
- b) The value of the new trees to be planted in the Chiles Ranch Subdivision shall be credited towards 3(a) in the amount of \$28,210.
- c) The remaining **\$21,790** shall be deposited into the city's Tree Planting, Protection and Preservation Fund Developer prior to issuance of Demolition Permit.
- d) The Developer shall make a contribution to Tree Davis in the amount of **\$3,500**.

4. Architectural Diversity. Small Builder lots shall not be required in the Chiles Ranch Subdivision City of Davis Municipal Code, Section 18.01.060(b). The intent of this requirement is to encourage the development of architecturally diverse neighborhoods, with a mix of housing types, densities, prices and rents and designs in each new development area. The General Plan also includes goals, policies and actions (Urban Design) that promote design standards for new single family residential development that create variability of lot sizes, floor area ratios, setbacks, building height floor plans, and architectural styles/treatments within each new development area. The Chiles Ranch Subdivision would be consistent with these goals and

polices. The development will include a mix of lot sizes, a variety of setbacks, and alternating heights throughout the subdivision. The Chiles Ranch Subdivision will provide a diverse, yet cohesive neighborhood with complementary housing types, sizes, and elevations. The developer shall provide all of the following in the Chiles Ranch Subdivision.

- a) Detached single family dwellings
- b) Attached single family dwellings
- c) Condominium units
- d) Fifteen Diverse Elevations

5. Roadway Improvements. The Developer of the Chiles Ranch Subdivision shall provide the following roadway improvements.

6. Street Gutter Modification. The Developer shall modify the gutter at the intersection at Mesquite Drive and E. Eighth Street to provide for a potential future bus route on E. Eighth Street. The modifications proposed entail reducing the grade-change to accommodate a bus traversing gutter. The edges of the new gutters will match existing pavement grades, and no other paving modifications are proposed. The Developer obligation shall be limited to gutter modification proposal submitted to the Community Development Department on December 11, 2008, or modifications substantially similar in scope and anticipated Developer costs. The gutter modification is subject to review and approval by the Public Works Department and the City Engineer.

7. Traffic Calming. The Developer shall provide up to two traffic calming features, such as radar speed box(es) or speedtable(s) in the vicinity of the project in consultation with the Public Works Department. The total cost to the Developer for traffic calming measures shall not exceed \$15,000. Final determination of method(s) and placement(s) of potential traffic calming measures shall be subject to review and approval of the Public Works Director and/or City Engineer.

Total Fees to be Paid By Developer

- 1. \$258,000
 - 3. \$ 25,290 (\$21,790 + \$3,500)
- \$303,290**



RESPONSE AREA
42

MAP QUADRANT
O-16

CITY OF DAVIS ZONING ATLAS



25	26	27
41	42	43
57	58	59

CHILES RANCH PROJECT DESCRIPTION / JUSTIFICATION

With Chiles Ranch, we wish to create a residential community that will not only provide much-needed housing, but also contribute to neighborhood connectivity. We wish to produce several for-sale housing types and levels of affordability; create greenbelts, public open space and habitat; construct safe pedestrian and bike routes; and make for a vehicular circulation system that will serve the project appropriately, while minimizing impacts to the neighboring residents. Over the last several months we were able to produce a plan that evolved from a collaboration of skilled professionals, City officials and neighbors - who have a stake in the property's fate.

We, Steve Sherman and Don Fouts, over the past 33 years have built many high quality homes in the City of Davis. Our well-established local companies have strong reputations and a proven track record. For Chiles Ranch, we have joined together as New Urban Development, LLC, with the name reflective of our objectives for the property. With this project we will continue our commitment to provide housing that is of high quality and is a good fit for the community.

Our proposed Chiles Ranch, at 2411 East 8th Street, consists of 12.1 acres of three vacant parcels. Parcel One, APN 71-401-03, is currently zoned as R-2, Parcel Two, APN 71-020-15, and Parcel 3, APN 71-401-02, are zoned agriculture. All three parcels have a land-use designation of Residential Low Density in the General Plan. We are requesting a rezone of all three parcels to a Residential Planned Development with a General Plan Amendment to Residential Medium Density.

The site is bounded at the north by the Davis Manor Subdivision, at the east by the Sunnyside Subdivision, at the south by the Summerhouse group home and Villa Calabria, a senior affordable housing complex, and at the west by the City of Davis Cemetery. With a change in zoning, the parcels can be developed as residential in-fill, providing a mix of housing stock with public green space.

Chiles Ranch includes 9.30 acres of for-sale single-family residential housing, 0.95 acres of affordable condominium housing and 1.86 acres of greenbelt dedicated to the City. The City greenbelt connects to 8th Street, and runs around the perimeter of the neighborhood on the east and north. The remaining interior greenbelts and alleys will be owned and maintained by a homeowners association (HOA).

Proposed Housing

Chiles Ranch provides New Urban Development, LLC the opportunity to develop an integrated housing development with a broad diversity of housing types and levels of affordability. A diversity of architectural styles avoids the "tract housing" appearance so commonly seen in developments today. The architecture is centered around a strong sense of place based on the common open spaces and front porches.

Chiles Ranch primarily consists of single-family homes on lots ranging from 2,000 square feet to 5,000 square feet. These homes will be of various product types ranging from alley-loaded homes with detached garages to small pods of 6 to 8 homes surrounding a courtyard. To serve

the middle-income buyer, there will be a small number of homes with tandem garages. The driveways and garages of these homes will face the street, and reduce the impact of the garage on the streetscape.

In general, all homes within Chiles Ranch will be designed for workforce buyers, and will have 3 or 4 bedrooms with floor plans that range from 1,400 to 2,200 square feet. Twenty-one (21) of the alley-loaded homes will have additional living space above the detached garage. Of these, up to ten (10) will have the option of a kitchen.

The 22 low/moderate income condominiums (20 of which are clustered in five buildings) are on the west side of the project.

The majority of homes will be two-stories and not exceed 30' in height. In order to mitigate sight-line issues, and height relative to existing adjacent homes, there are two lots restricted to a single story and 13 lots that have a 1-1/2 story limitation. The 1-1/2 story utilizes attic space in order to create a small amount of two-level living area within a single story envelope. 77 of the total units will be detached homes, while the balance (30) will be attached units.

<u>Housing Type</u>	<u>Approx. Home Size (living space square footage)</u>	<u>Units</u>
Low/Moderate Income	900 to 1,200	22
Middle Income	1,200 to 1,500	21
Market Rate	1,600 to 2,400	65

Site History and Existing Structures

The existing structures have been inventoried and are documented in a report generated by JRP Historical Consulting, LLC, August 10, 2006. That report concluded that none of the structures were deemed worthy of a historical resource designation. Since all existing buildings are dilapidated, lacking in structural integrity and unsafe, we propose to remove the structures and to utilize some of the materials of the barn in a new on-site building that will replace the original barn structure with a smaller barn-styled structure that will serve as a community gathering space. This structure commemorating the rich agricultural history of the Chiles Ranch, will be sited close to two retained oak trees near the east entrance to the subdivision. As one “discovers” this feature upon entering from 8th Street, one will get a sense of place and history.

One very important thing that JRP brought to our attention was the role of the Chiles family in the history of the property. As we met members of the current generations of the Chiles Family, we were inspired to adopt the name “Chiles Ranch.”

Site Topography

For the most part, the topography of the site is relatively flat, like most of the surrounding area in Davis. Elevations range between 40 and 43 feet msl. In the northwest quadrant of the property, a remnant swale traverses the quadrant from the southwest corner to the northeast corner. The site is outside of the 100 year flood plain. The topography will remain relatively flat with the existing swale brought up to grade to accommodate the planned housing. The greenbelt topography will incorporate vegetated swales.

Trees and Vegetation

The existing vegetation is an eclectic mix of trees left over from the former farming operations and dominated by Arizona cypress, oaks, black walnut, mulberry, almond, olive and pomegranate trees. The Arizona Cypresses were used as perimeter screening trees, and line the north and west property lines. Several large old almond trees are located in south east quadrant. Mulberry, black walnut and valley oak trees are located long the south east fence line. The site has several large valley oaks and black walnuts scattered throughout the site. All of the trees have been evaluated and appraised by a certified arborist. Many trees have significant structural deficiencies and are not structurally sound due to lack of pruning and care over the past 35+ years, including topped trees along the north property line to accommodate the overhead power lines. Several trees are located in a large swale with root crowns located one to three feet below the surrounding property grades. The remaining vegetation on site is annual grasses and weeds.

Most of the trees will be removed. Many of the species are not suitable for the proposed use; many are grossly misshapen, unhealthy and/or have significant structural defects. The site plan has been adjusted to accommodate several of the larger trees that are structurally sound or significant. Several existing trees will be incorporated into the landscape, either in the greenbelts or residential yards. The smaller, desirable trees (primarily oaks, olives) will be transplanted and reused on site or donated to the cemetery.

Streets and Parking

Consistent with New Urban principles, we wish to keep streets narrow. The main auto circulation will consist of a loop with two entry/exits onto 8th Street. With the exception of the immediate portions entering off of 8th Street, all of the internal streets, excluding the alleys, will have parking on one or both sides of the street. The majority of the houses will have alley-loaded garages. All of the main roads will be public streets, while the alleys will be maintained by a Homeowners Association. Emergency access is provided to/from the existing neighborhood at the northeast corner of the site via an enhanced portion of the bike path. The narrow public streets will help reduce traffic speed and minimize storm run-off. In order to further reduce speed and increase safety, we would like to look into lower posted speeds within the subdivision and installing traffic tables where appropriate.

Bike and Pedestrian Circulation

A series of multi-use paths will lead to, through, and from the project, providing a circulation system that links the new development to the surrounding neighborhoods; thus implementing one of the City's goals of enhancing bicycle path system connectivity. A bike/pedestrian path connects Wellesley Place to Chiles Ranch at the northwest corner of the site and continues through the new greenbelt to 8th Street. Not only does this provide the adjacent neighborhood a separate bike route that takes cyclists off the streets, but also access to the replicated barn shade structure in the main greenbelt. The internal paths of Chiles Ranch are designed for pedestrians, and provide access to the community gardens, shade structure and internal greenbelts. We will also provide pedestrian access to the Cemetery at the southwest corner of

our site through a small greenbelt connection. This may become a secondary vehicular access to the Cemetery in the future.

Transit

The nearest Unitrans bus lines are the “L” and the “P/Q”. The “L” line stops at the Cemetery on Pole Line Road and is a direct line to the UC campus Art Building Terminal. The “P/Q” has a bus stop at Cascade and Tulip and is the largest line in the bus system. Its coverage includes the UC Davis Memorial Union, Davis Senior High School, Emerson Junior High School and the Downtown. Even though these stops are within walking distance of Chiles Ranch, we wish to investigate a bus route modification that would place stops closer to the site.

Public Services and Infrastructure

To the extent feasible, the site drainage plan will incorporate the use of overland drainage, including grassy swales, rain gardens and shallow, distributed surface detention to cleanse and reduce post-development stormwater runoff to the City utility system. We anticipate that a drainage connection will be made to 8th Street via the shared parking lot of the Summerhouse and senior housing projects at the south end of the site. At the time those parcels were created (Davis Villas Parcel Map No. 4005, August 1991), a 25’ Reservation was created with the express purpose of someday using this connection for utility service to Chiles Ranch. The proposed drainage plan is described in more detail in a separate memorandum to be submitted to City Public Works.

It is likely that sanitary sewer for the northern and southern halves of the property will be served by two different points of connection; one being a manhole at East 8th Street and the other at the intersection of Wellesley Place and Mesquite Drive. In anticipation of a possible future connection for Chiles Ranch, a 20-25’ wide utility easement was provided between this intersection and the site.

City water supply for domestic and fire use is available from an 8” main located in East 8th Street. City Public Works has recommended connections at two points to provide a looped system for reliability. No constraints for water supply are anticipated for Chiles Ranch.

Wastewater treatment plant capacity is adequate for residential development of the property, as plant capacity anticipated build-out of potential infill sites.

Buffering, Greenbelt and Open Space

In Chiles Ranch, there will be approximately 3.8 acres of greenbelt. Nearly 2 acres will be City-owned, while the balance will be owned and maintained by a Homeowners Association (HOA). At the east and north sides of the site a 50’ buffer separates the new homes from the existing. Within the majority of this buffer lies one of the key amenities of the site, a 1890’ long green area for passive recreation, community gathering and neighborhood gardens. This space also includes the majority of preserved Oak and Walnut trees.

Greenbelts wind through the project, providing bike and pedestrian connections to 8th St. and Mesquite Drive. The proposed City greenbelt connects with 8th St. and continues along the east

and north property boundaries. The greenbelt includes a 10' wide bike path linking 8th St. to Mesquite Dr. The north perimeter greenbelt includes a 6' wide pedestrian-only path and small trees laid out in rows, reminiscent of the orchard operations at the ranch. The east perimeter greenbelt will have a more naturalized landscape treatment, incorporating vegetated swales , native and adaptive plantings, and limited, or no use of turf. The central greenbelt area, at the large oak tree, will be the community focal point, and as such should be designated as a Mini-park. This area will include a shade structure, reminiscent of the old barn, turf, shade trees and grass/shrub plantings. The City greenbelts serve as a major bike/pedestrian connector, as an integral component of the post construction BMPs for storm water collection and treatment, and as an open space connection between neighbors which enhance social relationships and provide additional play areas for children.

The two HOA greenbelts are interior to the site (running north-south and east-west). They cross connect the subdivision and link up with the City greenbelt. Like the City greenbelt, the HOA greenbelts are an integral component of the post construction BMPs for storm water collection and treatment, and provide an open space connection between neighbors.

A mix of Mediterranean and California native trees, shrubs and grasses will be used throughout the public and HOA maintained landscape areas. Turf will be limited to those spaces where it will be used as an activity surface. Existing trees to remain will be protected during construction, and planting and irrigation design will be modified within their canopy area to reduce future impacts to them.

Sustainability

In order to promote Sustainability, we will utilize existing site resources to create healthy buildings and community. Buildings are oriented to maximize solar access for passive heating and to allow for the warm-season cooling breezes. Through the site, we will provide bicycle and pedestrian access which connects to existing routes, thus encouraging the use of alternative means of transportation. Pedestrian-friendly streetscapes, green spaces, community gardens and paths encourage the use of the neighborhood for activities in lieu of traveling to off-site areas for recreation. The use of a narrow alley pavement width (while still providing adequate access for waste removal vehicles) to access garages, and elimination of expanses of individual concrete driveways reduce the heat island effect and allows more permeability of the ground surface.

All homes will be built to the City of Davis Green Building Ordinance. We will exceed California Title 24 standards by 35%. By exceeding Title 24 and providing a medium density housing mix, we are committed to reducing the greenhouse gas emissions of each home by two (2) MT of CO₂.

Affordable Housing and Accessibility/Visitability

For Chiles Ranch, the Affordable Housing Ordinance would normally require that the developer make a land dedication for the likely inclusion of rental or cooperative housing. However, we are proposing a Project Individualized Plan (PIP) that is better aligned with the strongly stated desires of the neighborhood, and is more responsive to the strong demand of ownership housing for families of limited income. In our PIP we will build all of the required affordable housing ourselves without City subsidy. After discussions with the neighbors and City staff, we find that it is in the community's best interests to provide affordable, home-ownership in lieu of

rental housing. By building out affordable for-sale units along with the market-rate housing, New Urban Development will provide these much-needed homes in the most expeditious manner possible. We will also ensure that this component architecturally complements the neighborhood in order to create a cohesive development. The affordable homes will be built as twenty condominiums within a cluster of buildings on the west side of the site plus one stand-alone house. This segment of the Chiles Ranch housing will not only take advantage of the many amenities incorporated throughout the neighborhood, but condominiums will be within its own homeowners association so that it may not be restricted by the majority of its surrounding neighbors and will be able to set ownership rules that are more aligned with its mission. The location of the affordable homes takes advantage of the open space and views of the adjacent property while having direct access to the new “barn” shade structure – a gathering place that allows the whole neighborhood to interact. The west side of Chiles ranch is the ideal location for this dense housing type, as the goal in most new neighborhoods is to “feather” the density to existing housing. All of the affordable units will be sold at the price points and by the sales rules set forth in the Affordable Housing Ordinance.

In the same vein, New Urban Development will build homes that meet the City of Davis’s Middle Income Affordable Housing Ordinance. The middle-income housing will meet the objective of the ordinance by targeting the need for local workforce housing. These homes will be distributed throughout the site, and are designated on the site plan.

With a recently adopted revision to the Housing Policy in the General Plan, the City encourages a variety of housing types that accommodate persons with disabilities and promote aging in place. The Planning Commission and City Council have recognized that there are inherent constraints of including accessible/visitable features under certain circumstances, especially in higher density projects (12.5+ units/acre), and allow for exemptions. Even though the affordable condominiums are at a net density of 20 units/acre, and exempt from the City’s accessibility requirements, we are proposing that up to 10 will incorporate the City-defined accessibility features and that 2 will be visitable. All of the middle-income and market-rate homes are “visitable” with the exception of Lots 6, 8, 10, 12, 44 and 46. While the buildings on these lots provide most of the accessible features associated with visitability, drainage constraints require that the driveways have approximately 1:12 slopes. Even though Lots 7, 9, 11, 43, 45 have the same driveway constraints, access can be gained through the two-car garages.

Community Participation and Sunrise Neighborhood Association

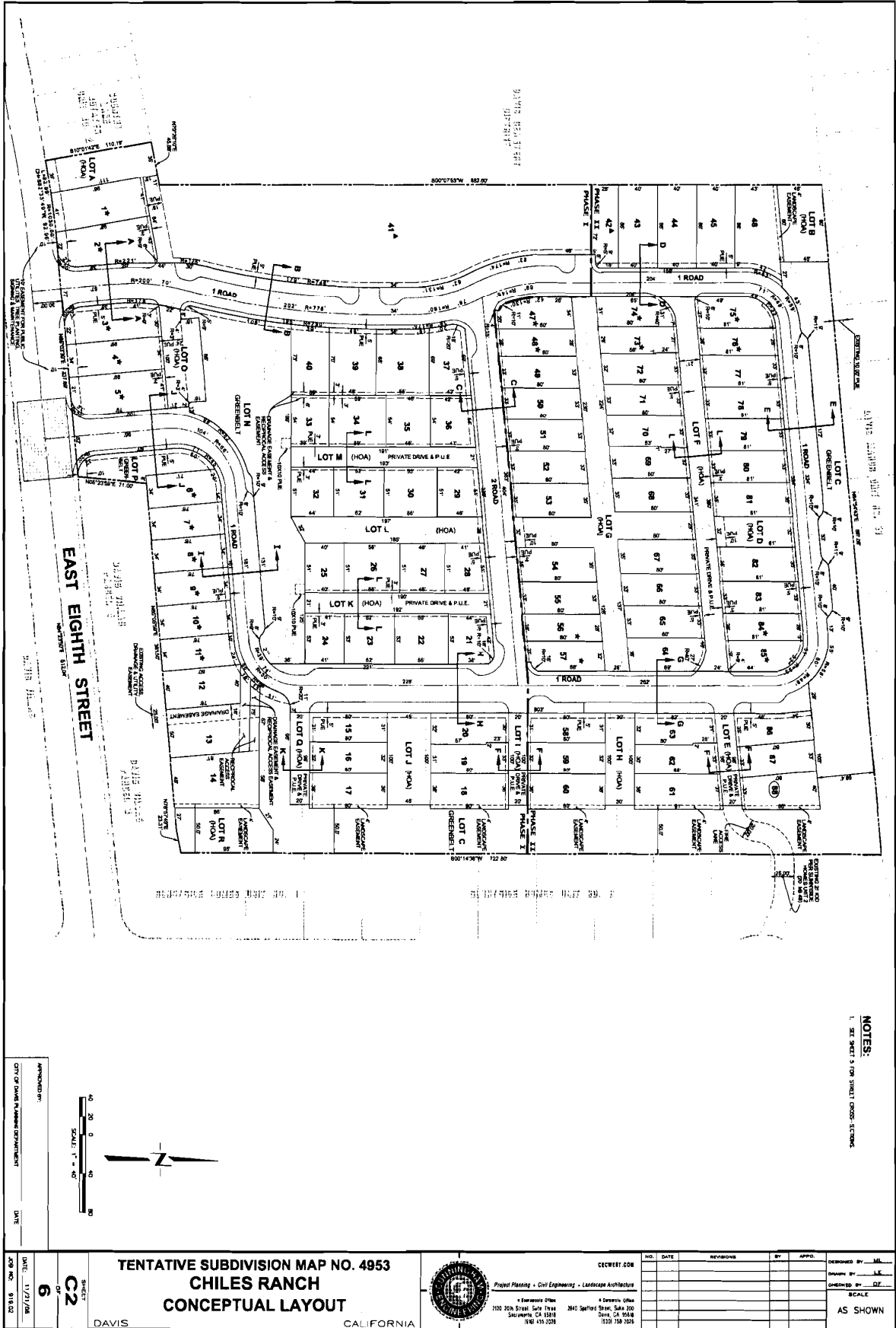
The City of Davis, with the help of the Sacramento Area Council of Governments (SACOG), sponsored a series of design workshops in order to define a vision for the future of the Chiles Ranch property. From September, 2007 to April, 2008 several neighborhood meetings took place where the members of the community, and more specifically, the Sunrise Neighborhood Association shared their ideas and vision for open space, energy efficiency and sustainability. During the process, various ideas and suggestions were exchanged, and many design concepts were reviewed and refined, culminating in the final plan as submitted. At the SNA meeting on April 2, 2008, the Association approved the plan and we have jointly signed a letter of agreement.

Benefit to the Community

Chiles Ranch will benefit the community by helping to meet the City's housing needs, providing new open space and setting an example for well-planned infill development. In doing so, it also meets the following guiding principles:

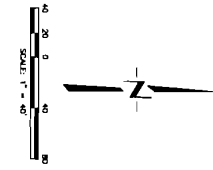
- Preserving and acknowledging natural resources that make a significant contribution to the site's character.
- Minimizing impacts to the City utility system by integrating on-site storm water management
- Create a compact housing layout in order to maximize public and private open space
- Establish contiguous open space that benefits wildlife, passive recreation and circulation.
- Commemorate the site's cultural and natural history through creative design
- Provide shared resources (and access) to encourage interaction between new residents and existing neighborhood.
- Reduce traffic impacts to surrounding neighborhood by encouraging alternative transportation (pedestrian, bicycle, bus)
- Provide a mix of affordable housing
- Reduce automobile trips by connecting bicycle access to existing routes.

S:\Projects\900\919-Chiles Ranch\Rezone-GPA Application\Narrative\Chiles Ranch Project Description-Narrative 082808.doc



NOTES:
 1. SEE SHEET 5 FOR SHEET CROSS-SECTIONS

APPROVED BY: _____
 CITY OF DAVIS PLANNING DEPARTMENT
 DATE: _____



**TENTATIVE SUBDIVISION MAP NO. 4953
 CHILES RANCH
 CONCEPTUAL LAYOUT**

DAVIS

CALIFORNIA



Project Planning • Civil Engineering • Landscape Architecture
 2100 26th Street, Suite 1000 Sacramento, CA 95818
 4 Corporate Office 2840 Spotted Street, Suite 200 Davis, CA 95618
 (916) 435-2228 (916) 435-2228

NO.	DATE	REVISIONS	BY	APP'D.	DESIGNED BY	ML

CEKWERT.COM

SCALE
 AS SHOWN



- SITE KEY NOTES**
- ① NORTH SETBACK #1
 - ② EAST SETBACK #1
 - ③ NEIGHBORHOOD GARDEN
 - ④ FUTURE DISCRETE ENTRY
 - ⑤ FUTURE BICYCLED PATH
 - ⑥ CHILES REPLICIA BARN
 - ⑦ EXISTING OAK
 - ⑧ GREENBELT
 - ⑨ ORCHARD
 - ⑩ BNA DDC ESTABLISHMENT

PARKING SUMMARY

MIN. QUANTITY OF PARKING SPACES
107 UNITS x 2.5/UNIT = 267

OFF-STREET	212
ON-STREET	83
POTENTIAL DRIVEWAY	21
AFFORDABLE	42
TOTAL	358

UNIT SUMMARY

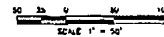
ALLEY ACCESS	48 UNITS
STREET ACCESS	48 UNITS
AFFORDABLE	21 UNITS
TOTAL	117 UNITS


LAND ALLOCATION

SITE AREA	12.11 ACRE
CITY GREENBELT	1.88 ACRE
HQA	1.88 ACRE



NORTH

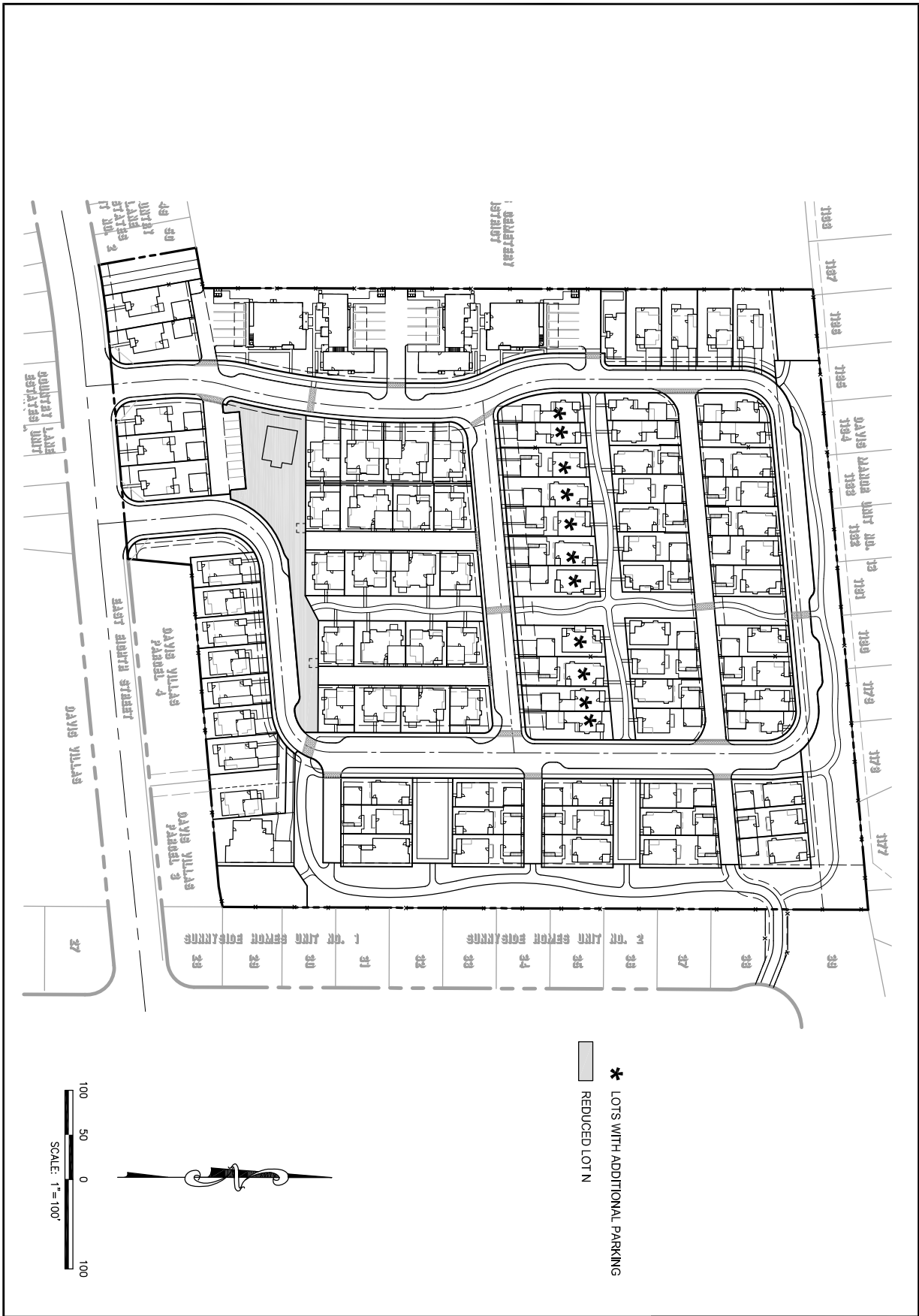



 000111600
 Planning & City Department - Landmarks/Architecture
 1501 17th Avenue, Suite 1000
 Denver, CO 80202
 303.733.1231

**CHILES RANCH
SITE PLAN**
April 2, 2008

NEW URBAN
DEVELOPMENT

1 OF 3

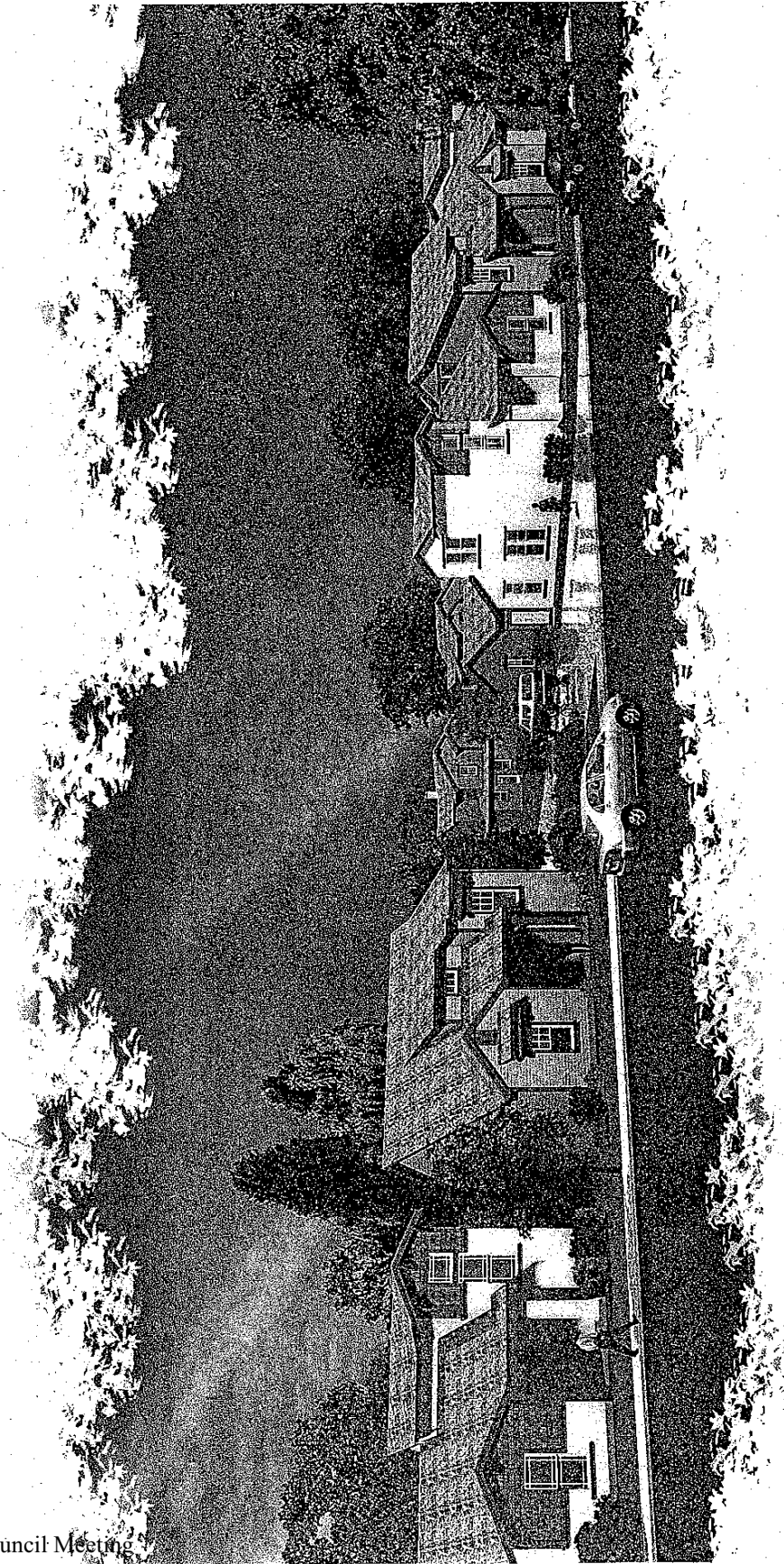


DESIGNED	ML		Project Planning ■ Civil Engineering ■ Landscape Architecture ■ Sacramento Office 2940 Spafford Street, Suite 200 Sacramento, CA 95818 1961 455-2026 ■ Corporate Office 2940 Spafford Street, Suite 200 Davis, CA 95618 (530) 758-2026
DRAWN	LE		
CHECKED	ML	CEWEST.COM	
SCALE	1" = XX'	DATE: 05/11/09 SHEET 1 OF 1 JOB No: 919.02	

**CHILES RANCH
CONCEPT "A"**

DAVIS

CALIFORNIA




RECEIVED

MAY 15

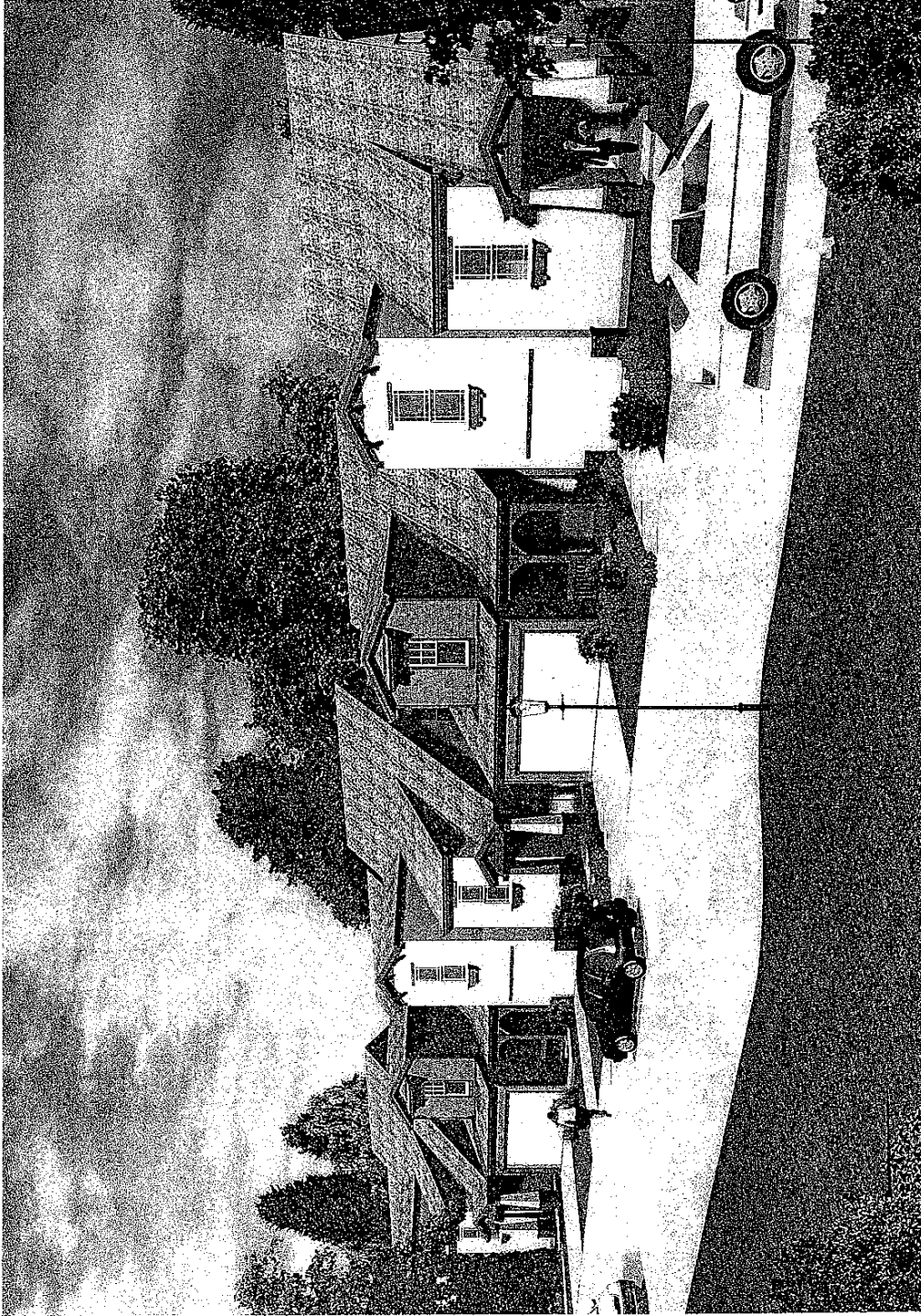
City of Day
Community Dev.

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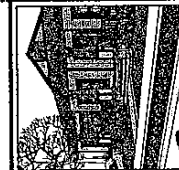
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MAY 15 2009

City of Davis
Community Development

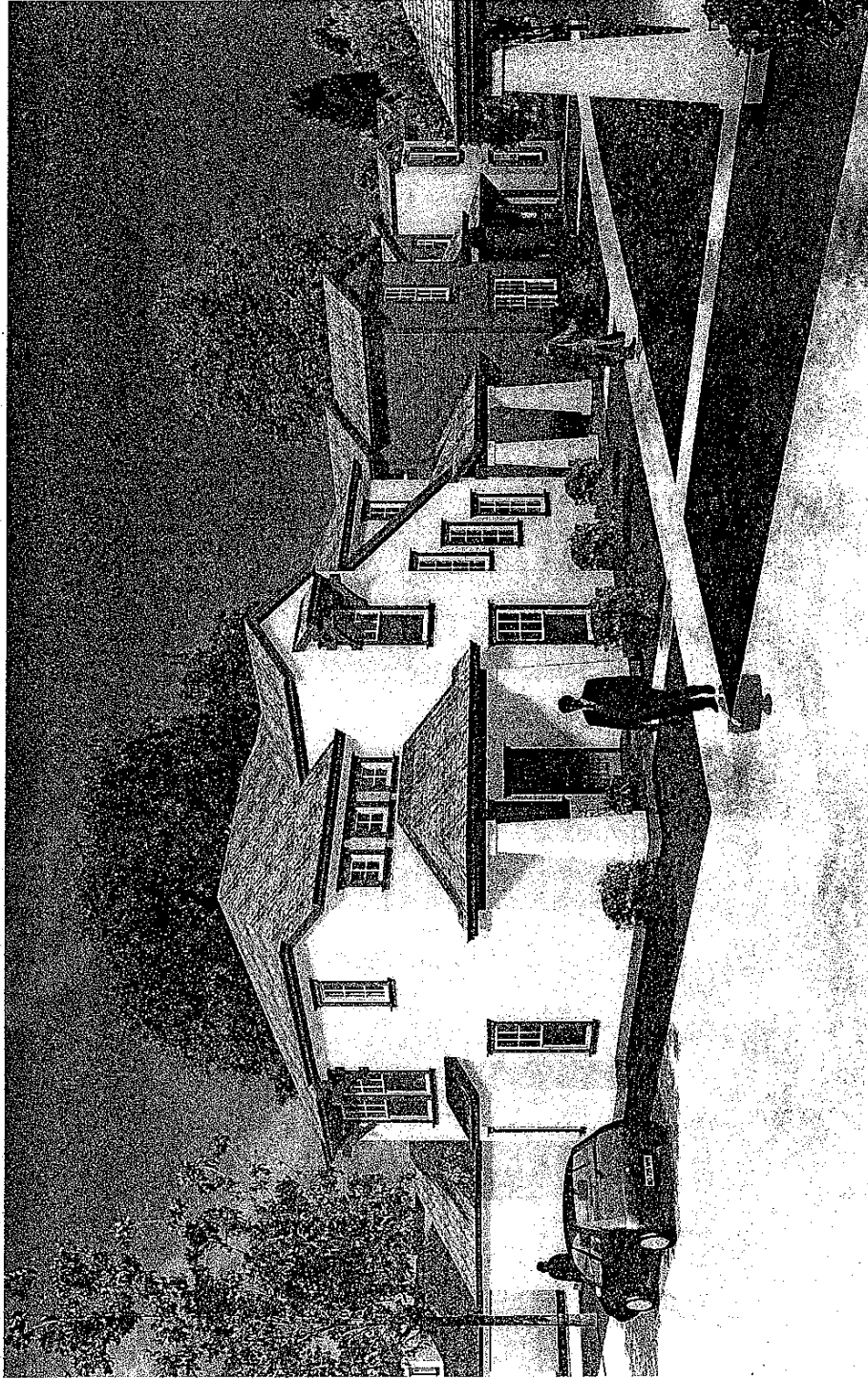
STORY AND A HALF STREETScape

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City of Davis
Community Development

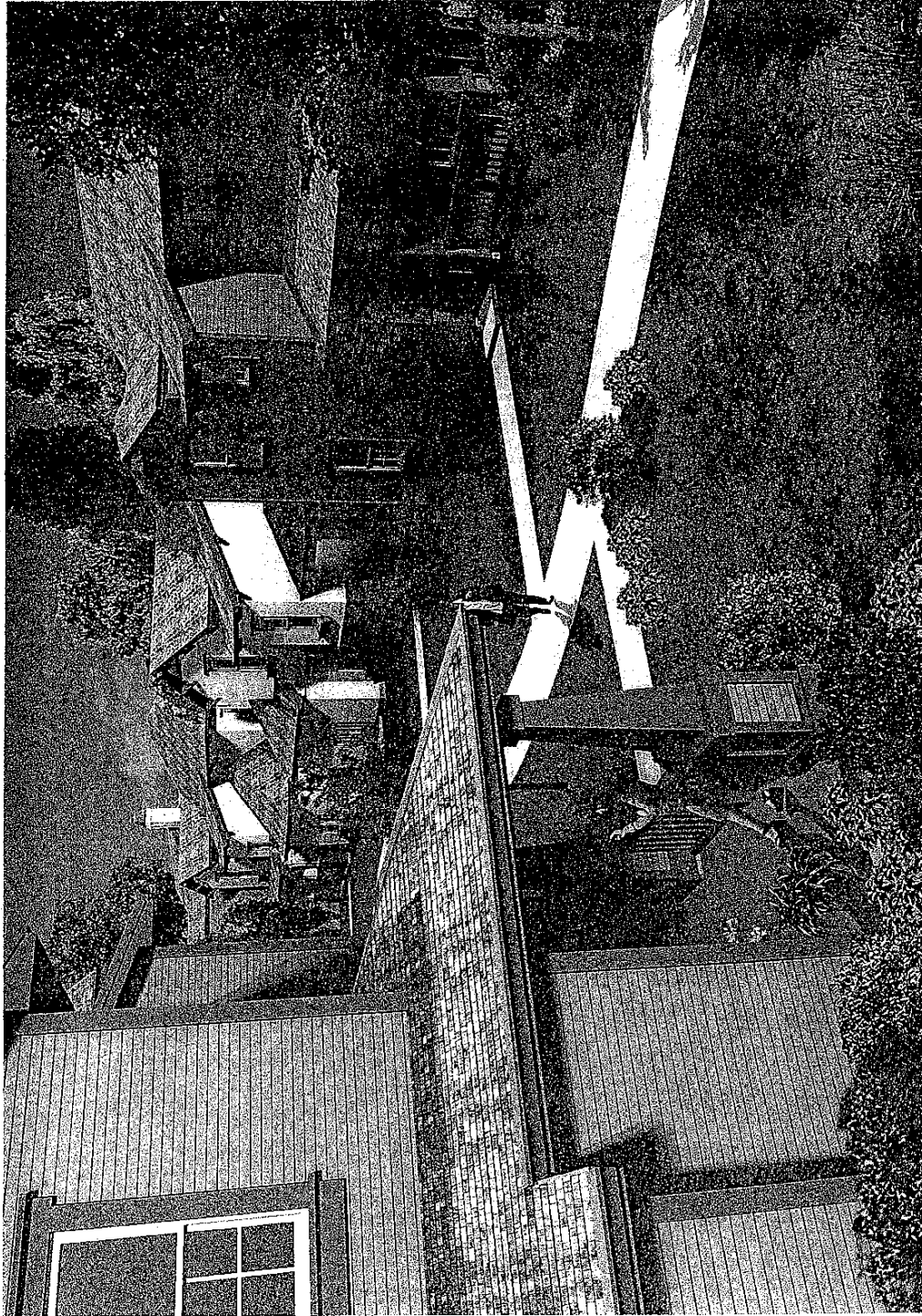
GREENBELT VIEW PAST DUPLEX

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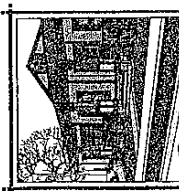
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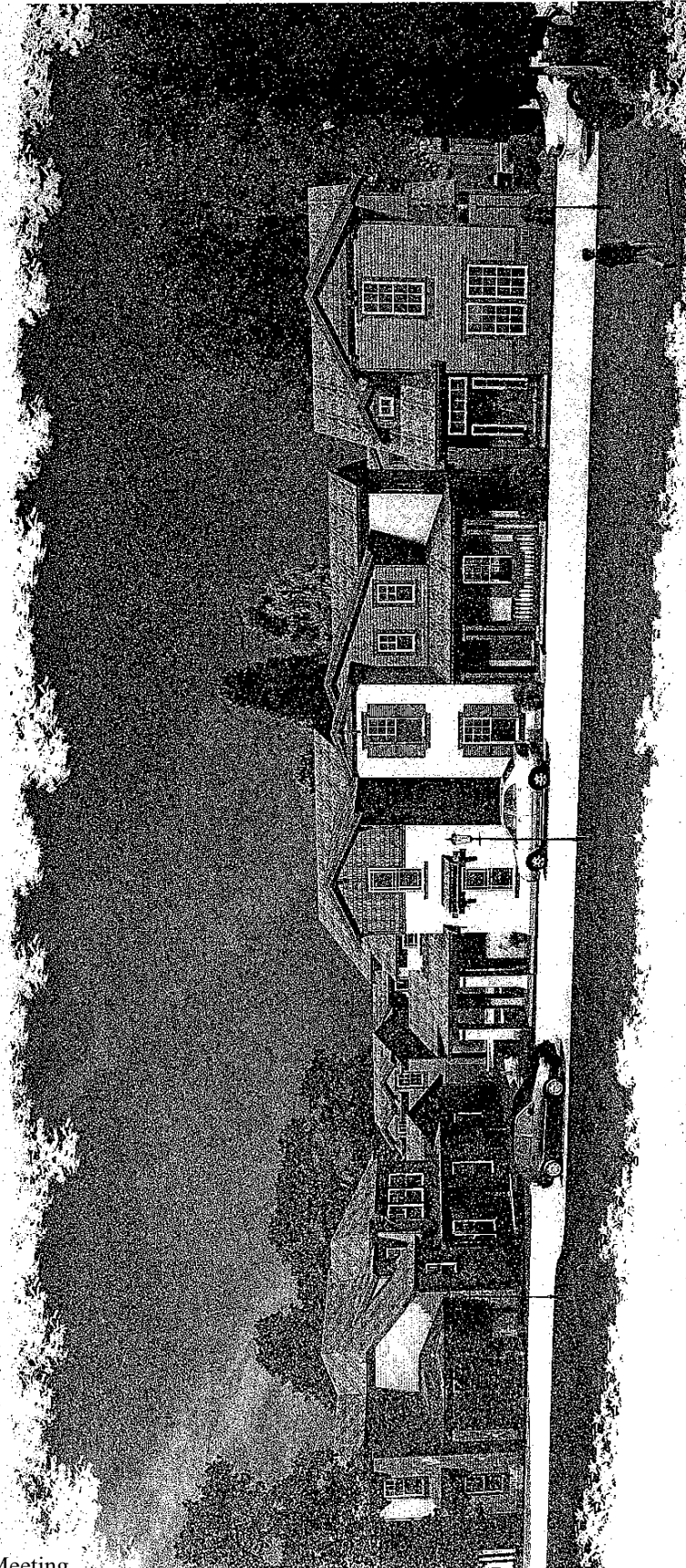
City of Davis
Community Development

CLUSTER GREENBELT VIEW

**CHILES RANCH • DAVIS, CALIFORNIA
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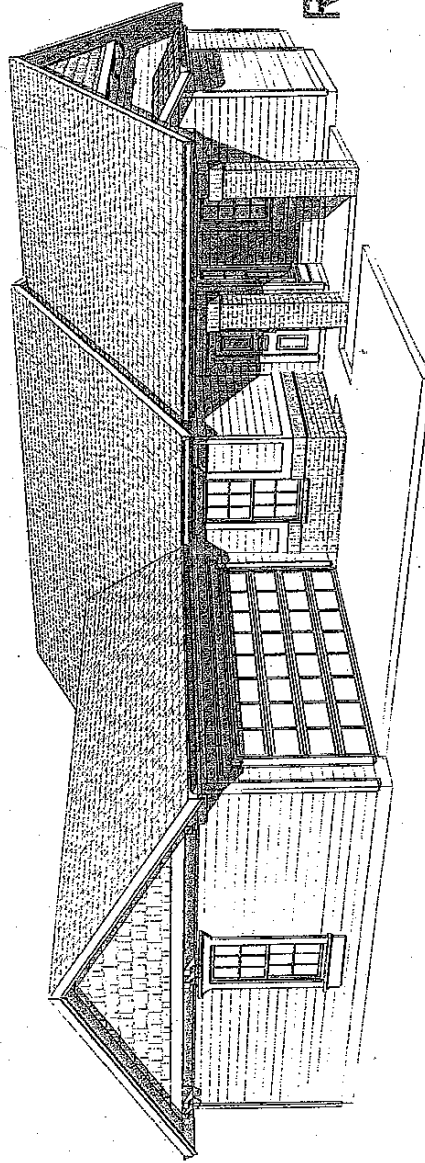
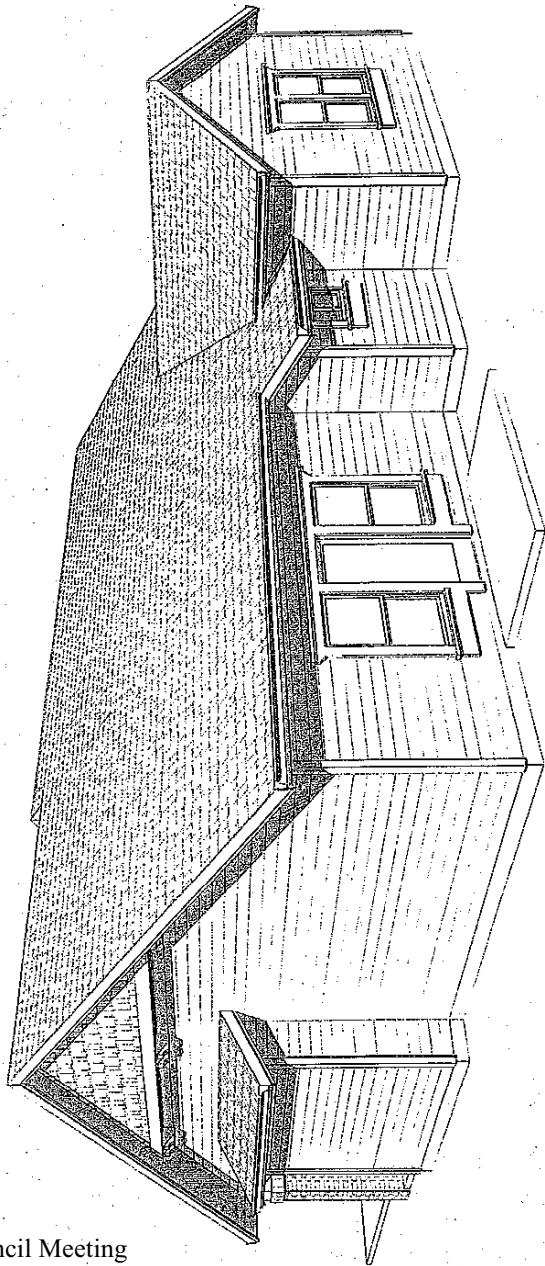


ALLEY LOADED STREETSCAPE

**CHILES RANCH • DAVIS, CALIFORNIA
NEW URBAN DEVELOPMENT**

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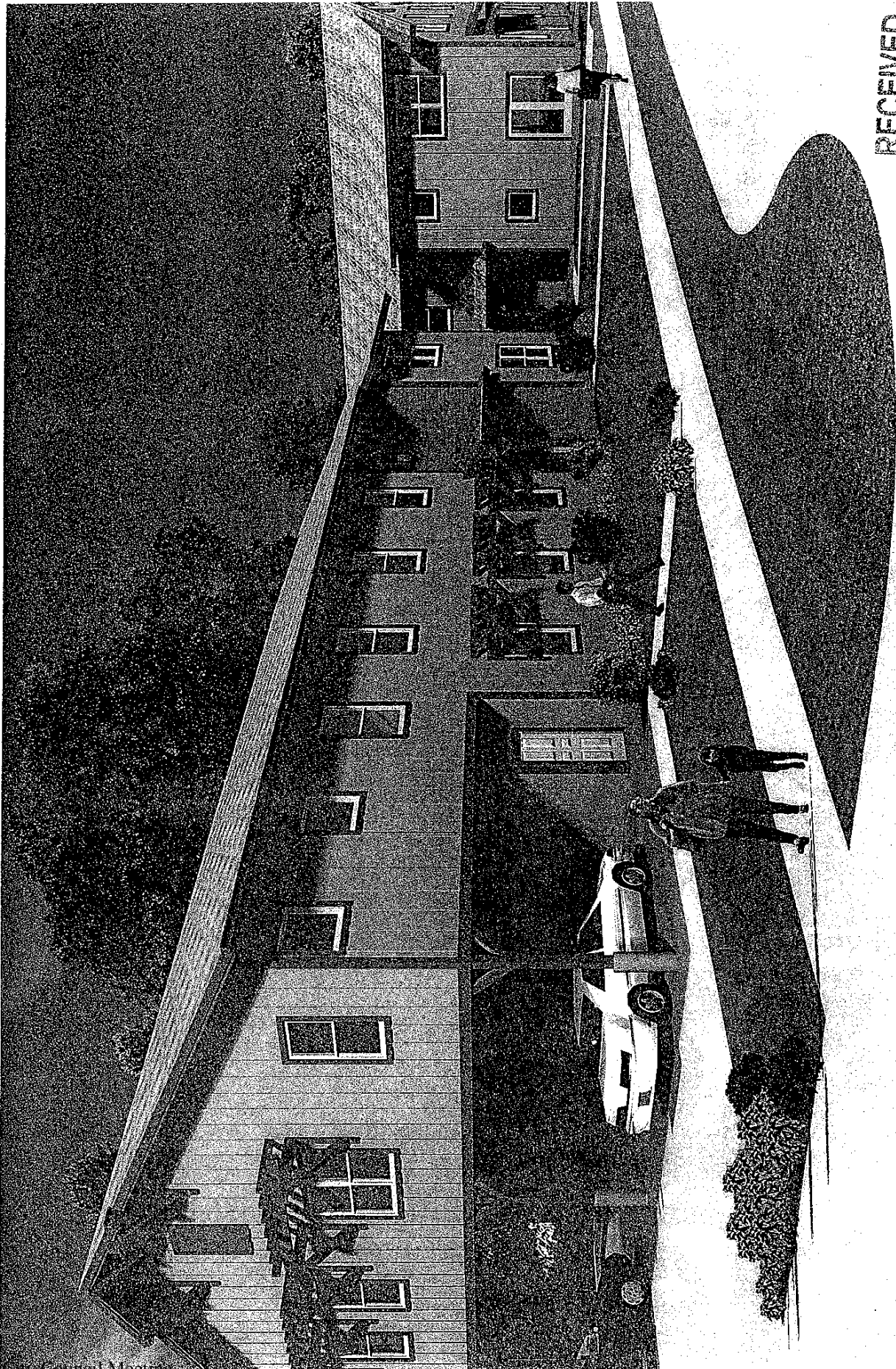
City of Davis
Community Development

LOT 14 PERSPECTIVES

**CHILES RANCH • DAVIS, CALIFORNIA
NEW URBAN DEVELOPMENT**



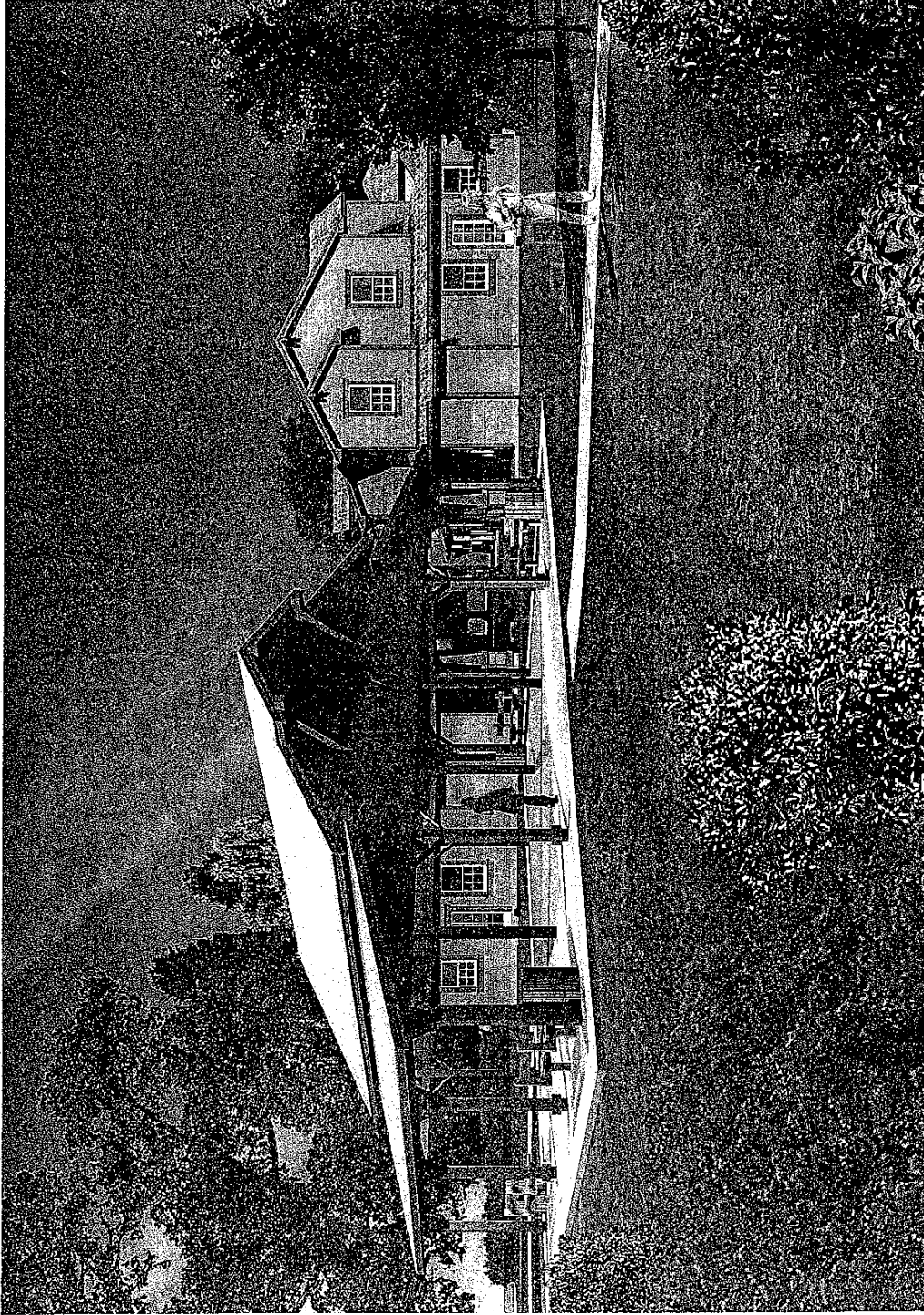
UPAT GREENE
HOUSES
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PANTOLOPE, CA 95843
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FAX: (916) 914-2203
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VIEW OF REPLICA BARN

CHILES RANCH • DAVIS, CALIFORNIA
NEW URBAN DEVELOPMENT



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PARKING & ON-STREET WASTE RECEPTACLE LOCATIONS

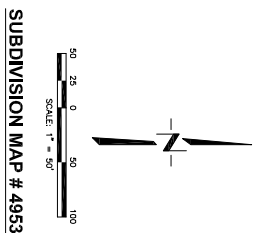


- NOTES:**
1. TWO RECEPTACLES (REUSE & RECYCLE) ARE ASSIGNED TO EACH UNIT, AND ARE COLLECTED EVERY WEEK.
 2. BUILDING FOOTPRINTS ARE SHOWN FOR ILLUSTRATIVE PURPOSES. DEVELOPER RESERVES THE RIGHT TO MODIFY BUILDING FOOTPRINTS SUBJECT TO SUBSTANTIAL CONFORMANCE DETERMINATION BY THE COMMUNITY DEVELOPMENT DEPARTMENT.

- LEGEND**
- REUSE / RECYCLE RECEPTACLE LOCATION
 - PROPOSED ON-STREET PARKING LOCATION
 - ▲ PROPOSED FIRE MOUNTAIN LOCATION

PARKING SUMMARY

PARKING TYPE	REQ'D	PROVIDED
OFF-STREET PARKING:		
SINGLE FAMILY	86 x 2 = 172	200
CONDOMINIUM / AFFORDABLE	21 x 2 = 42	42
ACCESSORY UNIT	21 x 1 = 21	21
TOTAL:	235	263
ON-STREET PARKING:		70
TOTAL:		333



SUBDIVISION MAP # 4953

	<p>CHILES RANCH PARKING & ON-STREET WASTE RECEPTACLE LOCATION EXHIBIT</p>	<p>CECWEST.COM</p>	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISIONS</th> <th>BY</th> <th>APPR.</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	REVISIONS	BY	APPR.						<p>DESIGNED BY: ML DRAWN BY: LE CHECKED BY: MR SCALE: AS SHOWN</p>
	NO.	DATE	REVISIONS	BY	APPR.									
	<p>DATE: 09/15/08 JOB NO.: 918.02</p>	<p>PROJECT PLANNING IN CIVIL ENGINEERING AND LANDSCAPE ARCHITECTURE</p>	<p>2100 20th Street, Suite 200 Sacramento, CA 95818 TEL: 452-5006</p>	<p>DESIGNED BY: ML DRAWN BY: LE CHECKED BY: MR SCALE: AS SHOWN</p>										
<p>SHEET 1 OF 1</p>	<p>2100 20th Street, Suite 200 Sacramento, CA 95818 TEL: 452-5006</p>	<p>DESIGNED BY: ML DRAWN BY: LE CHECKED BY: MR SCALE: AS SHOWN</p>												
<p>DAVIS CALIFORNIA</p>	<p>DESIGNED BY: ML DRAWN BY: LE CHECKED BY: MR SCALE: AS SHOWN</p>													

Chiles Ranch - Carbon Mitigation Scenario

**New Urban Development, LLC
Prepared 04/28/09, revised 05/07/09**

Step 1 - Project Size

	MT per	Units	Total CO2 in Metric Tons	In Pounds
Greater than 26 units	5.5	108	594	1,309,176
Target 1990	3.1	108	334.8	737,899
Carbon reduction required	2.4	108	259.2	571,277

Step 2 - Credits

Medium Density Project Credit (2%)	-0.11	108	(11.9)	(26,184)
Transit - less than 1/4 mi (5%)	-0.275	108	(29.7)	(65,459)
Total Credits			(41.6)	(91,642)

Step 3 - Project Calculations

108 unit medium density project on transit line	Project Reduction (from Step 1)	259.2	571,277
Balance to mitigate	Project Credits (from Step 2)	(41.6)	(91,642)
		217.6	479,634

Step 4 - Mitigation Measures

35% above Title 24 (2005)	-1.89	108	(203.9)	(449,496) Note 1
Household PV (total 37kW)	-13.84	1	(13.8)	(30,503) Note 2
Total Reduction due to Mitigation			(217.8)	(479,999)

Net Carbon Reduction (credit) (0.2) (364.9)

Notes

- 1 4,162 lbs as per City of Davis accepted mitigation measure (MT amount per unit has been rounded)
- 2 Total amount of PV output. Equal to 18 - 2.05 kW systems. However, size and quantity of PV systems to be determined

“Guiding Principles” Simmons Estate Development Plan

Open space and Natural Resources

1. Preserve natural resources that make a significant contribution to the site’s character and/or ecological function wherever possible.
2. Minimize stormwater runoff to City utility system by integrating on-site stormwater management.
3. Concentrate housing in order to maximize public and private open space.
4. Establish contiguous open space that benefits wildlife, passive recreation, and circulation.
5. Greenbelt should connect across the site in an attractive and functional manner.

History, Community and Sense of Place

1. Commemorate the site’s cultural and natural history through creative design.
2. Provide shared resources that encourage interaction between new residents and existing neighborhood.

Edge at Existing Neighborhoods and Cemetery

1. Where new development is adjacent to existing residential neighborhoods, create edge treatments that preserve views where possible, provide building heights that are consistent with existing structures, and include setbacks from existing properties.
2. Where new development is adjacent to cemetery, new development should be designed with sensitivity to needs of cemetery.
3. Provide attractive entry that accentuates the site’s natural character.

Traffic and Vehicular Site Access

1. Achieve appropriate site access for emergency services.
2. Reduce traffic impacts to surrounding neighborhood.

Residential Character

1. Provide a diversity of housing options.
2. Take advantage of site’s potential for infill development, while recognizing the sites relationship to surrounding communities.
3. Meet City requirements for affordable housing.

Project Sustainability

1. Utilize existing site resources to create healthy buildings and communities.
2. Reduce automobile trips generated by site.
3. Reduce heat island effect on site.

Relevant Interim Infill Guidelines Identified by Staff Chiles Ranch Subdivision

- The project contributes to the development of complete and integrated neighborhoods.
- Housing is provided in relation to neighborhood shopping, employment, transit, parks, schools, greenbelts, bikeways, and other public facilities and services.
- The project contributes to the variety of housing types, densities, prices, and designs in the neighborhood, including but not limited to affordable housing.
- Open space is integrated with new buildings to enhance living areas.
- The project would contribute to the fiscal health of the City through payment of project impact, supplemental and building permit fees, and generates new property tax dollars.
- The project design enhances and does not erode the existing neighborhood character.
- The project is designed to be compatible with adjacent uses. Compatibility includes provision of privacy and protection from noise.
- The site is safe and convenient for pedestrians, cyclists and transit users. Accessibility to public facilities is considered, including transit stops, schools, greenbelts and parks.
- The project consists of an overall “green building” approach and measures including water conservation; energy efficient heating and cooling systems; and carbon reduction features..
- The site, building and landscape design promote energy efficiency, alternative energy systems, and natural heating, cooling and lighting.
- The type and density of the proposed residential use is appropriate given the location of the site in relation to existing uses.

**CHILES RANCH
INFILL GUIDELINES
CONSISTENCY ANALYSIS**

Interim Guideline	Conformance? (Yes, Yes with Conditions, No, Not Applicable)	Notes
<p>General land use, infrastructure and fiscal principles</p> <p>1. The project contributes to the development of complete and integrated neighborhoods. Examples include but are not limited to the location of housing in proximity to neighborhood shopping, employment, transit, parks, schools, greenbelts, bikeways, and other public facilities and services. <i>Note: It is acknowledged that a small project may have a relatively small contribution to the development of a complete and integrated neighborhood.</i></p>	YES	THIS PROJECT INTEGRATES WITH EXISTING RESIDENTIAL NEIGHBORHOODS AND IS IN CLOSE PROXIMITY TO NEIGHBORHOOD SHOPPING, PARK/POOL (SLIDE HILL/MANOR), AND ELEMENTARY SCHOOL. EXISTING INFRASTRUCTURE IS USED. EXISTING STREET AND TRANSIT INFRASTRUCTURE IS BETTER UTILIZED. BIKEWAYS ARE ENHANCED BY MOVING SOME OF THE BICYCLE TRAFFIC OFF OF THE STREETS TO BIKE PATHS IN THIS PROJECT.
2. The project contributes to a mix of uses in the neighborhood.	YES	THE PROJECT INCLUDES A MIXTURE OF HOME SIZES AND AFFORDABILITY FOR SINGLE FAMILY HOMES, AND PROVIDES LOW/MODERATE INCOME HOUSING VIA COMMON INTEREST OWNERSHIP.
3. The project contributes to the variety of housing types, densities, prices and rents, and designs in the neighborhood, including but not limited to affordable housing.	YES	THERE WILL BE A VARIETY OF HOME SIZES AND 21 AFFORDABLE UNITS. THE DENSITY IS SOMEWHAT HIGHER THAN THE SURROUNDING NEIGHBORHOODS. THE HOME DESIGNS ARE DIFFERENT THAN THE EXISTING

Interim Guideline	Conformance? (Yes, Yes with Conditions, No, Not Applicable)	Notes
		HOMES.
4. The project preserves and protects historic resources.	YES	THE PROJECT WILL INCORPORATE MATERIALS FROM THE EXISTING BARN INTO A REPLICA BARN THAT ACKNOWLEDGES THE HISTORY OF THE SITE.
5. Open space is integrated with new buildings to enhance living and working areas. Higher density housing is organized around usable common open space. Recreational open space and/or outdoor sitting are provided in retail, office, business park and industrial uses.	YES	THIS PROJECT UTILIZES A VARIETY OF GREEN SPACES, LARGE AND SMALL, FOR RECREATIONAL OPPORTUNITIES AND OPEN SPACE. THE SMALLER SPACES ARE INTEGRATED WITH HOUSING CLUSTERS TO PROVIDE COMMON YARDS. THE FOCUS OF THE HOMES ARE ON THE GREEN SPACES AND NOT THE STREETS.
6. Sound walls are avoided where feasible by the use of alternative measures such as the strategic siting of noise sensitive land uses, organization of building and parking areas, and landscape design.	YES	THERE WILL BE NO SOUND WALLS AS THERE WILL BE NO SIGNIFICANT NOISE IMPACTS TO, OR FROM, THE SITE.
7. The project contributes to the efficient utilization of existing infrastructure and provision of public services.	YES	THIS PROJECT UTILIZES EXISTING INFRASTRUCTURE. EIGHTH STREET WOULD PROVIDE THE MAIN ACCESS TO THE PROJECT. EXISTING SEWER, DRAINAGE, WATER, ELECTRICAL AND GAS SERVICES WOULD BE USED THEREBY SIGNIFICANTLY REDUCING IMPACTS TO CITY SERVICES.
8. The project contributes to the fiscal health of the City. If the		PROJECT USES EXISTING CITY

Interim Guideline	Conformance? (Yes, Yes with Conditions, No, Not Applicable)	Notes
<p>project has a net fiscal cost to the City, the project consists of community benefits that outweigh the fiscal impact. Such community benefits may include social, cultural, or other community-serving aspects.</p>	<p>YES</p>	<p>INFRASTRUCTURE AND SERVICES. AT THE PROPOSED DENSITY, THE PROJECT PROVIDES A TYPE OF HOME THAT HAS BEEN LACKING IN OUR COMMUNITY – WORKFORCE HOUSING. PROVIDING HOUSING TO THOSE WHO WORK IN OUR COMMUNITY HAS FAR-REACHING BENEFITS, FROM CREATING A BETTER SOCIAL BALANCE TO REDUCING GREENHOUSE GAS EMISSIONS BY ELIMINATING LONG COMMUTES FROM OUTSIDE OF DAVIS.</p>
<p>Design with the neighborhood and for compatibility</p>		
<p>9. The project design enhances and does not erode the existing neighborhood character. The scale of new structures on all sides is compatible with the scale and mass of existing adjacent structures. For this guideline, “compatible” does not necessarily mean the same size but does mean that appropriate scale transitions are part of the project design. These might include a stepped setback of upper stories or a breaking up large box like forms into smaller masses. <i>Note: The intent of this guideline is to allow for intensification where encouraged and allowed under zoning while also considering the existing neighborhoods. This guideline is usually more relevant in existing residential areas and less relevant in commercial or industrial areas not adjacent to residences.</i></p>	<p>YES</p>	<p>THE SCALE OF THE PROJECT IS COMPATIBLE WITH THE SURROUNDING NEIGHBORHOODS. THROUGH SEVERAL MEETINGS (FROM SEPT. 2007 TO APR. 2008) WITH THE SUNRISE NEIGHBORHOOD ASSOCIATION, SEVERAL ACCOMMODATIONS WERE MADE IN THE SITE, INCLUDING 1.5 STORY HOMES BEHIND THE SUMMERHOUSE AFFORDABLE HOUSING PROJECT TO THE SOUTH AND A SINGLE STORY HOME AT THE SOUTHEAST CORNER. A MINIMUM OF 50 FEET SEPARATE THE HOMES FROM THE NEIGHBORS TO THE EAST AND NORTH. THE SITE PLAN HAS BEEN ACCEPTED BY THE NEIGHBORHOOD ASSOCIATION AS DOCUMENTED IN A LETTER OF AGREEMENT.</p>

Interim Guideline	Conformance? (Yes, Yes with Conditions, No, Not Applicable)	Notes
10. The project is designed to be compatible with adjacent uses. Compatibility includes, but is not limited to, provision of privacy and protection from noise. The project should carefully consider the placement of windows, balconies, roof decks, outdoor activity areas, landscaped buffers, parking areas, trash facilities, etc.	YES	THE PROJECT PROVIDES A SUBSTANTIAL BUFFER BETWEEN IT AND THE ADJACENT NEIGHBORS (NORTH AND EAST)
11. The project is compatible with the noise environment. Sound walls are avoided where alternative mitigation measures are feasible.	YES	THERE ARE NO SOUND WALLS NEEDED OR PROVIDED.
Design for pedestrians, cyclists and transit users		
12. Site and building design is human scaled, comfortable, safe and convenient for pedestrians, cyclists and transit users. Access to nearby public facilities is considered, including but not limited to transit stops, neighborhood centers and parks.	YES	THE PROJECT IS AT A SIMILAR SCALE AS THE SURROUNDING NEIGHBORHOODS. A PEDESTRIAN AND BICYCLE CONNECTION IS MADE TO THE ADJACENT NEIGHBORHOOD AT THE NORTHEAST CORNER. BICYCLE PATHWAYS ARE ENHANCED WITH THE ADDED GREENBELTS. THE SITE IS NEAR BUS ROUTES AND WITHIN WALKING DISTANCE TO A NEIGHBORHOOD SHOPPING CENTER.
13. The main entrances to buildings are clearly defined with covered entrances (such as a porch in a dwelling) or other pronounced architectural forms.	YES	THE MAIN ENTRANCES TO BUILDINGS ARE CLEARLY DEFINED.
14. Portions of buildings abutting a street or accessway relate to the street frontage through use of transparent elements including windows. Commercial buildings should be located	YES	BUILDINGS ABUTTING A STREET OR ACCESSWAY RELATE TO THE FRONTAGE WITH DISTINCT ARCHITECTURAL FEATURES

Interim Guideline	Conformance? (Yes, Yes with Conditions, No, Not Applicable)	Notes
<p>to abut the street or other public accessway with parking located behind unless inappropriate within a contemplated site and project context. <i>Note: The latter guideline is an overall goal but individual project applicability must be considered. For example, impacts to adjacent residential must be considered as well as location and visual impact of service doors.</i></p>		<p>AND TRANSPARENT ELEMENTS. MANY OF THE HOMES HAVE PARKING AT THE REAR OF THE PROPERTIES VIA PRIVATE DRIVES AND ALLEYS. THERE ARE NO COMMERCIAL BUILDINGS.</p>
<p>15. Higher density and intensity uses are sited in areas which are conducive to alternative forms of transportation (including walking, biking and transit use) and where related facilities are readily available.</p>	<p>YES</p>	<p>THE WHOLE PROJECT IS CONDUCTIVE TO ALTERNATIVE FORMS OF TRANSPORTATION, INCLUDING BIKING, WALKING AND MASS TRANSIT, THROUGH ITS CONNECTIONS TO THE SURROUNDING NEIGHBORHOODS VIA PATHS AND ITS PROXIMITY TO PUBLIC TRANSPORTATION AND USES.</p>
<p>Design for energy, water and other resource conservation</p>		
<p>16. The project consists of an overall “green building” approach and measures including but not limited to: land planning to preserve existing features; site development to reduce erosion and minimize impervious surfaces and run-off; water conservation indoors and outdoors; energy efficient heating and cooling systems, appliances and lighting; selection of materials based on recyclability and durability; and waste reduction, re-use and recycling during construction and throughout the life of the building.</p>	<p>YES</p>	<p>WITH THE RECENTLY ADOPTED GREEN BUILDING ORDINANCE AND CONSTRUCTION MATERIAL RECYCLING REQUIREMENTS, THE PROJECT WILL SATISFY MANY OF THE GOALS IN THIS CATEGORY. SURFACE RUN-OFF WILL BE TREATED FOR QUALITY AND THE RATE AND VOLUME WILL BE REDUCED THROUGH THE USE OF BIO-SWALES IN THE LANDSCAPE AREAS. SOME KEY TREES WILL BE RETAINED.</p>

Interim Guideline	Conformance? (Yes, Yes with Conditions, No, Not Applicable)	Notes
<p>17. The site, building and landscape design promotes energy efficiency and alternative energy systems. Efforts to exceed minimum City and State energy efficiency standards are demonstrated. Energy efficient measures include but are not limited to: the orientation of building openings for natural heating, cooling and lighting; site planning which considers the potential shading effects on adjacent properties and buildings; and upgrades in windows and appliances.</p>	<p>YES</p>	<p>THE CITY MINIMUM STANDARDS HAVE RECENTLY INCREASED DRAMATICALLY WITH THE ADOPTION OF THE GREEN BUILDING ORDINANCE. BY COMPLYING WITH THE NEW STANDARDS, THIS PROJECT WILL PROVIDE A GREAT DEAL OF ENERGY EFFICIENCY. NORTH-SOUTH ORIENTATION OF MOST HOMES WILL TAKE ADVANTAGE OF NATURAL COOLING (BREEZES) AND PASSIVE SOLAR ACCESS.</p>
<p>18. The site, landscape and building design promotes water conservation. Efforts to exceed minimum city and state water conservation standards are demonstrated. Water conservation measures in landscaping include but are not limited to use of water-conserving plants, grouping plants by water requirements, limitations on turf areas, efficient irrigation, soil improvements, and mulch. Water conservation measures in buildings include but are not limited to water conserving appliances and fixtures.</p>	<p>YES</p>	<p>WATER CONSERVATION MEASURES WILL BE IMPLEMENTED THAT COMPLY WITH THE CITY'S NEWLY ADOPTED GREEN BUILDING ORDINANCE. GREENBELTS, PRIVATE AND PUBLIC WILL BE DESIGNED TO CAPTURE RAINWATER AND INCORPORATE WATER CONSERVING TECHNIQUES, INCLUDING WATER CONSERVING PLANTS, LIMITED USE OF TURF, AND USE OF BIOSWALES TO FILTER STORM WATER.</p>
<p>Principles for the review of proposed changes from non-residential land use to residential land use</p>		
<p>19. The proposed residential use has greater feasibility, long term community benefit, and sustainability than the currently planned non- residential use.</p>	<p>YES</p>	<p>THE SITE IS CURRENTLY VACANT, NOT PRODUCTIVE, AND IS NOT ACCESSIBLE TO THE PUBLIC. THE PROPOSED USE WILL PROVIDE COMMUNITY RECREATIONAL</p>

Interim Guideline	Conformance? (Yes, Yes with Conditions, No, Not Applicable)	Notes
		<p>OPPORTUNITIES AND HOUSING THAT WILL HELP ADDRESS AFFORDABILITY AND WORKFORCE NEEDS. AFTER SEVERAL MEETINGS WITH THE NEIGHBORS, THE APPLICANT AND THE SUNRISE NEIGHBORHOOD ASSOCIATION SIGNED A LETTER OF AGREEMENT THAT SUPPORTS THE PROPOSED PROJECT.</p>
<p>20. The residential use is well-served by facilities and services. Such facilities and services include neighborhood shopping, employment, transit, parks, schools, greenbelts, bikeways and other public facilities and services. The type and density of the proposed residential use is appropriate given the location of the site in relation to facilities and services. The project contributes to the planning of a residential “neighborhood” with an identity and a complement of facilities and services rather than an isolated housing “island” or “enclave.”</p>	<p>YES</p>	<p>AS MENTIONED EARLIER, THIS SITE IS A PRIME INFILL EXAMPLE AS IT USES ALL OF THE EXISTING INFRASTRUCTURE, ROAD NETWORK AND UTILITIES IN THE NEIGHBORHOOD. IN ADDITION, THE DENSITY HAS BEEN CAREFULLY STUDIED TO MEET THE COMPATIBILITY CONCERNS OF THE ADJACENT NEIGHBORS. CHILES RANCH WILL HAVE AN IDENTITY AS A SPECIAL NEIGHBORHOOD WITH AMENITIES THAT ACKNOWLEDGE THE HISTORY OF THE SITE. THE GREENBELTS, REPLICATED BARN AND OTHER DESIGN FEATURES WILL NOT ONLY SERVE ITS FUTURE RESIDENTS BUT THE EXISTING NEIGHBORS AS WELL.</p>
<p>21. The residential use is compatible with the noise environment and air quality. Noise mitigation along major streets and/or highways does not consist of large and unattractive walls</p>		<p>THERE IS LITTLE NOISE IN THE NEIGHBORHOOD AND THIS PROJECT DOES NOT MATERIALLY ADD TO IT. NO SOUND</p>

Interim Guideline	Conformance? (Yes, Yes with Conditions, No, Not Applicable)	Notes
<p>“forced in” simply to mitigate incompatible, high levels of noise or to justify use of unsuitable sites. Sound mitigation is integrated into the overall site planning. The proposed type of residential use allows for the provision of a well-designed sound barrier with well-designed landscaping.</p>	<p>YES</p>	<p>WALLS ARE NECESSARY OR DESIRED, THEREBY ALLOWING FOR THE PROJECT TO BE DESIGNED IN A MORE COMPATIBLE FORM WITH THE NEIGHBORHOODS. LAST, THE GREENBELT BUFFERS ELIMINATE ANY NEED FOR NOISE WALLS.</p>
<p>22. The proposed residential use (including its arrangement of uses on the site) is compatible with the existing and planned residential and non-residential uses in the area (that is, the characteristics of the proposed use are compatible with the characteristics of the existing uses, and vice versa). Compatibility includes, but is not limited to, the provision of privacy and protection from noise.</p>	<p>YES</p>	<p>CHILES RANCH HAS BEEN CAREFULLY DESIGNED TO BE COMPATIBLE WITH THE EXISTING NEIGHBORHOOD. THE MIX OF HOMES IS NOT A DEPARTURE FROM WHAT ALREADY SURROUNDS THE SITE. THOROUGH CONSIDERATION AND NEIGHBORHOOD PARTICIPATION YIELDED A PLAN THAT PROVIDES A HIGH LEVEL OF PRIVACY AND PROTECTION FROM NOISE (TO AND FROM THE PROJECT)</p>
Car management		
<p>23. The project provides a balance between the need to provide adequate parking with the benefits of reducing automobile travel. The project provides the minimum amount of parking needed for the proposed use. <i>Note: One example is to provide a portion of the required parking in a landscaped reserve area and not convert the area to parking until the need is demonstrated.</i></p>	<p>YES</p>	<p>THE PROJECT PROVIDES AT LEAST TWO PARKING SPACES PER HOME. WITH THE EXCEPTION OF THE CONDOMINIUMS, ALL REQUIRED PARKING WILL BE IN GARAGES. ADDITIONAL SPACES ARE PROVIDED IN SOME DRIVEWAYS. A SMALL PARKING LOT AND ON-STREET PARKING IS PROVIDED IN SELECT AREAS FOR GUESTS. INCLUDED IN THE OFF-STREET PARKING NUMBER ARE 17 SPACES</p>

Interim Guideline	Conformance? (Yes, Yes with Conditions, No, Not Applicable)	Notes
		ASSOCIATED WITH POTENTIAL ACCESSORY DWELLING UNITS. THESE ARE HELD IN RESERVE UNTIL ADU'S ARE BUILT.
24. The project promotes alternative transportation modes and helps alleviate peak hour congestion.	YES	THE PROJECT PLACES ADDITIONAL RESIDENTS CLOSE TO SCHOOLS, PUBLIC SWIMMING POOL, SHOPPING AND MASS TRANSIT, AND IT CONNECTS TO AN ADJACENT NEIGHBORHOOD. THE LOCATION SHOULD BE CLOSE ENOUGH TO THE DOWNTOWN AND UNIVERSITY TO ENCOURAGE COMMUTERS TO RIDE BIKES AND TAKE MASS TRANSIT.
25. The project implements, as appropriate, transportation management plans and related measures to encourage alternative transportation, reduce parking demand and construction, decrease the likelihood of parking spillover onto on-street parking, minimize the parking and traffic impact on the neighborhood, and provide improved services to residents and employees. The following measures or equivalents should be included as part of a project proposal (recognizing that the number and extent of measures utilized will be based on factors including the type, size and location of the project): <ul style="list-style-type: none"> ● Free annual transit passes for residents and employees ● A shared parking agreement between different uses, such as offices and dwellings ● Shared use of cars or bicycles ● Vouchers for free cab rides for special emergencies 	YES	THE PROJECT, BY ITS LOCATION AND DESIGN, ENCOURAGES THE USE OF ALTERNATIVE TRANSPORTION. AS MENTIONED EARLIER, THE SITE IS CLOSE TO AN ELEMENTARY SCHOOL, LARGE PUBLIC PARK WITH NEWLY IMPROVED SWIMMING FACILITY, SHOPPING CENTER AND WITHIN A REASONABLE MASS TRANSIT/BIKING DISTANCE TO EMPLOYMENT AREAS (UCD AND DOWNTOWN).

Interim Guideline	Conformance? (Yes, Yes with Conditions, No, Not Applicable)	Notes
<ul style="list-style-type: none"> ● Promotion of web-based delivery services to avoid personal vehicle trips ● Secured, weather-protected bicycle parking ● Provide parking for residents or employees off-site ● Provide tandem or elevator parking spaces ● The mix of units includes smaller units to reduce the impacts of the number of residents and cars, in addition to providing a more diverse mix of housing opportunities. ● A portion, up to 50%, of required parking is placed in a reserve and maintained as landscaping (where such landscaping does not include trees or other semi-permanent plantings) and requires an application prior to any future conversion to active parking. The portion of spaces placed in a reserve is based on factors including the proposed use, location (such as proximity to UCD), on-street parking availability and transit availability. 		
Citizen involvement		
19. The applicant has made a good faith effort to obtain input from interested citizens and respond to the concerns.	YES	FROM SEPTEMBER, 2007 TO APRIL, 2008 SEVERAL NEIGHBORHOOD MEETINGS TOOK PLACE WHERE THE MEMBERS OF THE COMMUNITY, AND MORE SPECIFICALLY, THE SUNRISE NEIGHBORHOOD ASSOCIATION SHARED THEIR IDEAS AND VISION FOR OPEN SPACE, ENERGY EFFICIENCY AND

Interim Guideline	Conformance? (Yes, Yes with Conditions, No, Not Applicable)	Notes
		SUSTAINABILITY. DURING THE PROCESS, VARIOUS IDEAS AND SUGGESTIONS WERE EXCHANGED, AND MANY DESIGN CONCEPTS WERE REVIEWED AND REFINED, CULMINATING IN THE FINAL PLAN AS SUBMITTED. THE APPLICANT AND THE SUNRISE NEIGHBORHOOD ASSOCIATION HAVE SIGNED A LETTER OF AGREEMENT THAT SUPPORTS THE PROPOSED PROJECT.

S:\Projects\900\919-Chiles Ranch\Tentative Map Application\Chiles Ranch Infill Guidelines Attachment 082608.doc

Applicable General Plan Policies Identified by Staff Chiles Ranch Subdivision

- *Focus growth inward to accommodate population needs. Infill development is supported as an appropriate means of meeting some the city's housing needs. (Land Use and Growth Management Principle 2.)*
The proposed would allow for a needed housing through infill development. The project reduces urban sprawl by providing housing on an existing underutilized infill site.
- *Encourage the development of energy-efficient subdivisions and buildings (Energy 1.5)*
The project proposes a carbon reduction plan that exceeds Title 24 requirements by 35%; pre-wiring all homes within the subdivision for photovoltaics; and installing photovoltaic panels and on a number of the dwellings. The project will comply with the city's Green Building Ordinance. The site plan and alignment of the proposed houses lends itself to natural air circulation and cross ventilation.
- *In infill projects, respect setback requirements, preserve existing greenbelts and greenstreets, and respect existing uses and privacy on adjacent parcels. (Land Use and Growth Management Policy LU.1)*
The proposed project would exceed R-1 setbacks but design features such as "like for like" housing would eliminate or greatly reduce privacy impacts on adjacent structures. The project is designed with a buffering between the existing and new development to maintain privacy for existing adjacent properties. The project would respect existing uses in that the proposed project is proposed for single-family residential uses.
- *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)*
The new housing units would contribute to a variety of housing sizes, densities and prices in the surrounding area. The proposed project provides a range lot sizes which will result in a mix of housing types, including detached and attached single family. The provision for on-site affordable housing condominium units will diversify the housing options and prices within the subdivision. The project will provide medium density overall, with single family units located in least dense areas of the project, and the condominium units the densest. All homes are proposed for-sale; however, the development could potentially provide future rental opportunities.
- *Require creation of neighborhood greenbelts by project developers in all residential projects (Parks and Open Space POS 3.1)*
The project proposes 15 percent of the site as greenbelt and mini-park dedicated and improved by the developer.
- *Promote urban/community design which is human-scaled, comfortable, safe and conducive to pedestrian use (Urban Design 1.1)*
The new development would be within easy walking or biking distance to existing neighborhood facilities such as parks, greenbelts and schools. The site is designed with

medium sized homes around internal common open space which lends itself to pedestrian friendly atmosphere. Viewsheds are provided throughout the site which promotes openness and visibility, and is aesthetically pleasing.

- *Require an architectural “fit” with Davis’ existing scale for new development projects (Urban Design 2.3). There should be a scale transition between intensified land uses and adjoining lower intensity land uses.*

The neighborhood surrounding the project site is a mix of housing types including multi-family and single family residential units. Architecturally, the proposed building sizes are consistent with the mix of housing sizes found in the neighborhood and would blend well with existing buildings in the area.

- *Require new development designs to maximize transit potential (Mobility 4.3). New neighborhoods shall be designed so that daily shopping errands and trips to community facilities can generally be completed within easy walking and biking distances.*

The project proposal is located within close proximity of existing bus and bike routes and will therefore lend itself to the utilization of these alternative forms of transportation. The development will also provide connectivity to existing greenbelts. Modifications to E. Eighth Street are proposed that would accommodate a potential new bus route where currently none exists.

- *Require water conserving landscaping (Water 1.2)*

While the landscape plan for the project is conceptual, staff has encouraged the use of drought tolerant landscaping to the maximum extent possible through the project conditions of approval.

- *Do not approve future development within the City unless an adequate supply of quality water is available or will be developed prior to occupancy (Water 1.3)*

The project would have a negligible impact upon existing water services. Existing sewer mains will provide the necessary capacity for the proposed project.

- *Promote reduced consumption of non-renewable resources (Materials 1.1)*

Staff has included in the project conditions of approval a requirement that the applicants submit and implement a construction waste recycling plan prior to commencement of construction. This plan would, to the maximum extent feasible and practical, require recycling of construction waste such as scrap lumber and scrap metal.

- *New development shall generally be allowed only in areas where exterior and interior noise levels consistent with the General Plan can be achieved (Noise 1.1)*

Long term impacts would be generated primarily by existing and future traffic conditions as well as cumulative increases in ambient noise levels. With the level of traffic projected to result from the proposal, project specific contributions to ambient and cumulative noise levels would be less-than-significant.

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<p>Create an open space buffer between urban and agricultural uses to maintain the integrity of the adjoining agricultural/natural areas, to serve as a transitional space between urban and rural lands, to provide a visual edge, and to be an aesthetic and recreational resource. (Principle 14)</p> <p>Establish a distinct permanent urban edge which shall be defined by an open space, hedgerows, tree rows, similar landscape features, passive recreation spaces, buffer containing transitional agricultural uses, or similar elements. (Policy LU 1.4)</p> <p>Require neighborhood greenbelts in all new residential development areas. Require that a minimum of 10 percent of newly-developing residential land be designated for use as open space primarily for neighborhood greenbelts. (Policy LU A.5)</p> <p>Require creation of neighborhood greenbelts by project developers in all residential projects, in accordance with Policy LU A.5. (Policy POS 3.1)</p> <p>Encourage rehabilitation of existing neighborhood shopping centers and the restoration of neighborhood shopping services. (Policy LU C.8)</p> <p>Build new intersections and redesign existing intersections to maximize pedestrian and bike convenience and safety relative to automobile needs. (Policy MOB 1.6)</p> <p>New cul-de-sacs shall have bicycle/pedestrian passages through them that connect to other streets, greenbelts or publicly accessible corridors. (Standard UD 1.1f)</p>	<p>NOT APPLICABLE</p> <p>THIS PROJECT MAKES A GREENBELT CONTRIBUTION OF OVER 10%</p> <p>HOUSING AT THIS SITE WILL PLACE MORE CONSUMERS CLOSE TO THE MANOR SHOPPING CENTER, A CENTER THAT IS STRUGGLING TO SURVIVE.</p> <p>TWO NEW ENTRANCES TO THE SITE WILL BE BUILT ON EIGHTH STREET. TRAFFIC CALMING MEASURES WILL BE INSTALLED AT EIGHTH STREET. BICYCLE AND PEDESTRIAN CONVENIENCE IS ENHANCED WITH THE PROPOSED PATHS.</p> <p>THE PROJECT DOES NOT CONTAIN CUL-DE-SACS, BUT DOES PROVIDE FOR NUMEROUS BICYCLE/PEDESTRIAN WALKWAYS AND CONNECTIONS TO GREENBELTS AND OTHER OPEN SPACES.</p>

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New development should include pedestrian-attracting public spaces that provide informal areas for people of all ages to interact with one another and with nature. (Standard UD 1.1i)	THE PROPOSED GREENBELTS PROVIDE MANY INFORMAL SPACES FOR INTERACTION AND GIVE AN OPPORTUNITY FOR ONE TO ENJOY THE MANY INTIMATE SPACES CREATED.
Create opportunities for interesting visual focal points and vistas throughout creative street layouts, as illustrated in Figure 26. (Standard UD 1.1n)	LONG GREENBELT VISTAS ARE CREATED ON BOTH AXES.
Develop flexible street design standards that provide adequate bicycle and pedestrian safety, emergency vehicle access, and strong aesthetic qualities in rights-of-way that are as narrow as possible. (Action UD 1.1o)	STREET DESIGNS ARE KEPT NARROW WHILE PROVIDING SUBSTANTIAL BICYCLE/PEDESTRIAN CONNECTIONS AND SEPARATIONS. EMERGENCY VEHICLE ACCESS IS MAINTAINED THROUGH THE USE OF TWO STREET ENTRANCES FROM EIGHTH STREET AND A SECONDARY ACCESS TO MESQUITE DRIVE AT THE NORTHEAST CORNER OF THE SITE. ALL TRAVELERS, WHETHER BY FOOT, BICYCLE OR CAR HAVE THE ABILITY TO VIEW THE AESTHETIC QUALITIES OF THE PROPOSED GREENBELT.
Parks, shopping centers, schools and other institutional uses should be located on prominent, central sites where they will "belong" to the neighborhood they serve with strong pedestrian connections to these central sites. (Standard UD 3.1a)	NOT APPLICABLE.
Allow flexibility in design of greenbelt/park/open space areas within new development as long as non-auto, internal circulation corridors (for school children, bicycles, pedestrians, etc) are provided and the overall dedication requirement for greenbelt and park facilities is met. (Action POS 6.1o)	GREENBELT DEDICATION IS MORE THAN REQUIRED. NEW SAFE CONNECTIONS ARE MADE FOR SCHOOL CHILDREN, BICYCLES AND PEDESTRIANS. FLEXIBILITY IS UTILIZED TO PROVIDE A GREENBELT THAT IS LESS THAN THE 100' MINIMUM WIDTH CALLED OUT IN GENERAL PLAN. THIS STANDARD DOES NOT WORK IN SMALL INFILL SITES.
It shall be the policy of the City to take all legally permissible steps to ensure the full mitigation of impacts of new development on school facilities. (Policy Y&E 9.1)	THIS PROJECT WILL PAY ITS STANDARD SCHOOL IMPACT FEES. THE SCHOOL SYSTEM IS CURRENTLY BELOW CAPACITY OR

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	SUSTAINABILITY. ADDITIONAL STUDENTS FROM THIS PROJECT WOULD BENEFIT THE SCHOOL DISTRICT.	
Schools sites should be level and rectangular in shape, with average dimensions of 3 to 5 width to length ratio and a minimum depth of 150 feet. (Standard Y&E 8.1g)	NOT APPLICABLE.	
Storm-retention ponds, drainage ponds, groundwater recharge areas, channels, and other similar areas should be designated and managed as wildlife habitats when appropriate and environmentally sound. (Standard HAB 1.2b)	NOT APPLICABLE.	
Protect agricultural land from urban development except where the general plan land use map has designated the land for urban uses. (Policy AG 1.1)	LAND USE DESIGNATION FOR THE THREE PARCELS THAT COMPRISE THIS PROJECT IS RESIDENTIAL.	
At least 80 percent of all residential lots in any proposed new development should be oriented so that buildings have their long axes within 22.5 degrees of east/west. Allow a developer not providing the required percentage to demonstrate that other site design, building design or construction measures would provide similar opportunities for conserving energy. (Standard ENERGY 1.5c)	77% (82 OUT OF 107 HOMES) ARE ORIENTED IN THIS MANNER (INCLUDES THE CONDOMINIUMS). ENERGY EFFICIENCY MEASURES INCORPORATED INTO ALL HOMES WILL PROVIDE SUBSTANTIAL ENERGY SAVINGS.	
Develop and maintain the capacity to reach all areas of the City with emergency police and fire service within a five-minute emergency response time, 90% of the time. Response time includes alarm processing, turnout time and travel time. (Policy POLFIRE 1.2)	THIS DEVELOPMENT IS WITHIN AN EXISTING NEIGHBORHOOD. THERE IS NO ADDITIONAL DISTANCE TO EMERGENCY SERVICES THAN THOSE HOMES IN THE SURROUNDING NEIGHBORHOOD.	

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<p>A minimum of 50% of future residential lots (exclusive of any required affordable or multifamily lots) within a new residential development of 50 single-family lots or more shall be designated as “diverse architecture lots” (DAL). These lots shall be designated as part of the project zoning and on the tentative and final maps. Houses built on DAL lots may not be of the same stock plan nor have a floor plan and front elevation substantially similar to any other house within the same final map area.</p> <p>All residential lots not designated as DALs, including any required single-family affordable housing lots and lots within new developments of 50 units or less, shall comply with the City’s new site design standards, to be developed under Action UD 5.1e.</p> <p>(Policy LU A.2)</p>		<p>WHILE THE DIVERSITY OF FLOOR PLANS AND ELEVATIONS WILL BE GREAT FOR THIS PROJECT, IT IS NOT FEASIBLE IN THIS PROJECT TO MAKE 50 HOUSES UNIQUE PLANS AND ELEVATIONS.</p>
<p>Maintain a growth management system that regulates the timing of residential growth in an orderly way considering the following: infrastructure, geographical phasing, local employment increases, environmental resources, economic factors, DJUSD school enrollment and sustainability. Such a system shall pursue programs and partnerships which will allow the City to target residential development to meet identified needs (e.g., University students and staff, faculty housing, senior housing, housing for low and very low incomes, school district staff, City employees). (Action LU 1.1d)</p>		<p>DJUSD SCHOOL ENROLLMENT IS LOW, MAIN INFRASTRUCTURE IS EXISTING. THIS SITE IS DESIGNATED A PRIORITY INFILL SITE BY THE GENERAL PLAN HOUSING UPDATE STEERING COMMITTEE. AT THIS DENSITY, THE AVERAGE NEW HOME WILL BE SMALLER AND LOWER-PRICED THAN TYPICAL HOMES IN THE MOST RECENT SUBDIVISIONS OF AT LEAST THIS PROJECT SIZE. AND AS SUCH WILL NATURALLY TARGET STUDENTS, STAFF, FACULTY, SENIORS AND GENERAL WORKFORCE MEMBERS.</p> <p>NOT APPLICABLE.</p>
<p>Develop design guidelines that require landscaping at the urban periphery to include appropriate plants, help ensure the integrity of the adjoining agricultural or natural areas, provide a view transition between urban and rural environments, prevent trespass on neighboring lands, and protect public safety. (Action LU 1.4b)</p>		

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Develop guidelines that would apply to development projects subject to the citizen voter approval process. Such guidelines would establish objectives and expectations for baseline project features and minimum project details necessary for any project that may be presented to the voters for decision (Action LUL 1.4d)(including but not limited to objectives and expectations related to environmental protection, economic health, adequate public facilities and services and “green” development and building). Such guidelines would be consistent with General Plan policies and principles and would be in place prior to consideration of any projects subject to the voter approval process. (Action LU 1.4d)		NOT APPLICABLE.
Occupancy of new development areas shall not be allowed until all necessary public services, including water mains and service, fire hydrants and roads or other improved access meeting City standards, are in place. (Standard LU 1.7n)		OCCUPANCY WILL NOT OCCUR UNTIL ALL INFRASTRUCTURE MEETS CITY STANDARDS.
Develop policies and regulations that allow home occupations, home offices, and live/work uses by right, provided that they are compatible with surrounding neighborhoods and do not cause significant negative impacts. (Action LU 2.1j)		HOME OCCUPATIONS AND HOME OFFICES ALREADY EXIST IN THE ADJACENT NEIGHBORHOODS. SIMILAR USES IN THIS PROJECT SHOULD BE COMPATIBLE.
Specific plans or master site plans that indicate land use densities and intensities, building types, building variety, transit provision, bicycle and pedestrian facilities, and open space areas shall be required for major development areas. (Standard LU 3.1a)		NOT APPLICABLE.
Unless preempted by the County Congestion Management Plan, Level of Service 'E' for automobiles is sufficient for arterials and collectors (both intersection and segment operations) during peak traffic hours (e.g. rush hour). Level of Service 'D' for automobiles is sufficient for arterials, collectors and major intersections during non-peak traffic hours. (See Glossary and Definitions for definition of “Major Intersections). Neighborhood plans or corridor plans can allow for a level of service at peak times of 'F' if approved by the City Council. LOS 'F' is acceptable during peak hours in the Core Area. (Standard MOB 1.1c)		SEE TRAFFIC REPORT.
Design minor and collector streets to slow vehicular traffic to 30 mph or less. (Action MOB 1.3a)		SEE TRAFFIC REPORT.

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<p>New developments should be designed generally with a grid pattern to allow through traffic, to disperse the traffic throughout the project, and to provide multiple connections to arterial streets. Cul-de-sacs are allowed provided they connect to bicycle/pedestrian corridors. Figure 19 depicts a conceptual diagram of desired street patterns. (Standard MOB 1.4b)</p>	<p>THIS PROJECT USES A GRID PATTERN OF STREETS AND ALLEYS TO GIVE MANY OPTIONS FOR VEHICULAR FLOW. THERE ARE NO CUL-DE-SACS.</p>
<p>Intersections should be designed to force cars to slow down when turning, using techniques such as reduced corner radii. The design elements of the signalized intersections of arterial streets shall be determined on an individual basis consistent with the objectives of this standard and other relevant policies in the general plan. The design of corner radii at arterial intersections shall consider traffic safety, including potential conflicts between motor vehicles and bicycles. (Standard MOB 1.6a)</p>	<p>SEE TRAFFIC REPORT.</p>
<p>Develop "corridor plans" for selected streets which warrant special treatment because of existing impact problems or problems related to future projected conditions. Corridor plans should take into consideration adjacent land uses and result in streets that are both functional and aesthetic. The plans should utilize innovative means of slowing traffic, where appropriate, and providing safe access for pedestrians and bicyclists. Mitigation shall be incorporated to protect residences and sensitive receptors from noise, air pollution and other traffic related impacts. The corridor plans may deviate from the standards established in the General Plan, if deviations improve the livability of the area. For example, Pole Line Road was designed to have only two lanes, rather than four as shown in the previous General Plan.</p> <p>The streets to consider for participation in this program are listed below in order of priority.</p> <p>7. Covell Blvd. (Action MOB 1.7a)</p>	<p>SEE TRAFFIC REPORT. APPLICANT HAS COMMITTED TO WORKING WITH PUBLIC WORKS ON APPROPRIATE TRAFFIC CALMING MEASURES ALONG THE EIGHTH STREET FRONTAGE.</p>

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<p>Beautify the entrances to the City, in addition to Interstate 80 and Highway 113 corridor plan improvements. Such entrances include Covell Boulevard, Mace Boulevard, Olive Drive, Pole Line Road, Richards Boulevard and Russell Boulevard. (Action MOB 1.7b)</p>	<p>NOT APPLICABLE.</p>
<p>Consider using County roads to divert truck traffic from the intersection of Covell Boulevard and Pole Line Road. (Action MOB 1.10f)</p>	<p>NOT APPLICABLE.</p>
<p>Promote the use of electric vehicles and other low-polluting vehicles, including Neighborhood Electric Vehicles. (Policy MOB 1.11)</p>	<p>WHILE THERE IS NO ACTIVE PROMOTION OF NEV'S, THE SMALLER SCALE OF THE STREETS AND ALLEYS MAKE THE OWNERSHIP OF LARGE VEHICLES LESS DESIRABLE IN CHILES RANCH</p>
<p>New development shall include charging stations for electric vehicles in a distribution consistent with the future growth in the number of electric vehicles. (Standard MOB 1.11a)</p>	<p>CURRENTLY, ELECTRICAL VEHICLES USE STANDARD HOUSEHOLD OUTLETS. NOTHING SPECIAL IS NEEDED TO SUPPORT THEM.</p>

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<p>Develop a continuous trails and bikeway network for both recreation and transportation that serves the Core, neighborhoods, employment centers, schools and other institutions, minimizes conflicts between pedestrians, bicyclists, equestrians, and automobiles, and that minimizes impacts on wildlife. Greenbelts and Greenstreets should serve as the backbone of much of this network. Figure 23 shows the City’s existing and planned primary bicycle network. (Policy MOB 3.1)</p> <p>Develop a system of trails at the periphery of the city and within the city for recreational use and to allow walkers and bicyclists to reach open space and natural areas. (Policy MOB 3.5)</p> <p>The creation of an urban periphery loop trail is a low priority. However, the City recognizes that some portions of such a trail already exist, and should take advantage of opportunities for further acquisition and construction as they present themselves. (Standard MOB 3.5a)</p> <p>Identify and develop linkages, corridors and other connectors to provide an aesthetically pleasing and functional network of parks, open space areas, greenbelts and bike paths throughout the City. (Goal POS 3.)</p> <p>Install public facilities to serve bicyclists and pedestrians, such as water fountains and attractive, secure and accessible bike parking. (Action MOB 3.3b)</p> <p>Provide bus schedules, maps, attractive shelters and clocks at transit stops. (Action MOB 4.1h)</p>	<p>THE PROJECT GREENBELT AND BICYCLE/PEDESTRIAN PATHS CONNECT TO ADJACENT NEIGHBORHOODS. CHILDREN WILL BE ABLE TO USE THE BIKE PATH THAT LEADS TO MESQUITE AND WELLESLEY TO GET TO SLIDE HILL PARK, AND USE LOWER VOLUME STREETS TO ACCESS EITHER KOREMATSU ELEMENTARY OR BIRCH LANE ELEMENTARY SCHOOLS. THEY WILL NOT NEED TO USE THE HEAVIER TRAFFICKED EIGHTH STREET OR POLE LINE ROAD</p> <p>THERE WILL BE SUBSTANTIAL AMOUNTS OF OPEN SPACE IN THIS PROJECT THAT WILL BE AVAILABLE TO THE COMMUNITY AND ADJACENT NEIGHBORHOODS.</p> <p>GREENBELT AREAS WILL INCLUDE A REPLICA BARN SHADE STRUCTURE, BENCHES AND BICYCLE PARKING.</p> <p>NO TRANSIT STOPS EXIST ADJACENT TO SITE. HOWEVER, UNITRANS L LINE WITH SERVICE TO UCD STOPS AT 8TH AND POLE LINE, AND THE P/Q LINE WITH SERVICE TO MANY OF THE SCHOOLS STOPS AT CASCADE. BOTH ARE WITHIN WALKING DISTANCE TO CHILES RANCH.</p>

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Require new development designs that maximize transit potential. (Policy MOB 4.3)	SEE PREVIOUS COMMENT	SEE PREVIOUS COMMENT
Developers of new business and residential real estate shall provide transportation improvements to offset trip increases caused by their developments. Developers shall mitigate significant adverse traffic impacts upon existing neighborhoods to reduce the impacts to less-than-significant levels, unless the city finds that full mitigations would be incompatible with the neighborhood. (Standard MOB 5.1a)	SEE TRAFFIC REPORT. TRAFFIC GENERATION FROM THIS PROJECT IS INSIGNIFICANT. APPLICANT HAS COMMITTED TO WORKING WITH PUBLIC WORKS ON APPROPRIATE TRAFFIC CALMING MEASURES ALONG THE EIGHTH STREET FRONTAGE	SEE TRAFFIC REPORT. TRAFFIC GENERATION FROM THIS PROJECT IS INSIGNIFICANT. APPLICANT HAS COMMITTED TO WORKING WITH PUBLIC WORKS ON APPROPRIATE TRAFFIC CALMING MEASURES ALONG THE EIGHTH STREET FRONTAGE
In commercial and light industrial areas, buildings and their entries should be designed to minimize distance to public transit. (Standard UD 1.1k)	NOT APPLICABLE.	NOT APPLICABLE.
Walled and gated neighborhoods are discouraged. (Standard UD 1.1m)	NOT WALLED OR GATED.	NOT WALLED OR GATED.
New residential development or construction shall include noise attenuation measures necessary to achieve acceptable interior noise levels shown in Table 20. (Standard NOISE 2.1a)	NOISE LEVELS WILL MEET CITY STANDARDS.	NOISE LEVELS WILL MEET CITY STANDARDS.
Discourage the use of sound walls whenever alternative mitigation measures are feasible, while also facilitating the construction of sound walls where desired by the neighborhood and there is no other way to reduce noise to acceptable exterior levels shown in Table 19. (Policy NOISE 1.2) (<i>Maximum interior noise level for residences is 45 dBA.</i>)	NO SOUND WALLS WILL BE USED.	NO SOUND WALLS WILL BE USED.
New neighborhoods shall be designed so that daily shopping errands and trips to community facilities can generally be completed within easy walking and biking distances. (Standard UD 1.1a)	BIKE PATHS FROM PROJECT SITE HELP MAKE CONNECTIONS TO SHOPPING, SCHOOLS, LIBRARY AND PARKS.	BIKE PATHS FROM PROJECT SITE HELP MAKE CONNECTIONS TO SHOPPING, SCHOOLS, LIBRARY AND PARKS.
Garages on new single-family, duplex and split lot homes should be subordinate in visual importance to the house itself, especially the entry. Desirable and undesirable garage designs are shown in Figure 24. (Standard UD 1.1c)	MOST GARAGES WILL BE ACCESSED VIA ALLEYS AND WILL BE SEPARATE FROM THE HOUSE MAIN ENTRY.	MOST GARAGES WILL BE ACCESSED VIA ALLEYS AND WILL BE SEPARATE FROM THE HOUSE MAIN ENTRY.
New buildings should be integrated with open space to enhance living and working areas. (Standard UD 1.1j)	OPEN SPACE/BUILDING INTEGRATION IS AN INTEGRAL COMPONENT THROUGHOUT THIS PROJECT.	OPEN SPACE/BUILDING INTEGRATION IS AN INTEGRAL COMPONENT THROUGHOUT THIS PROJECT.

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Develop, adopt and implement policies and actions to protect and preserve identified scenic resources and elements reflective of place and history. (Action UD 2.1b)	SOME MATERIALS FROM THE EXISTING BARN WILL BE USED TO BUILD A SHADE STRUCTURE THAT IS REMINISCENT OF THE STRUCTURES THAT EXISTED ON THE ORIGINAL CHILES RANCH.	
Develop a street tree master plan that specifies the species of trees to be planted on each roadway segment in Davis and provides a strategy for funding, maintenance and replacement. (Action UD 2.2i)	WILL COMPLY WITH STREET TREE PLAN AND APPROVED SPECIES.	
Taller buildings should be stepped back at upper levels in areas with a relatively smaller-scale character. (Standard UD 2.3b)	NOT APPLICABLE	
Create affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers and transit stops. (Policy UD 2.4)	THIS PROJECT IS A MIX OF MARKET-RATE AND AFFORDABLE HOMES. IT IS LINKED TO A SUBSTANTIAL AMOUNT OF OPEN SPACE AMENITIES.	
Maintain and enhance the Core Area as a vibrant, healthy downtown that serves as the city's social, cultural and entertainment center and primary, but not exclusive, retail and business district. (Goal ED 1.)	NOT APPLICABLE.	
Retain existing businesses and encourage new ones as means to increase higher paying jobs, create greater job diversification, and create a more balanced economy for all economic segments of the community, while also maintaining the City's fiscal and environmental integrity. (Goal ED 3.)	BY PROVIDING AFFORDABLE AND MIDDLE-INCOME HOUSING, THE PROJECT ALLOWS LOCAL BUSINESSES TO TAP INTO A LARGER LOCAL WORKFORCE AND RECRUIT A WIDER RANGE OF EMPLOYEES WHO WOULD PREFER TO LIVE IN THE COMMUNITY IN WHICH THEY WORK.	
Developers and builders shall install water-conserving landscaping and irrigation systems in accordance with the City's water conservation in landscaping requirements. Provide homeowners information on water conserving landscaping and irrigation systems, if not provided in construction. (Standard WATER 1.2b)	ALL CITY STANDARDS WILL BE MET. GREENBELT DESIGN PROPOSES THE USE OF NON-MOW GRASSES AND LOW WATER CONSUMPTION PLANT MATERIALS.	

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When opportunities arise, plan and design water demand uses to be matched with appropriate water supply qualities. For example, larger areas of landscape or some non-residential uses may be able to use water from lower quality supplies which would reduce demand on higher quality supplies needed for other urban uses. (Action WATER 2.1d)	GREENBELT IS DESIGNED FOR LOW WATER CONSUMPTION. THERE IS NO OPPORTUNITY TO UTILIZE LOWER QUALITY SUPPLIES.	
New residential and commercial development projects should include the infrastructure components necessary to support modern communication technologies such as conduit space within joint utility trenches for future high speed data equipment and flexible telephone conduit to allow for easy retrofit for high speed data systems. (Standard C&T 1.1a)	CURRENT INFRASTRUCTURE (WIRELESS, DSL AND CABLE) PROVIDE HIGH SPEED DATA TRANSMISSION.	
Greenbelts should provide view corridors to points of orientation throughout the City; both for local, short range views to local landmarks, and long range views such as views to the Vaca Hills, Sutter Buttes and Sierra Nevada range. (Standard POS 3.1a)	THE CEMETERY TO THE WEST IS A WELL KNOWN LOCAL LANDMARK. VIEWS OF THE AREA WILL BE MAINTAINED THROUGH THE COMMUNITY GARDEN AT THE NORTHWEST CORNER AND A FUTURE CEMETERY ENTRANCE AT THE SOUTHWEST CORNER OF THE PROJECT.	
Greenbelts should vary from a minimum width of 35 feet to an average width of 100 feet. (Standard POS 3.1h)	THE PROJECT GREENBELT WIDTHS, AVERAGE LESS THAN 50'. INFILL SITES SUCH AS THIS DO NOT HAVE THE SPACE FOR 100 FOOT AVERAGE WIDTHS.	
Greenbelt requirements should be calculated separately from park acreage dedication or in-lieu fee payment requirements that are specifically authorized by the Quimby Act (Gov. Code 66477). (Standard POS 3.11)	THE REQUIREMENTS HAVE BEEN CALCULATED SEPARATELY.	
All new shopping centers, research, business or industrial parks, and apartment complexes should include open areas to serve as mini/pocket-parks that may include picnic tables, shade and recreation amenities. (Standard POS 4.2b)	NOT APPLICABLE.	
Develop and maintain joint use recreation facilities with the School District. (Standard POS 6.1d)	NOT APPLICABLE.	

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To the extent feasible, construction of new residential projects should be phased to match the timing of school construction based on school district standards for new schools. Development should be allowed in only one area of town at a time to facilitate timely provision of school facilities. (Standard Y&E 8.II)		THE SCHOOL DISTRICT IS IN DIRE NEED FOR THE ADDITIONAL ENROLLMENT THAT THIS PROJECT WOULD PROVIDE.
Assist artists in securing low cost studio, presenting and performance space. (Action A&C 1.2c)		NOT APPLICABLE.
Strongly encourage the provision of public art and publicly-accessible art in private development projects. (Action A &C 1.3c)		THIS PROJECT IS NOT INCLUDING PUBLIC ART.
Update the city's design guidelines to include expectations for publicly-accessible art in private development projects. (Action A&C 1.3e)		
Heritage oak trees and City-designated signature trees shall be protected. Sensitive biological resources should be protected. (Standard HAB 1.1a)		THESE WILL BE PROTECTED TO THE EXTENT FEASIBLE.
New developments shall incorporate setbacks from creeks and channels. (Standard HAB 1.1e)		NOT APPLICABLE.
Restoration plans are required for all habitats that are to be restored in new development areas. (Standard HAB 1.1f)		NOT APPLICABLE.
Native plants should be used wherever possible in public and private landscaping. (Standard HAB 1.2a)		GREENBELT DESIGN AND PRIVATE YARD DESIGNS WILL INCORPORATE NATIVE MATERIALS TO THE LARGEST EXTENT FEASIBLE.
Protect agricultural land from urban development except where the general plan land use map has designated the land for urban uses. (Policy AG 1.1)		THE GENERAL PLAN HAS DESIGNATED THIS LAND FOR URBAN USES.
New residential subdivisions and other urban development are discouraged in areas of Class 1 and 2 soils except where the General Plan land use map has designated the land for urban uses. (Standard AG 1.1a)		

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Establish a 150-foot minimum agricultural buffer around the City. Require dedication from developers of lands to make up the buffer concurrently with any peripheral development. (Action AG 1.1c)	NOT APPLICABLE.
In order to create an effective permanent agricultural and open space buffer on the perimeter of the City, immediately upon completion of the General Plan Update, pursue amendments of the Farmland Preservation ordinance to assure as a baseline standard that new peripheral development projects provide a minimum of 2:1 mitigation along the entire non-urbanized perimeter of the project. The proposed amendments shall allow for the alternate location of mitigations for such projects including but not limited to circumstances where the project is adjacent to land already protected by conservation easements or by some other form of public ownership that guarantees adjacent lands will not be developed. (Action AG 1.1j)	NOT APPLICABLE.
Tree rows or other windbreaks shall be required in buffers on the edges of urban development and in other areas as appropriate to reduce soil erosion. (Standard AG 3.1a)	NOT APPLICABLE.

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Policy Consistency Areas	
Policy / Program / Action / Standard	Notes/Comments
<p>Promote the development and use of advanced energy technology and building materials in Davis. (Policy ENERGY 1.3)</p> <p>Continue to enforce landscaping requirements that facilitate efficient energy use or conservation. (Policy ENERGY 1.4)</p> <p>Encourage the development of energy-efficient subdivisions and buildings. (Policy ENERGY 1.5)</p> <p>Develop and implement energy-efficient design requirements that go beyond the State building standards for energy efficiency. (Action ENERGY 1.5d)</p> <p>Offer incentives to developers for projects that result in energy savings of at least 20 percent when compared to the energy consumption that would occur under similar projects built to meet the minimum standards of the energy code. (Action ENERGY 1.5g)</p> <p>Create and maintain an effective growth management system designed to keep the population of the City below 64,000 and the number of single-family dwellings below 15,500 in 2010, which corresponds to a sustained 1.81 percent annually-compounded growth rate from January 1, 1988 to January 1, 2010 and a sustained 1.4331 percent annually-compounded growth rate from January 1, 1996 to January 1, 2010 due to "front loading".(Action LU 1.1e)</p> <p>All neighborhoods, both new and existing, should include a centrally located hub or activity node within walking distance of housing in the neighborhood, as illustrated in Figures 9 and 10. Transit stops, neighborhood commercial uses and activity centers should be in this hub. Hubs should be designed to support transit, pedestrian and bicycle travel, and to serve neighborhood needs. (Principle 7.)</p>	<p>THIS PROJECT WILL BE SUBJECT TO THE CITY GREEN BUILDING ORDINANCE. MANY NEW STANDARDS FOR USING NEW TECHNOLOGY, ENERGY EFFICIENT DESIGN AND MATERIALS, AND CREATING HEALTHIER BUILDINGS WILL APPLY TO THIS SUBDIVISION.</p> <p>THIS SITE HAS BEEN IDENTIFIED IN THE GENERAL PLAN HOUSING ELEMENT UPDATE PROCESS TO BE A HIGH PRIORITY SITE SUITED TO INFILL RESIDENTIAL DEVELOPMENT.</p> <p>A LOCAL ACTIVITY NODE IS PROVIDED BY THE REPLICA BARN SHADE STRUCTURE. A LARGER NODE IS THE WEST MANOR SHOPPING CENTER AT EIGHTH STREET.</p>

Chiles Ranch General Plan Policies Consistency Table	
Policy / Program / Action / Standard	Notes/Comments
<p style="text-align: center;">Policy Consistency Areas</p> <p>New development shall generally be allowed only in areas where exterior and interior noise levels consistent with Table 19 and Table 20, can be achieved. (Standard NOISE 1.1b) <i>(For residential uses, Under 60 L_{dn} is Normally acceptable, 60-70 is conditionally acceptable, and 70-75 normally unacceptable for exterior noise levels.)</i></p>	<p>THESE NOISE LEVELS ARE ACHIEVABLE AS THE SURROUNDING USES ARE LOW DENSITY RESIDENTIAL AND CEMETERY.</p>

S:\Projects\900\919-Chiles Ranch\Tentative Map Application\Chiles Ranch General Plan Policies table 082608.doc

LETTER OF AGREEMENT

By and Between

**New Urban Development LLC
&
Sunrise Neighborhood Association**

This letter of agreement (the "Agreement") is between New Urban Development LLC (hereinafter "NUD") and the Sunrise Neighborhood Association (hereinafter, "SNA") outlining those particular areas and topics which are mutually supported by both NUD and SNA concerning the design, configuration, plan and impacts of a development, hereinafter known as, the Chiles Ranch development, to be located within that area circumscribed or bounded by the Davis Cemetery to the west, East 8th Street to the south, Mesquite Drive to the east, and Regis Drive to the north.

Now, therefore, a purpose of the Agreement is to provide a basis for the SNA to provide support to NUD in its permitting process and development of the Chiles Ranch site for so long as NUD reciprocally supports the goals and objectives of SNA associated with the development of Chiles Ranch, as defined in this Agreement, the attached Exhibits A and B, and, the attached Exhibit C, SNA Guiding Principles.

Both parties have entered into this Agreement in good faith after numerous discussions and meetings between them to arrive at mutually acceptable design and development features, parameters and guidelines.

SNA understands that NUD is submitting an application to the City of Davis for the purpose of developing the 12-acre Chiles Ranch site. Copies of the most recent Chiles Ranch site plan, dated 4/02/08, are incorporated as part of this agreement and submitted as Exhibits "A" (small copy) and "B" (large copy). The SNA Guiding Principles are submitted as Exhibit "C". These exhibits are hereby attached and incorporated by reference as part of this Agreement.

Now therefore, in consideration of NUD's willingness to recognize and incorporate SNA's goals and objectives as critical elements and features of the Chiles Ranch design, plan and configuration, and NUD's recognition of the importance of the SNA's input to the overall development plan, and NUD's willingness to provide the SNA with an opportunity for continual input throughout the development process, the membership of SNA is willing to provide its support for the Chiles Ranch development as it is currently represented in the attached Exhibits A, B and C and in keeping with the following points and clarifications:

1. **Number of Units (Density)** - Maximum of 107 units to be allowed within the development area, with all units for-sale, consisting of:

- a. 21 low income restricted homes,
- b. 21 middle income restricted homes,
- c. 65 homes to be sold at market rate.
- d. NUD agrees that it will not build with the intent to offer any of the homes or units for rent. All units will be built for sale only. SNA understands that subsequent purchasers may intend to offer the units for rent. NUD agrees to work with SNA to ensure that the Chiles Ranch Homeowners Association (hereinafter, "HOA") develops and includes various restrictions and guidelines to ensure that any units which might eventually become rentals are obligated to comply with the restrictions and guidelines in a manner equivalent and in keeping with that of an actual resident homeowner.

2. Like for Like –

a. **East Border (Adjacent Mesquite Drive):**

- Only single story homes will be sited across from single story homes;
- two story homes will be sited across from two story homes;
- a minimum 50' buffer will be maintained between rear property/fence lines of residences along Mesquite and any structures located within the Chiles Ranch development, as shown on Exhibits A and B. For purposes of this Agreement, a "buffer" is a landscaped open space between residential areas, generally measured from fence line to fence line, and does not include streets, parking, building, or other constructed elements other than benches and bike paths.

b. **North Border (Adjacent Regis Drive):**

- Two story homes will be built along the north portion of the Chiles Ranch site;
- a minimum 50' buffer will be included, as shown on exhibits A and B

c. **East 8th Street Frontage:**

- Story and a half homes with setbacks as shown on exhibits "A" and "B", ~~with the exception of the west most of these houses, which shall be one story, in accordance with the principle of like for like.~~
- The homes will all have front porches with the street setbacks as shown in Exhibits A and B.
- A 35' landscaped, open space corridor, intended to eventually provide additional cemetery access from East 8th Street, as shown on Exhibits A and B, will be permanently maintained by the Chiles Ranch HOA.
- The cemetery district and NUD have entered into an agreement granting the district an option to place a 20' access

lane in this open space. (This option cannot be exercised for 20 years.)

d. Summerhouse

- Only story and a half homes will be sited on the southern portion of the Chiles Ranch site behind the Summerhouse facility
- NUD will provide protective landscaping along the fence line between Summerhouse and the new residences to protect the privacy and quiet enjoyment of rear yards by both new residents of the Chiles Ranch and residents of Summerhouse.

3. Headlight Mitigation –

- East 8th Street:** NUD will provide a protective screen / fence to the specifically affected residences on East 8th Street to lessen headlight glare and will have the exit roads slanted to the downside, to the extent feasible, to further reduce headlight glare.
- Mesquite Drive:** As shown on Exhibits “A” and “B”, headlight mitigation for Mesquite has been addressed by redirecting the lower east west street to avoid headlight glare on Mesquite. In addition, NUD will ensure that suitable fencing or landscaping is provided at the ends of lanes between Chile Ranch units where headlights might be directed into rear yards of residences along Mesquite.
- Regis Drive:** Headlight glare directed toward residences along Regis will be minimized by both landscaping and the natural curvature of the roadway proceeding toward the northern side of the development.

4. Trees/Gardens –

- Trees** - NUD will retain as many healthy trees as possible on site and will remove and replant many others back within the development. SNA and NUD will work together to retain as many trees as possible. SNA recognizes that the city arborist and NUD’s private arborist will make a determination as to the health of individual trees; NUD will provide SNA with the opportunity to review and discuss any assessments by the city arborist and NUD’s private arborist to avoid the inadvertent loss of any trees. NUD has arranged with the Cemetery to replant some removed trees to the cemetery site.
- Gardens** - the current Chiles Ranch site plan calls for neighborhood garden plots in the northwest and southeast corners of the site; NUD will work with SNA to ensure that these garden configurations are suitable to adjacent neighbors and that the HOA adopts guidelines to ensure that these garden areas are maintained in a presentable fashion.

- Cemetery** – NUD and the Davis Cemetery District have agreed that NUD will provide the cemetery with a future access off East 8th St., as shown on exhibits “A” and “B”,

- a. Access is comprised of a 35' corridor which will include appropriate and attractive landscaping for improvement of appearances along 8th Street and enjoyment by all members of SNA.
 - b. NUD and the cemetery district have entered into a separate agreement, as described in Section 2, above.
 - c. NUD is aware of the SNA's desire to provide pedestrian and bicycle access from the development to the cemetery at some juncture and will work with SNA and the Cemetery to help identify such appropriate access to maximize pedestrian and bicyclist safety.
6. **Traffic** – NUD will provide SNA with the opportunity to jointly engage in discussions with the City of Davis Public Works Department and any other involved departments to address critical concerns surrounding traffic mitigation, parking issues and various road adjustments/improvements. NUD shall work with Unitrans to arrange for a bus route along 8th Street to help minimize traffic congestion on 8th Street.
7. **Barn** – SNA understands and agrees that the existing barn shall be removed due to its lack of structural integrity. SNA supports the construction of an appropriate smaller replica in the general location as shown on exhibit A. SNA understands that NUD will donate the remaining lumber from the barn to the Davis cemetery district to be used for a future gathering structure.
8. **PG&E wires** – SNA understands that NUD will not have the existing PG&E wires, located adjacent and on the Regis Drive neighbors' property, relocated underground due to the associated expenses required to be expended by both NUD & the Regis Drive neighbors. However, NUD agrees that it will work with PG&E and the City of Davis to ensure that existing aerial wires are placed in good and safe condition in keeping with the proposed orchard landscaping along the northern edge of the development.
9. **Green Building** – NUD will employ green building techniques as mandated by the City of Davis.
- a. NUD has engaged the Davis Energy Group to explore further energy saving techniques beyond those mandated by the City of Davis.
 - b. Neighborhood lighting will be designed to comply with the city of Davis dark sky ordinance.
 - c. NUD will emphasize the evaluation and inclusion of photovoltaic and other alternative energy solutions in the overall design of the development.
10. **Parking** – NUD and SNA jointly agree that parking is a major concern and agree to work together to ensure that parking impacts within the neighborhood are minimized. NUD agrees to work with SNA to ensure that any homeowner's association (HOA) covenants, codes and restrictions (CC&R's)

include requirements which meet with the approval of the SNA to minimize any and all impacts associated with potential parking issues.

11. **Landscaping** – The shade structure located at the far north of the site plan along the Regis Drive neighborhood, as represented on Exhibits A and B, will not be located directly on the property line as shown but will be located closer to the adjacent street. As NUD develops landscape plans, SNA will be given the opportunity to review and provide input to those landscape plans.
12. **Bicycling, Pedestrian and Child Safety** - NUD recognizes that SNA is very concerned with the impacts of additional traffic and parking associated with the development of the Chiles Ranch site. Consequently, NUD agrees to work closely with SNA to address any and all concerns associated with safe passage of bicyclists and pedestrians along 8th Street.
 - a. NUD agrees that it will work diligently with the City of Davis to ensure that traffic calming measures, including speed tables, are taken to control vehicular speed along East 8th Street.
 - b. NUD further agrees that it will work to design entry and exit points along East 8th Street to avoid blind spots and other dangerous elements which might compromise the safety of bicyclists traveling along East 8th Street or entering East 8th Street from the Chiles Ranch development.
 - c. NUD still further agrees that it will work closely with the City of Davis and SNA to ensure that measures are taken to the fullest extent possible to maximize bicycling, pedestrian and child safety along East 8th Street.

Now, further, and in conclusion, both NUD and SNA will collaborate to address any changes that the City of Davis planning staff, planning commission, and city council may request to any of the above noted items of agreement and/or the attached exhibits.

NUD agrees that it will advocate on behalf of SNA to avoid any changes to the plans described in the attached exhibits which might, among other things:

- compromise the spirit and intent of this Agreement,
- prove detrimental to the quiet enjoyment by SNA members of their own residences, and
- which might contradict the essence and letter of the attached Exhibit C, SNA Guiding Principles.

NUD and SNA agree to collaborate and work together to ensure that the Chiles Ranch development will reflect the SNA Guiding Principles to the fullest extent possible.

SNA understands that NUD will be making refinements to Exhibits A and B, and these refinements will be open for review and discussion with the SNA.

NUD understands that SNA will execute this Agreement only after review and consideration by the membership of SNA and upon a majority vote of the membership of SNA, according to the SNA's bylaws, supporting the approval and execution of this agreement.

The effective date of this Agreement shall be at the time of signature of authorized representatives of both NUD and SNA.

AGREED AND ACCEPTED:

NEW URBAN DEVELOPMENT, LLC



STEVE SHERMAN - MANAGING PARTNER

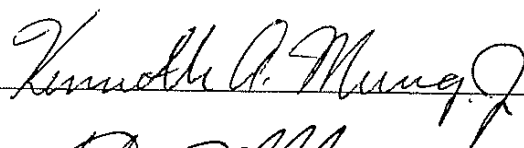
6-24-08
Date



DON FOUTS - MANAGING PARTNER

6/24/08
Date

SUNRISE NEIGHBORHOOD ASSOCIATION



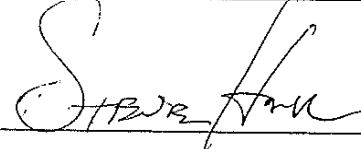
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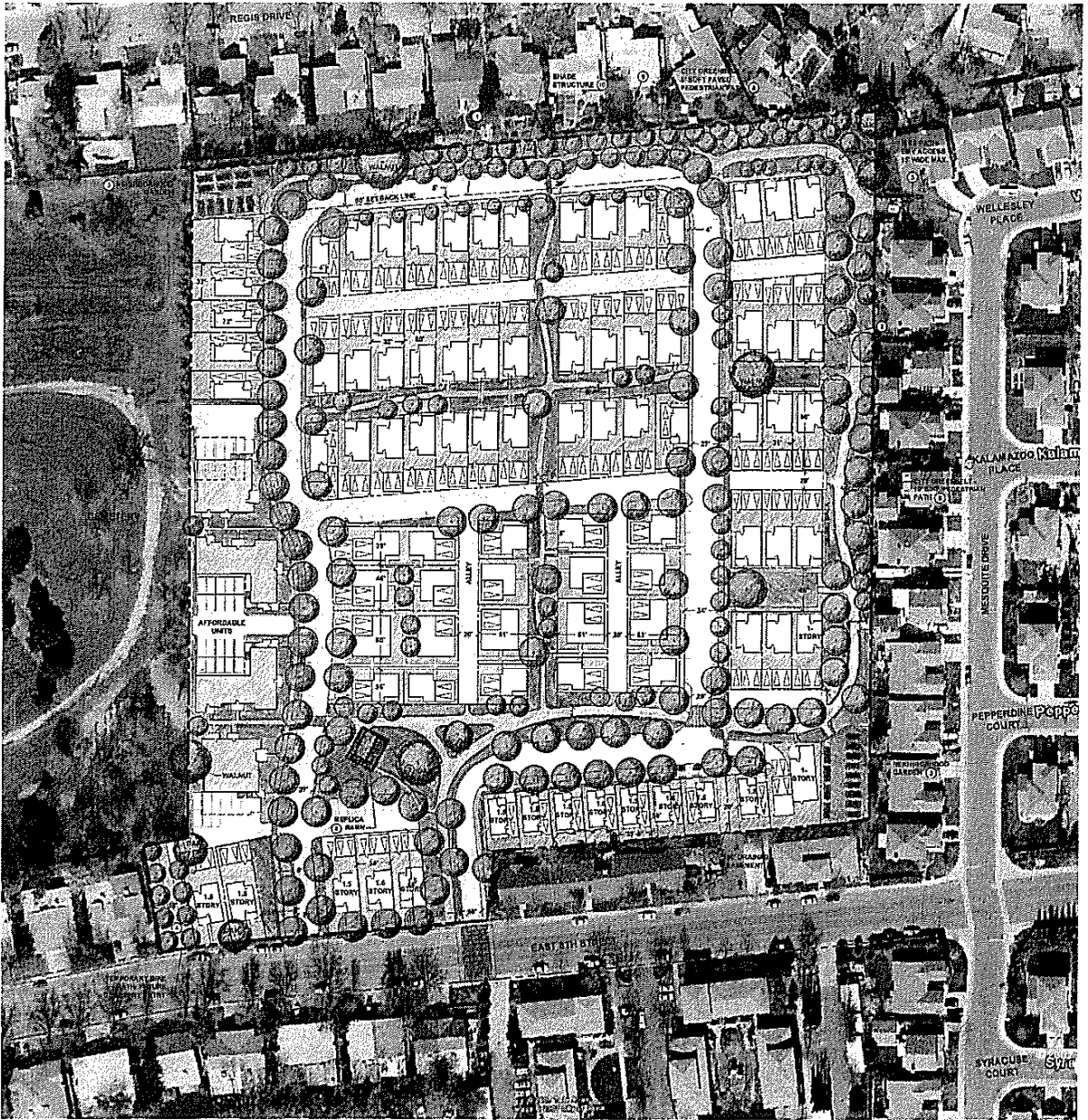
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6/25/08
Date



6/25/08
Date



SITE KEY NOTES

- ① NORTH SETBACK 60'
- ② EAST SETBACK 60'
- ③ NEIGHBORHOOD GARDEN
- ④ FUTURE CEMETERY ENTRY
- ⑤ FUTURE BICYCLE/PED PATH
- ⑥ CHILES REPLICA BARN
- ⑦ EXISTING OAK
- ⑧ GREENFIELD
- ⑨ ORCHARD
- ⑩ SHADE STRUCTURE

PARKING SUMMARY

MIN. QUANTITY OF PARKING SPACES
107 units x 3units = 321

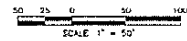
OFF-STREET	212
ON-STREET	82
POTENTIAL DRIVEWAY	21
AFFORDABLE	43
TOTAL	358

UNIT SUMMARY

ALLEY ACCESS	40 UNITS
STREET ACCESS	48 UNITS
AFFORDABLE	21 UNITS
TOTAL	107 UNITS

LAND ALLOCATION

SITE AREA:	12.11 ACRE
CITY GRID/CHELBY:	1.95 ACRE
HCA:	1.83 ACRF



CHESTERLOW
 Planning • Civil Engineering • Landscape Architecture
 207 226 St. and 1424 7th Ave
 Berkeley, CA 94704
 415 841 1224
 415 841 1225

**CHILES RANCH
 SITE PLAN**

April 2, 2008

**NEW URBAN
 DEVELOPMENT**

1 OF 3

COMMUNITY DEVELOPMENT DEPARTMENT

23 Russell Boulevard - Davis, CA 95616
530/757-5610 FAX: 530/757-5660 TDD: 530/757-5666



**Chiles Ranch Subdivision Proposal
2411 E. Eighth Street
Neighborhood Meeting Minutes**

**December 2, 2004
Police Department Conference Room
7:00 – 9:00 PM**

Staff Comments

Cathy Camacho identified herself as city project planner and introduced Don Fouts and Steve Sherman, property owners (New Urban Development LLC); Mark Rutheiser, applicant Project Manager; and Ken Murray, President, Sunrise Neighborhood Association. Staff provided a brief background of the SACOG process, community meetings and public hearings that have occurred since September 2007.

The purpose of the meeting was to provide new information, project overview by the applicant, and to solicit public comments and feedback prior to public hearings.

New information provided by staff included:

- City recommends three foot extension of side yard proposed by applicant at zero lot line on the east side of the development. The purpose of extending the lot line would be to provide delineation between private space and city greenbelt through the installation of fencing. This is necessary from a practical perspective to protect dwellings exterior immediately adjacent to the greenbelt from potential damage from city equipment during maintenance. The project could be conditioned by the city and through CC&Rs to prohibit storage, sheds, dog runs, etc. in this three foot area.

The applicant noted that the extra three feet would also allow openings (windows) on the east side of the dwelling which would provide a more aesthetically pleasing elevation on the east side. Building code prohibits openings at lot lines less than three feet, one inch. Staff agrees that the elevations would be improved with the addition of windows.

- City recommends a modification for safety reasons to bike path to get riders on the street before reaching E. Eighth Street entrance. The entrance is narrower than a standard city street, with vehicle movement in and out at this point. The modification would eliminate bike/vehicular conflict at the narrow busy entrance.

- Traffic analysis was conducted after school began (October 2008) to capture all potential trips in the study. The study showed that traffic volumes and intersections would continue to operate well within the General Plan levels of service and did recommend traffic mitigations.
- Staff noted that resident concerns regarding speeding on E. Eighth Street would be addressed voluntarily by the application through the installation of one or two speed tables, or similar, even though speed counts conducted on E. Eighth Street on November 12, 2008 showed that **critical speed is 32 mph. (Critical speed is the speed that 85% of drivers drive at, or below). The posted speed limit on E. 8th Street is 25 mph.**
- No determination has been made at this time, but discussions with city, the applicant and Unitrans are continuing to explore a bus line on E. Eighth. Unitrans has preliminarily indicated that if a line is provided on E. Eighth it would likely only be going west on E. 8th. Under that concept, any new bus stops on E. 8th would be along the north side of the street. Unitrans typically prefers to locate stops at intersections, so the first option would be to stop just beyond Mesquite. A stop in that location would preserve existing on street parking spaces in front of the project site.

Applicant Comments

- Applicant reiterated rationale for the proposed three feet on the east side lots. Noted that buffer between new and existing houses would still be 50 feet.
- The historical significance of the barn has been reviewed by City Council who determined it is not a federal, state or local landmark based on the analysis provided by two independent historical recourse consultant reports.
- The project proposes living space above 21 dwellings, with access from exterior stairs. The building plan would offer options for use of the space as a bedroom, den/study, or secondary dwelling unit installed with a kitchen. Regardless of use of the space, one additional parking space would be provided on the 21 lots.
- Applicant stated that power poles would not be undergrounded due to the cost to Regis Drive property owners to bury the existing overhead connections in their rear yards.
- Existing fences on north and east side would be replaced. Proposed fence style of solid and open lattice to provide view sheds to open space. *(Neighbors noted privacy impacts with lattice; developer will install solid if that is the preference. Staff noted that there must be agreement on design; fencing must be the same style along the buffer areas.)*

Public Comments/Concerns

- Previous plan showed dwelling centered on Lot #1; current plan shows zero lot line on west side.
- Phasing of project regarding installation of greenbelt in Phase II. Would not want this area to remain undeveloped should the project not be completed.
- Reduced width of greenbelt from E. 8th (versus agreement).

- On street parking spaces located near east buffer; cars may idle and create noise. Why is on-street parking located on the north side of the street instead of the south side of the street?
- Expected wide sweeping porches on E. Eighth Street, this is not what is shown in the proposed design.
- Second dwelling units were not addressed in previous plan. This is new information that the residents were not aware of and is a significant change.
- Concerns regarding tandem parking spaces.

At the conclusion of the city meeting at approximately 9:15 p.m., SNA requested that their members be allowed to continue meeting to discuss the new information and proposed changes to the plan. Staff and the applicants left the room. The SNA meeting ended at approximately 9:45 p.m. Ken Murray relayed to staff that SNA's consolidated comments would be forthcoming in approximately seven days.

These minutes have been prepared to reflect the comments made during the meeting as accurately as possible. If you disagree, or have questions or comments regarding the meeting notes, please contact Cathy Camacho, Planner, Community Development Department, (530) 757-5610 or ccamacho@ci.davis.ca.us

Sunrise Neighborhood Association Comments

SNA Issue	Staff Response
<p>1. Not in favor of expanding the unit count (as proposed by the developer) beyond the previously agreed count of 107 units. We believe the proposed ADU's and associated parking are not appropriate. The membership considers this addition to be in bad faith and should not be considered at this late date.</p>	<p>Staff believes one additional unit would be insignificant in terms of density. The dwelling would be a single story fully accessible unit. It would be approximately 830 square feet and contain one-bedroom and one bath. Two parking spaces would be provided for the unit. Staff notes that the city required an additional low/moderate unit due to a rounding error. It is possible that the additional required unit could be provided in one of the existing 107 units. However staff believes that the applicant's proposal for a small accessible unit is a benefit to the project and would provide at least one housing unit in the development that would not otherwise be available.</p> <p>Staff believes that second dwelling units within the development would be consistent with city policies to provide a variety of housing types, prices and rents. Staff believes that adequate parking is provided within the project. This issue has been addressed in the staff report. The final determination would be made by the City Council.</p>
<p>2. Site plan configuration creates a significant safety hazard for bicyclists in light of the cemetery's unwillingness to support the routing of a bicycle path through the cemetery. Believe it is critical that this clear safety hazard be addressed "before" approval of the project, particularly in light of the expansion of the Da Vinci High School to Valley Oak, with the additional attendant traffic, vehicular and bicycle.</p>	<p>The bicycle path located in the east greenbelt and continuing southward has been modified to address potential safety issues. Both the Public Works Department and the traffic consultant hired to prepare the traffic analysis for the project, independently recommended that the connection between the bike path and E. 8th be designed so that bicyclists stop prior to entering E. 8th Street. This would reduce the confluence of bikes and vehicles at the entrances, which are less than the standard city street width. The bicycle path was revised</p>

SNA Issue	Staff Response
	<p>accordingly so riders enter the street within the development and then proceed onto E. Eighth Street and the bicycle lane system.</p> <p>Staff is not aware of other significant safety hazards that may exist.</p>
<p>3. Will not support any reduction in width or extent of eastern greenbelt below the agreed 50'. The current width is a minimum below what the SNA felt was appropriate when compared with surrounding green belt areas of between 70 to 120 feet in width.</p>	<p>This comment relates to the proposal to increase the east side property lines on six lots adjacent to the greenbelt from zero to 3 feet, 3 inches. The change would allow for installation of fencing delineating private property from city greenbelt. The homes would not be expanded in size or shifted on the lot. This is a staff driven recommendation and is addressed in the staff report.</p>
<p>4. Very concerned with perceived attempts to minimize the “green” elements of the development beyond the original proposal.</p>	<p>This issue is addressed in the staff report. Staff is recommending that less than half the acreage proposed by the applicant be accepted as city greenbelt to minimize maintenance and liability costs for the city. The applicant is requesting that all of the "green" space shown as greenbelt be city owned for community use. However, should the Council agree with staff recommendation, the applicant has proposed an alternate plan to reduce the size of the common areas and associated HOA costs to residents.</p>
<p>5. Very concerned that the developer is not seriously pursuing evaluation and inclusion of photovoltaic systems as part of core element of the development. This was a key aspect of the “wow” factor associated with the SNA support of this development at this density. A large portion of the SNA membership believe it would be inappropriate to approve any further developments in the Davis area without insisting</p>	<p>The applicant’s Carbon Emission Reduction Proposal includes exceeding current Title 24 standards by 35% (the city standard is 15%); pre-wiring of all homes for photovoltaics; and installing a total of 37kW of photovoltaics in the development. The carbon emission reduction proposal meets the threshold recently adopted by the City Council.</p>

SNA Issue	Staff Response
<p>on the inclusion of solar and other energy reduction technologies. Based on discussions re: other developments in the area, we do not agree that the use of solar would be uneconomic. We believe the City should insist on full photovoltaic systems on every house and unit in the development to support at least the energy requirements of residents.</p>	
<p>6. Very, very concerned that removal of legacy oaks is premature and not in keeping with the value of the trees to the community and surrounding neighborhood. Believe a separate audit of the existing trees needs to be performed in cooperation with SNA's representatives having appropriate expertise</p>	<p>A Tree Appraisal Summary was prepared for the project by a certified arborist in July 2007. The report included the diameter, canopy radius, location, condition, and appraisal value for 265 trees on the site. The report indicated which trees would be retained and which would be removed. The city's Urban Forest Manager has reviewed and approved the report.</p> <p>Two large oak trees are being retained. The loss of other trees would be mitigated in part through the planting of approximately 217 new trees within the development. The applicant would also be required to pay fees to the city's tree preservation fund, consistent with the city's Tree Preservation Ordinance.</p> <p>See #4.</p>
<p>7. Very concerned that it appears the entry way "green" area is being reduced in favor of expanding residential footprints. Believe this reduction is a negative for neighbors and the new residents of the development. Do not support.</p>	<p>The applicant is not proposing to reduce the space; the city is recommending it. The alternative plan proposed by the applicant is in response to staff's recommendation. The revised site plan is not intended to increase the size of dwellings. The proposed modifications would increase the size of some lots, but the developer intends to use the area to add driveways on many of these lots. This would provide additional on-site parking for residents, with a net gain of 18-</p>

SNA Issue	Staff Response
	19 parking spaces.
8. Very concerned that the “community” environment will not exist as originally planned and promoted by the developer (based upon arguments that the City would need to maintain the space.)	Staff does not oppose community use of the open space owned by the HOA, at the discretion of the members. Staff believes that a sense of community would be provided through the city greenbelt and new bicycle and pedestrian connectivity to E. Eighth Street. This would connect surrounding neighborhoods to Chiles Ranch and each other, and provide a link to the city's greenbelt system to existing and new residents, and the community at large.
9. Very concerned that the current economy could cause significant delays in development, jeopardizing the wellbeing and quiet enjoyment by surrounding neighbors.	Staff cannot speculate on economic trends. The project is proposed in two phases and it is the applicant's intent to meet their construction timing schedule.
10. In light of the noise associated with construction, request very tight restrictions on hours for work at the site.	Permitted hours of construction are (Municipal Code Section 24.02.040) between the hours of seven a.m. and seven p.m. on Mondays through Fridays, and between the hours of eight a.m. and eight p.m. on Saturdays and Sundays. If hours of construction are restricted, staff believes that this could delay the project and exacerbate the concerns related to well being and quiet enjoyment noted above. Weather could potentially cause further delays. Staff believes that construction hours as permitted under the code would minimize the length of time to complete the project, in particular the heavy construction activities such as grading, installation of streets and other infrastructure, and would be beneficial in the long run.
11. Believe the greenbelt buffers should be built prior to any residential development.	The greenbelts and buffers would be installed in two phases, consistent with the construction phasing. The east greenbelt would be installed in Phase I beginning at E. 8th Street and north to the end of the Phase I line shown on

SNA Issue	Staff Response
	<p>the tentative map. The bicycle path and emergency fire lane access located in the northeast corner of the site would also be installed in Phase I. It would be logistically impossible to install the entire east greenbelt landscaping and irrigation before all homes are built along that edge. Heavy equipment would need to maneuver in the area, and while paths located in the greenbelt would be constructed to withstand this, landscaping would not. The project has been conditioned to install the Phase I east greenbelt prior to the issuance of the first certificate of occupancy for a residential unit in that phase.</p> <p>The remainder of the east greenbelt, beginning at the Phase II line northward, and the north buffer would be improved in Phase II. The street adjacent to the buffer and the dwellings adjacent to the greenbelt must be in place before the areas can be landscaped. The second phase street would not be installed until Phase II is underway. As noted above it is not practical to install plants, shrubs, trees and other landscape features in either area that would be destroyed by heavy equipment during construction. Until there is development in Phase II, the northern portion of the site would remain unchanged and would not require buffering from any new development. As with Phase I, the project would be conditioned to install remaining greenbelt / buffer in Phase II prior to issuance of first Certificate of Occupancy for a residential unit in that phase.</p>
<p>12. Very concerned that greenbelt areas accommodate recreation, e.g., grassy areas, as originally intended vs. simply xeriscape.</p>	<p>The landscaping proposed is consistent with the city's policies for water conservation and 50% drought tolerant landscaping. It might be possible to add pockets of turf in the greenbelt or</p>

SNA Issue	Staff Response
	<p>buffer, but due to the size constraints, these areas are primarily provided for buffering and passive recreation, such as walking and biking. The greenbelt and buffer areas in this infill site are not traditional greenbelts with an average width of 100 feet intended to provide areas for outdoor recreation.</p>
<p>13. Supportive of the developers agreement to reduce the number of parking places on the northern edge of the property</p>	<p>No comment.</p>
<p>14. Very concerned that parking along the northern edge should be “time limited”, e.g., no overnight parking.</p>	<p>The Police Department is not supportive of restricting parking where demonstrated parking problems do not exist. Typically restricted parking occurs in an area that hosts a community asset that draws large crowds or adjacent to large multi-family housing units.</p>
<p>15. Concerned with ensuring that the passage way into the cemetery on 8th complies with the design commitment to the neighbor, Joy and John Tian, immediately to the west of the entry.</p>	<p>Staff notes that prohibiting overnight parking could negatively impact adjacent neighborhoods. If visitors of Chiles Ranch residents could not park overnight within the development itself, they would park in adjacent neighborhoods.</p> <p>The development would include an undeveloped 35 foot wide easement on the west side of the project site, fronting E. 8th Street. The easement would be located between the existing home noted, and the new development. The developer would enter into an agreement with the cemetery district which would prohibit the easement from being developed for twenty-five years. After that period of time, if the cemetery district wishes, a road for funeral processions only could be installed in the easement. The easement would be landscaped in Phase I. The buffer between the existing and new home, including easement, existing dwelling side yard setback, and new dwelling side yard setback would be minimum distance of 43 feet.</p>

SNA Issue	Staff Response
	<p>The applicant is also proposing a one and a-half story plan within the development. The dwelling constructed on Lot 1 would be this model. The single story portion of the dwelling would be oriented to the west, facing the easement. The two story portion would be located on the eastern side of Lot 1. The design and orientation of the new dwelling would serve to reduce the perceived scale of the home as viewed from the home of Joy and John Tian.</p>

**Developer Comments Regarding Features Provided / Modifications to Site Plan in
Response to Neighborhood Comments**

1. Like for like homes (1 story against 1 story, 2 against 2).
2. 50 foot buffers on the north and east.
3. 1 ½ story homes on E. 8th Street and adjacent to Summerhouse
4. Changed the cemetery access location to appease Joy and offered her a garden plot in our neighborhood garden.
5. Re-routed the lower entry street to avoid headlight glare on homes and agreed to install courtyard fences on E. 8th Street yards that will be affected by headlight glare.
6. Agreed to 7' fence adjacent to Summerhouse.
7. Agreed to build replica barn.
8. Reduced parking on the north road and eliminated various other hammerhead parking areas.
9. Located the “park” to the southerly portion of the project for greater access by neighbors.
10. Enlarged E. 8th Street porches and changed the building elevations.
11. Traffic calming measures on E. 8th Street.
12. Moved the homes on the north side from 65 feet from Regis backyards to 100 feet ±, and placed garages on the south side.
13. Worked with Unitrans to find an agreeable modification to the Mesquite intersection in order for them to establish a new bus route on E. 8th Street.
14. Placed affordable units away from existing homes as much as possible.

**Social Services Commission -Meeting Minutes Notes
Chiles Ranch Subdivision**

At their November 17, 2008 meeting, the Social Services Commission reviewed the Affordable Housing Plan proposed for the Chiles Ranch Project. Commissioners discussed the project's details, some stating a desire to see increased accessibility in new housing projects. The Commission also considered a request from the applicant to decrease the number of certificates of occupancy withheld on market rate building permits prior to the completion of all low/moderate and middle income units, but decided not to change the requirement. The Commission took action to recommend approval of the Affordable Housing Plan, as conditioned, in a 3-2 vote. The two dissenting votes were due to the small amount of fully accessible units in the project.

The project recommendation, with conditions, is as follows:

The Social Services Commission recommends approval of Affordable Housing Plan #1-08 to the Planning Commission and City Council, as detailed within this report and conditioned to include 107 total units with twenty-two low/moderate income units and twenty-one middle income units to be sold as resale-restricted affordable ownership units, with the following conditions:

- a. Twenty-two low/moderate income units shall be provided by the 107-unit project.
- b. All low/moderate and middle 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.
- c. All low/moderate and middle income units shall be priced to comply with city average price requirements and 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.
- d. All low/moderate and middle income units shall have the City's standard Resale Restriction and Right of First Refusal Agreement recorded to it upon its initial sale.
- e. All low/moderate and middle income units shall be developed concurrently with the project's market rate units. Certificates of occupancy will not be provided on the last twenty market rate units in the project, until all low/moderate and middle income units have been issued a certificate of occupancy.
- f. Resale of the low/moderate and middle income units shall be administered under the City's Right of First Refusal Program.

The Social Services Commission further recommends that the 11 middle income and market rate lots located at lots 6-12 and 43-46 provide an accessible path and entrance via the garage in-lieu of an accessible path from the sidewalk in light of drainage requirements for the lots.

Environmental Checklist
Initial Environmental Study for Mitigated Negative Declaration #1-08

Project Title: Chiles Ranch Residential Subdivision

Project Number: Planning Application #55-07: General Plan Amendment #5-07, Rezone/Preliminary Planned Development #8-07, Development Agreement #04-08, Affordable Housing Plan #1-08, Tentative Subdivision Map #3-08, Final Planned Development #12-07, Design Review #7-08 Mitigated Negative Declaration #1-08

Project Location: 2411 E. Eighth Street and the abutting parcel to the east, and the abutting parcel to the south (Assessor's Parcel Numbers: 71-020-15; 71-401-02, 71-401-03)

Project Sponsor: Owner/Applicant
New Urban Development, LLC
c/o Don Fouts & Steve Sherman
1930 E. Eighth Street, Suite 100
| Davis, CA 95616

Lead Agency: City of Davis, Community Development Department
23 Russell Boulevard, Davis, CA 95616

Contact Person: Cathy Camacho, Planner, (530) 757-5610; ccamacho@cityofdavis.org

Date Prepared: May 14, 2009

Project Description

The project proposal is a residential subdivision of 108 dwelling units on three vacant parcels totaling 12.1 acres. The subject site consists of three parcels located generally south of Regis Drive, west of Mesquite Drive, east of the Davis Cemetery, and north of E. Eighth Street. The three parcels would be merged and re-subdivided to create single family dwelling and condominium parcels; city roadway; city greenbelt; common open space; and private alley parcels. The subdivision would provide market rate dwellings, some with detached second dwelling units; and for-sale affordable income dwellings. The single family units would be a mix of attached and detached units; the affordable income units would be primarily provided in condominium units. The development would be served by two entries located off E. Eighth Street. The project density as proposed would be 9.47 units/gross acre. The existing General Plan Land use designation on the three parcels is "Residential Low-Density". Zoning is a mix of Agriculture (A) and Residential One and Two-Family (R-2).

The applicant requests approval of planning entitlement applications:

1. General Plan Amendment to change the General Plan land use map designation of the subject site parcels from "Residential Low-Density" to "Residential Medium-Density."
2. Rezoning and Preliminary Planned Development changing the zoning designation of the subject site parcels from Agriculture (A) and Residential One and Two Family (R-2) to a residential Planned Development with underlying residential single family residential uses. Deviations from the R-1 district development standards are requested to accommodate the proposed planned development including building setbacks, lot width, minimum lot size, floor area ratio, lot coverage, usable open space.
3. Development Agreement between city and developer to set forth use of the parcels, special development provisions, and/or supplement fees.

4. Affordable Housing Plan to govern the affordable housing component of the development.
5. Tentative Subdivision Map to merge the three parcels into a single lot and re-subdivide the merged 12.1 gross acre parcel into 108 lots for single-family residential development, including provision of greenbelt parcels, internal public street; private alleys and common open space.
6. Final Planned Development to establish development standards for the lots, including building setbacks, building heights, lot coverage, floor area ratio, parking, and usable open space.
7. Design Review for site plan and architectural review of proposed building elevations.
8. The environmental review and determination to evaluate and address any potential environmental impacts of the proposed project (Mitigated Negative Declaration).

Project Setting

The Chiles Ranch, (formerly referred to as Simmons Estates) site consists of three vacant parcels. The smallest parcel zoned (R-2) is located on E. Eighth Street. The two larger parcels zoned (A) are located in the interior of the site and are not clearly visible from the street. The property originally operated as a family farm until approximately 1950 when the land was sold. The site once included a farmhouse that was destroyed in a fire in 1972. The property has not been maintained or functioned as a family farm since that time. Several deteriorated outbuildings and a large barn in the southwest quadrant remain on the site. Trees and shrubs are scattered through the site, some of which are trees of significance. A large number of existing trees on site, including those in poor health, are proposed to be removed to accommodate the project. Swainson's hawks are known to nest within one-quarter mile of the proposed project and nesting has occurred on the site in the past and may support nesting in the future. Swainson's hawks, as well as other raptors, have been observed foraging on the project site. White-tailed kites roost in the cedars in the adjacent cemetery and may roost on the Simmons site. A remnant portion of an unnamed slough occurs on the south side of the eastern portion of the Davis Cemetery that cuts through the western portion of the site. The remnant slough no longer functions as a slough and functions as a dry swale.



Aerial View of Chiles Ranch Property and Existing Zoning (3 parcels)

Surrounding Land Use

The project area is located north of E. Eighth Street, east of the Davis cemetery, west of Mesquite Drive, and south of Regis Drive.

The subject site is surrounded primarily by residential uses. Single family dwellings are located to the north and east of the site. Multi-family uses are located south/east of the property. Across E. Eighth Street is a mix of multi-family (apartment) and residential one and two family (duplex) uses. One duplex is located west of the vacant parcel fronting E. Eighth Street; the remainder of the west side of the property abuts the Davis cemetery. The surrounding land uses and zoning designations are as shown below.

Project Site & Its Surrounding GP Land Uses/Zoning Designations

	Existing Use	Zoning	General Plan
Project Site	Vacant	Residential One and Two Family (R-2) Agriculture (A)	Residential Low-density
North	Single-family residences	R-1-6	Residential Low-density
South	Multi-family & One and two family residences	PD-R-2 and PD 2-91	Residential Low-density
East	Single-family residences	R-1-6	Residential Low-density
West	Davis Cemetery	R-1-6	Public / Semi Public



Proposed Chiles Ranch Subdivision and Surrounding Area

Policy, Plan, and Zoning Consistency

The subject site parcels are designated “Residential Low-Density” on the General Plan Land Use Map. The zoning is a mix of one and two single family and agriculture uses. As a proposed “Residential Medium-Density” development, the project would require a General Plan Amendment. The entitlement requests include rezoning the subject site to a residential “Planned Development” in order to allow for deviations from R-1 district development standards.

As conditioned and mitigated, if approved, the proposal would be consistent with both the General Plan and Zoning Ordinance.

Previous Relevant Environmental Analysis

The General Plan land use for the subject site has been designated for residential use since 1974. The General Plan residential category is intended to allow for residential development emphasizing compact clustered development in new areas and infill in existing neighborhoods. The subject site is a city identified infill site intended to meet housing demands and reduce pressure for peripheral growth.

The potential environmental impacts of development of the subject property were analyzed as part of the Environmental Impact Report (EIR) prepared for the City’s 2001 General Plan Update, which is hereby incorporated by reference. The General Plan EIR evaluated the overall build-out of the City under the General Plan to the year 2010, which included possibility for infill development. The action to approve the General Plan adopted a statement of overriding considerations for significant unavoidable impacts in the areas of traffic and impacts on roadway systems, air quality, and noise among others (Resolution No. 01-72 May 23, 2001 certifying the General Plan Update Final EIR and approving the General Plan, Exhibit B – Statement of Overriding Considerations).

Other Agencies Approvals

California Department of Fish & Game

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or as indicated by the checklist on the following pages.

- Aesthetics
- Biological Resources
- Geology and Soils
- Land Use and Planning
- Public Services
- Utilities/Service Systems
- Agricultural Resources
- Cultural Resources
- Hazards/Hazardous Materials
- Noise
- Recreation
- Mandatory Findings of Significance
- Air Quality
- Energy/Mineral Resources
- Hydrology/Water Quality
- Population and Housing
- Transportation/Circulation

CONCLUSION:

Given the proposed mitigation measures listed above, the proposed project will not have a significant effect on the environment for the following reasons:

1. It will have only temporary or short-term construction impacts, such as dust and equipment emissions, noise and truck traffic.
2. It will not generate a significant amount of additional vehicles, noise or emission levels.
3. It will not affect rare or endangered species of animal or plant, or habitat of such species, and any potential impact is mitigated to less than significant levels.
4. It will not eliminate important examples of major periods of California history or pre-history.
5. It will not result in a significant permanent effect on air, water quality or ambient noise levels.
6. It will not be subjected to unacceptable risk of flooding or major geological hazards.
7. It will not have a substantial aesthetic affect.
8. It will not breach any published national, state or local standards relating to solid waste.
9. It will not involve the possibility of contaminating public water supply or adversely affecting groundwater.
10. It will not result in or add to a violation of the waster discharge requirements applicable to local sewer systems as prescribed by California Regional Water Quality Control Board.
11. It will not occur to the disadvantage of long-term environmental goals.
12. It will not result in adverse cumulative impacts.
13. It will not result in adverse growth-inducing impacts.
14. It will not result in substantial adverse effects on human beings either directly or indirectly.
15. It will not conflict with the City’s General Plan.

DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described herein have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a “potentially significant impact” or “potentially significant unless mitigated.” An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

 Signed Name
 Cathy Camacho

 Printed Name

 May 21, 2009
 Date
 City of Davis

 Agency

EVALUATION OF ENVIRONMENTAL IMPACTS:

I. AESTHETICS	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Affect a scenic vista or scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a demonstrable negative aesthetic effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Create light or glare? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

a) No Impact. The project site is not located on a designated scenic vista or scenic highway.

b)-c) Less Than Significant Impact. The proposal for residential development on the subject site will have a minimal demonstrated negative aesthetic effect on the environment. The site is surrounded by existing residential uses. The loss of the open space may be considered an adverse effect by some existing residents of the adjacent parcels. Staff does not believe it to be significant because urban development has been intended on the site since at least 1973. The original home on the site was destroyed in a fire in 1972. Over the past 35 plus years the site has not been maintained and is vacant, with the exception of the remaining outbuildings which have deteriorated and are uninhabitable.

The proposed residential development, if approved, would add new lighting to an area that is surrounded by residential homes and roadways, where lighting, such as street lighting exists. A buffer of approximately fifty feet would be provided between existing and new homes, which would reduce impacts from new lighting to less than significant. Public street lighting would be subject to the City's Outdoor Lighting Control Ordinance which ensures that light is fully shielded. Landscaping and trees will also reduce aesthetic impacts and glare. Light or glare from the project site would be minimized and any impact would be reduced to less than significant.

II. AGRICULTURAL RESOURCES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Programs of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

II. AGRICULTURAL RESOURCES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Less Than Significant Impact. The proposed residential project is an infill development identified for development since the 1973 General Plan. A rezone would be necessary on the parcels zoned Agriculture, but residential development would be consistent with the intended residential General Plan Land use designation on all three parcels. The General Plan has land use map principles, which support the development of infill sites with the residential projects. Some applicable principles include:

- “Focus growth inward to accommodate population increases. Infill development is supported as an appropriate means of meeting some of the city’s housing needs.
- Create and maintain housing patterns that promote energy conserving transportation methods.”

The site operated as a farm complex from 1902 until 1960 when the land was sold. The site was subsequently a family farm until 1972 when the original home on the site was destroyed in a fire in 1972. The land has not been farmed since that time. Its previous use for agriculture is no longer viable given that adjacent uses are urban. It is surrounded by residential homes, park site and roadways. Any impact is considered less than significant.

b)-c) No Impact.

There is no conflict with agricultural use, or Williamson Act contract. It would not result in conversion of Farmland to non-agriculture at the current state. No impact can be identified with the proposed project.

III. AIR QUALITY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal:				
a) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

III. AIR QUALITY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Alter air movement, moisture, or temperature, or cause any change in climate?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a)-d) Less Than Significant Impact. The proposal is to develop residential units on three vacant parcels. The subject site and the City of Davis are located within the Yolo-Solano County Air Quality Management District (YSAQMD), which is part of the Sacramento Valley Air Basin and designated by the U.S. Environmental Protection Agency (EPA) as the Sacramento Federal Ozone Non-Attainment Area. The non-attainment area consists of all of Sacramento and Yolo counties, and parts of El Dorado, Solano, Placer and Sutter counties. Air quality within YSAQMD violates state and federal standards for ozone and state standards for particulate matter (PM₁₀). YSAQMD is responsible for limiting the amount of emissions that can be generated throughout the district by various stationary and mobile sources.

Motor vehicles are the major source of ozone through emission of reactive organic gasses (ROG) and nitrogen oxides (NOX), which are precursor components of ozone. PM-10 sources primarily are derived from construction, demolition, farming activities and road dust. The YSAQMD has established numeric thresholds of significance in its CEQA Air Quality Handbook (2007) to evaluate the air quality impacts of construction-related and operational-related activities based on amount of ROG, NOX, and PM₁₀ emissions that would be produced. The thresholds are 10 tons per year of ROG, 10 tons per year of NOX, and 80 pounds per day of PM₁₀. The YSAQMD Handbook also identifies examples of projects that would be expected to exceed these thresholds of significance based on size characteristics. The proposed project falls under the established thresholds. However, projects that do not exceed operational thresholds may still exceed thresholds during construction period. The proposed project is well under the screening threshold for operational emissions.

It is anticipated that the residential project, if approved and implemented, will generate pollution during construction and create some pollutants upon occupancy. Residential units are considered sensitive receptors. Exposure to pollutants from certain building materials and particulate emissions from diesel engines, for instance, could pose a cancer risk as they are considered Toxic Air Contaminants (TACs). The YSAQMD Handbook establishes thresholds of significance for exposure to TACs from stationary sources. Exposure from stationary sources in excess of the following thresholds would be considered a significant air quality impact:

- Probability of contracting cancer for the Maximally Exposed Individual (MEI) equals to 10 in one million (1×10^{-5}) or more; and
- Ground-level concentrations of non-carcinogenic toxic air contaminants would result in a Hazard Index equal to 1 for the MEI or greater.

The Handbook notes that these thresholds are used for stationary sources, but do not address TACs from mobile sources. The Air Quality District has no permitting authority or other regulatory authority over mobile sources and there is currently no specific mobile source TAC threshold.

No Air Quality Analysis was prepared for the project as staff determined that impacts relative to the built environment would be less than significant. There is no evidence that a residential development of the nature and location proposed would violate any air quality standards or significantly contribute to an existing air quality violation. It is not anticipated that the proposed residential use within an established neighborhood would generate pollutants and expose people to pollutants to a threshold identified which would be considered significant. Any short term impacts during construction would be subject to standard city ordinances which would reduce impacts to a less than significant level. The project would not produce objectionable odors (commonly types of facilities known to be producers of odors include by wastewater treatment facilities, sanitary landfill, food processing facility, petroleum refinery, fed lot/dairy, etc.)

Climate Change

Regulation of air quality is achieved through both federal and state ambient air quality standards and emissions for residential sources of air pollutants. The United States Environmental Protection Agency has established air quality standard for common pollutants. Currently USEPA regulations for greenhouse gas emissions do not exist. The state has recently adopted legislation to attempt to control GHG by curbing sprawl and establishing targets for GHG emissions, and the California Air Resources Board has recommended rules and regulations to cap and reduce GHG emissions. Regional and local jurisdictions have been advocating and implementing steps for reducing GHG emissions. A summary of air quality management in the regulatory context is provided in Exhibit 1.

It is anticipated that the proposed residential project will contribute to greenhouse gases that can impact the climate and contribute to global warming. The State greenhouse carbon allowance is 6.5 MT per residential units. Under these assumptions greenhouse gas emissions for the project would result in 594 MT per year (108 units). On April 21, 2009, the City Council adopted two resolutions to address climate change through 2050 (Exhibits 2 and 3). The resolutions establish greenhouse gas emission reduction targets for the City of Davis, and greenhouse gas reduction thresholds and standards for new residential projects that are consistent with or exceed state targets. The initial target reduction year is 1990, which would be in effect until 2010. The adopted methodology provides a mix of credits and mitigation measures to reduce GHG for residential project.

Without mitigations, the project would be above the threshold established by the city. The project will generate 594MT of carbon. The project would be required to reduce GHG by 259.2 MT to meet 1990 standards. The Chiles Ranch carbon reduction proposal includes credits for density and proximity to transit line; exceeding current Title 24 standards by 35 percent; pre-wiring all dwellings within the subdivision for photovoltaics; and the installation of photovoltaics within the project. This innovative approach will provide benefits to the environment and reduce energy costs for the residents within the subdivision. The total reduction under the project proposal would be 594.2 MT. The proposal will exceed the adopted City of Davis GHG targets for residential projects by 0.2 MT. Any impacts would be reduced to a less than significant level.

Standard City Conditions of approvals, which include water conservation; energy efficiency; greenbelt dedication; parking lot shading; tree preservation, planting and protection; and the recently adopted Green Building Ordinance would further help to reduce potential impacts. It is anticipated that conditions of approval to be imposed on the project will reduce any impacts to less than significant.

The project is consistent with General Plan policies for land use, circulation, and air quality that seek to coordinate land use and transportation planning and encourage alternatives automobile

transportation and a reduction in vehicle usage. The project is located within one-quarter mile of exiting bus routes. The developer proposes street gutter modifications on E. Eighth Street in the project vicinity to accommodate a future bus route. An existing dip in street gutter currently prohibits bus travel on E. Eighth Street east of Pole Line road. A future bus route on E. Eighth Street would provide alternative transportation options to current and new residents in the area.

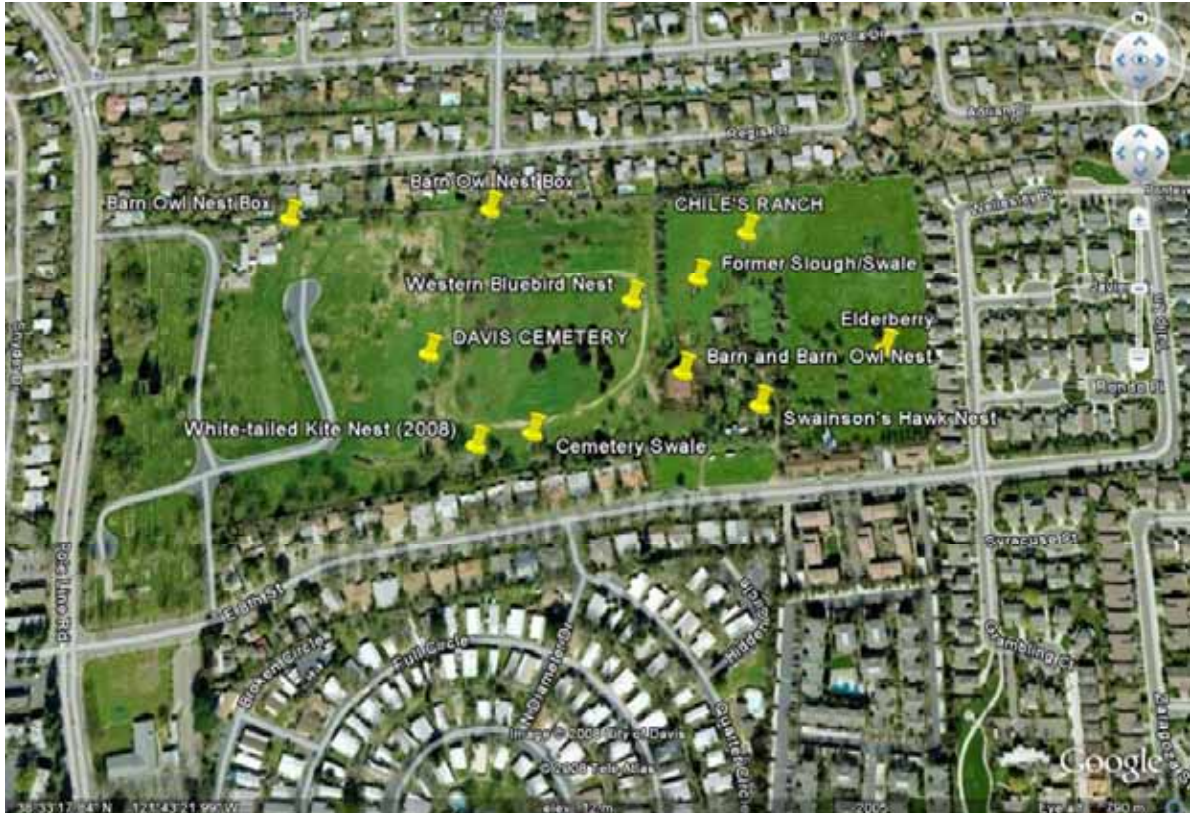
Although the project would have an incremental contribution within the context of the City and region, the individual impact is considered less than significant given the size of the project. The compact medium density development on an infill identified for residential use is consistent with state legislation to attempt to control GHC emissions by curbing urban sprawl and reducing vehicle miles traveled.

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal result in impacts to:				
a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Locally designated species (e.g. heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Wetland habitat (e.g. marsh, riparian and vernal pool)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Wildlife dispersal or migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Potentially Significant Unless Mitigated. A biological survey was prepared for the project by Edward D. Whisler Biological. The survey stated that 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 1/4 mile of the proposed project. The survey also noted that other potentially sensitive species have been identified to roost on the site or within the vicinity, including 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.

A large elderberry shrub was identified within the proposed project site. The elderberry shrub is the sole host plant for the valley elderberry longhorn beetle (VELB). Correspondence from the United States Department of the Interior, Fish and Wildlife Service (Exhibit 5), stated that the elderberry shrub located within the parcel was not likely to be inhabited by the VELB because

the shrub is surrounded by development, isolated from other elderberry shrubs or other riparian vegetation, is not located within a riparian area, and has no exit holes detected in three years of focused surveys. The applicant has transplanted the elderberry shrub to a service approved conservation bank (Wildlands Inc, River Ranch VELB Conservation bank in Yolo County) following the Service's July 19, 1999 conservation Guidelines for the Valley Elderberry Longhorn beetle in doing so.



Aerial View Showing Location of Biological Resources

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. The following mitigation measure would be necessary to reduce the adverse effects to Swainson's hawk nesting habitat to a less than significant level.

- i. Prior to the issuance of grading permits, the project applicant shall pay the appropriate fee for 11.9 acres of foraging habitat affected for impacts to Swainson's hawk foraging habitat. Yolo County HCP/NCCP Joint Power Association (JPA) entered into agreement with the California Department of Fish and Game regarding mitigation. The agreement requires that 1 acre of habitat management lands be acquired for each 1 acre of Swainson's hawk foraging habitat lost.
- 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).

b) Less Than Significant Impact. The site is undeveloped with vegetation, which is largely composed of grasses, shrubs and numerous trees on the property. The site does not contain landmark or locally designated trees, however a large number of “trees of significance” (trees with trunk diameters of 5 inches or greater (dwb) are scattered throughout the site. “Tree Survey” and “Tree Appraisal Summary” reports were prepared for the project by Dan Quickert, ISA Certified Arborist in July 2007. The report noted number of trees on site, the diameter, canopy radius, location, condition, and appraisal value for each tree. The report identified 221 viable trees on site. A total of 206 trees are proposed to be removed to accommodate the project; 15 trees are proposed to be preserved. Approximately 217 new trees are proposed to be planted on site. The project would be subject to the City’s standard Tree Preservation, Planting and Protection Ordinance which would reduce impacts to less than significant.

c)-e) No Impact. The project does not adversely affect any locally designated species, natural communities, wetland habitats, or migration corridors. The project is considered to have no impact.

The site contains a remnant portion of an unnamed slough that occurs on the south side of the eastern portion of the Davis Cemetery that cuts through the western portion of the site. The other portions of the slough have been filled in by agriculture and residential development prior to the 1960s. The remnant slough no longer functions as a slough and functions as a dry swale. The vegetation in the remaining slough/swale now consists of annual grassland and is very similar to the adjacent annual grassland. No wetland vegetation or high-water mark exists in the slough/swale. The western portion of the slough/swale in the cemetery is irrigated and collects rainwater during the winter, allowing wetland vegetation to grow. The eastern portion of the slough in the cemetery is not irrigated and supports very little wetland vegetation, if any. Because the slough/swale is separated by a dirt barrier from the cemetery, there is no water flow from the cemetery into the site.



Photograph of Remnant Slough/Swale

There are no wetlands, or water bodies within the project site and surrounding areas. The project does not adversely affect any locally designated species, natural communities, wetland habitats, or migration corridors. The project is considered to have no impact.

V. CULTURAL RESOURCES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal:				
a) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Disturb archaeological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Affect historical resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have the potential to cause a physical change which would affect unique ethnic cultural values?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Restrict existing religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a)-e) Less Than Significant Impact. The project site was farmed until 1970s. It has been vacant and undeveloped since that time. There are no records of any historical or archaeological sites on the project site or within the area that would warrant additional analysis. The site and area are not considered a sensitive cultural site. Given no known history of cultural or archaeological findings within the area in the past, any impact is considered to be less than

significant. However, the City standard ordinance will apply in the event that archaeological, paleontological, or historical resources are discovered during excavation.

c)-e) No Impact. Two independent historical surveys conducted on the subject site concluded that the site and buildings did not meet the criterion for federal, state or local designation as historical resources. The key building (the main house) has been gone since 1972. The remaining buildings date to 1902 through 1936. Most of the pre-1936 agricultural buildings and structures, except the large barn, have been extensively altered and exhibit poor integrity. On July 29, 1008, the City Council determined the barn is not a local merit resource. No religious resources are associated with the project site that would be impacted. The area is not considered a sensitive cultural site. There are no impacts that can be identified with the proposed project.

VI. ENERGY AND MINERAL RESOURCES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal:				
a) Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Use non-renewable resources in a wasteful and inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) & c) No Impact. The project does not conflict with any energy conservation plan. There are no known mineral resources on site or surrounding areas. The proposed project is considered to have no impact on these resources.

b) Less Than Significant Impact. The proposed residential project will not require substantial amounts of energy during construction and upon occupancy, should the project be approved and implemented. The project would result in the consumption of additional non-renewable resources, however, it is not expected that the residential use would result in wasteful and inefficient uses of the resources. Standard City conditions of approval will be applied to the proposed project that will require it to meet and/or exceed state and local energy conservation requirements. For instance, the proposed project will be conditioned to be subject to the City's Green Building Ordinance, which requires projects to incorporate a variety of green building measures that would help reduce energy use. Any impact is considered to be less than significant.

VII. GEOLOGY AND SOILS	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal result in or expose people to potential impacts involving:				
a) Fault rupture?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Seismic ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Seiche, Tsunami, or volcanic hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Landslides or mudflows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Subsidence of the land?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a)-c) & f)-h) Less Than Significant Impact. The proposed project would not increase the exposure to identified geologic hazards. No known earth quake fault lines are located within the City. There are a number of fault zones located within 100 miles of the city, but the City of Davis is not located within an Alquist-Priolo Special Study Zone. The San Andreas fault system is to the west and the Eastern Sierra fault system, and has not created any surface rupture in the City of Davis. As identified in the General Plan EIR (pg. 51-2), the City is identified as being in Seismic Risk Zone III. This means the maximum intensity of an earthquake that would be experienced in the area would be a VII or VII on the modified Mercalli intensity scale. An earthquake of such magnitude could result in slight to moderate damage in specially designed or standard structures.

City standard conditions of approval will require the project to provide and comply with a site-specific soils report prior to construction and be appropriately designed to meet all earthquake standards as required by Building Codes. Any impacts are considered to be less than significant.

d), e) & i) No Impact. The project site is flat. There are no features or known hazards that would present a tsunami, seiche, volcano, landslide, or mudflow risk. The project is considered to have no impact.

VIII. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant	Less Than Significant Impact	No Impact
Would the proposal involve:					
a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Possible interference with an emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The creation of any health hazard or potential health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Exposure of people to existing sources of potential health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Increased fire hazard in areas with flammable brush, grass, or trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a)-e) No Impact. The project is a single-family residential project. It will not involve the use of substantive hazardous materials beyond what is acceptable in a residential designated land use area. It is not anticipated that the proposed project would expose people to or create any new health hazards. The site has a history of agricultural use, but no evidence of hazards has been identified. No sites within the vicinity of the subject site are considered threatening to the environmental integrity of the project. The project is considered to have no impact to hazards and hazardous materials.

IX. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant	Less Than Significant Impact	No Impact
Would the proposal result in:					
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of people or property to water related hazards such as flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
turbidity)?				
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a)-i) Less Than Significant Impact. The proposed residential development would result in surface runoffs. The project will be required to comply with City requirements for stormwater drainage and discharge as matter of standard practice via conditions of approval. The site improvements will include bioswales for stormwater temporary detention and groundwater recharge to minimize runoff issues. The project will connect to City water system that draws from groundwater supplies. The project will be required to comply with standard water conservation measures for appliances and irrigation. The site is not within a 100 year flood zone. Approval by the City Engineer of grading plans is required.

The proposed project does not result in any new or additional impacts related to hydrology or water quality. There are no water bodies on or near the project site that would be affected. The site is not within the 100 year flood zone. Approval by the City Engineer of grading plans is required. The project would have less than significant impacts on hydrology and water quality.

X. LAND USE AND PLANNING	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal:				
a) Conflict with general plan designation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

X. LAND USE AND PLANNING	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
or zoning?				
b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be incompatible with existing land use in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Affect agricultural resources or operations (e.g. impacts to soils or farmlands, or impacts from incompatible land uses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a)-c) Less Than Significant Impact. The site is currently designated Residential Low-Density on the General Plan land use map. The Zoning Ordinance designations currently are in conflict relative to permitted uses on the site. However, the proposal includes amendment of both the General Plan and Zoning Ordinance land use designations to facilitate the proposed Residential-Medium density development. The project would be consistent with the general plan and zoning with approval of the land use changes. Upon approval, the proposed residential use will be consistent with the overall intent of the general plan, environmental plans, and policies for land use, housing, economic development and circulation.

Surrounding properties are single, one and two family, and multiple family residential developments. The residential use will be compatible as proposed with surrounding residential land use. Any impacts are considered less than significant.

d) & e) No Impact. The project does not affect any agricultural resources or operations. The site is adjacent to residences within the urbanized city limits. No impacts can be identified as a result of the proposed project to agricultural resources or operations, and there will be no disruption or division of physical arrangement of the surrounding community.

XI. NOISE	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal result in:

a) Increases in existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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XI. NOISE	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of people to severe noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-b) Less Than Significant Impact. The proposal is a residential development within existing residential neighborhoods. The proposed use is compatible with existing surrounding uses. Construction-related noise would result in a short-term increase in noise levels beyond those identified for a residential district in the General Plan Noise Element. There are no existing sources of noise that exceed City standards that have been identified within the site, or surrounding areas.

The city regulates noise impact via the Noise Ordinance (Municipal Code Chapter 24), which also specifies construction hours and operations. For instance, it limits noise from construction equipment to 86 dBA at the edge of the property plane. The proposed project will be subject to the requirements of the Noise Ordinance, which will be imposed as part of the standard conditions of approval. This will result in the reduction of the construction noise to less than significant.

XII. POPULATION AND HOUSING	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal:				
a) Cumulatively exceed official regional or local population projections?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace existing housing, especially affordable housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) & c) No Impact. The proposed residential project is consistent with the City's Infill Policies and accounted for within the City's General Plan. It would not exceed anticipated city population growth projections' policies. It would help to provide needed housing to meet the City's Regional Housing Allocation Fair-share. Given that the site is vacant, no existing housing will be displaced. No impacts can be identified with the proposed project.

b) Less Than Significant Impact. While the implementation of the proposed project will provide for increase in the City's population, it would not be construed as growth inducing given its consistency with the City's growth goals and policies, including to encourage infill residential developments and to grow within. Any impact is considered less than significant.

XII. PUBLIC SERVICES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other governmental services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a)-e) Less Than Significant Impact. The project is located is an infill development consistent with the General Plan infill definition. Services are already available and provided infill projects. The proposed residential project will require basic public services, but it is not anticipated that there will be a need to provide any new or altered services. All city departments and applicable outside agencies have reviewed the project and no significant issues have been raised. Fire, police, schools, and other public facilities are available and adequate to serve the project. The project will be required to pay related impact fees. The project is considered to have a less than significant impact on public services.

XIV. RECREATION	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal:				
a) Increase the demand for neighborhood or regional parks or other recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect existing recreational opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) & b) Less Than Significant Impact. The proposed residential project will add residents to the area and create additional use of parks and other recreational facilities. The project includes bicycle path improvements to the east that will enhance access to the city greenbelt connection to Mace Ranch. Existing parks and facilities are adequate to serve the project.

The project does not include parkland dedication. City standard conditions of approval will be imposed on the project relative to impact fees for parks. It is not anticipated that the project will adversely affect any existing recreational facilities and opportunities within the city. Any impacts are considered less than significant given that fair share of impacts would be paid for by the project and adequate facilities exist to serve the increased population due to the proposed project.

XV. TRANSPORTATION AND CIRCULATION	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal result in:				
a) Increased vehicle trips or traffic congestion?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Hazards to safety from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Insufficient parking capacity on-site or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Hazards or barriers for pedestrians or bicyclists?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a), c), d) e) Less Than Significant Impact. The proposed project design does not include any unusual traffic or safety hazards. Installation of a new public road will provide adequate on-site circulation. The proposed project will meet parking requirements for residential single family uses as shown on the site plan and will be made part of the conditions of approval. Frontage and off-site improvements related to the project will be designed consistent with City standards. Emergency accesses will be provided which are found to be adequate by both Fire and Police Departments of the City.

A Traffic Impact Analysis was prepared for the proposed project by *KD Anderson and Associates* in October 2008. The study was conducted after the beginning of the new school year 2008-09 to ensure that the highest potential traffic volumes in the vicinity of the project were captured and analyzed in the report. The study area is shown below.

The study looked at the impacts of developing the site with 108 units plus existing conditions and concluded that the development would create less than significant adverse transportation impacts under existing plus project conditions. The project is expected to generate approximately 1,238 new daily trips into the roadway network along E. Eighth Street west of the project, and approximately 135 new daily trips east of the site. Of these, approximately 85 new trips will be generated during peak a.m. hours, and 111 new trips will be generated during p.m. peak hours. Trips generated (road volume) and Levels of Service (LOS) at intersections would continue to operate above the city's General Plan level of service threshold of D or better. Mitigation related to traffic volumes or LOS for the project is not required.

The traffic study also identified two approved and or pending projects in the vicinity. These include the Second Street Crossing (Target Store) project located along Second Street and the Verona Subdivision located along Fifth Street at Alhambra Drive. The approved projects are expected to generate 8,207 daily trips. No mitigations are recommended under this scenario. All roadway segments and intersections will operate above the City's LOS D or better.

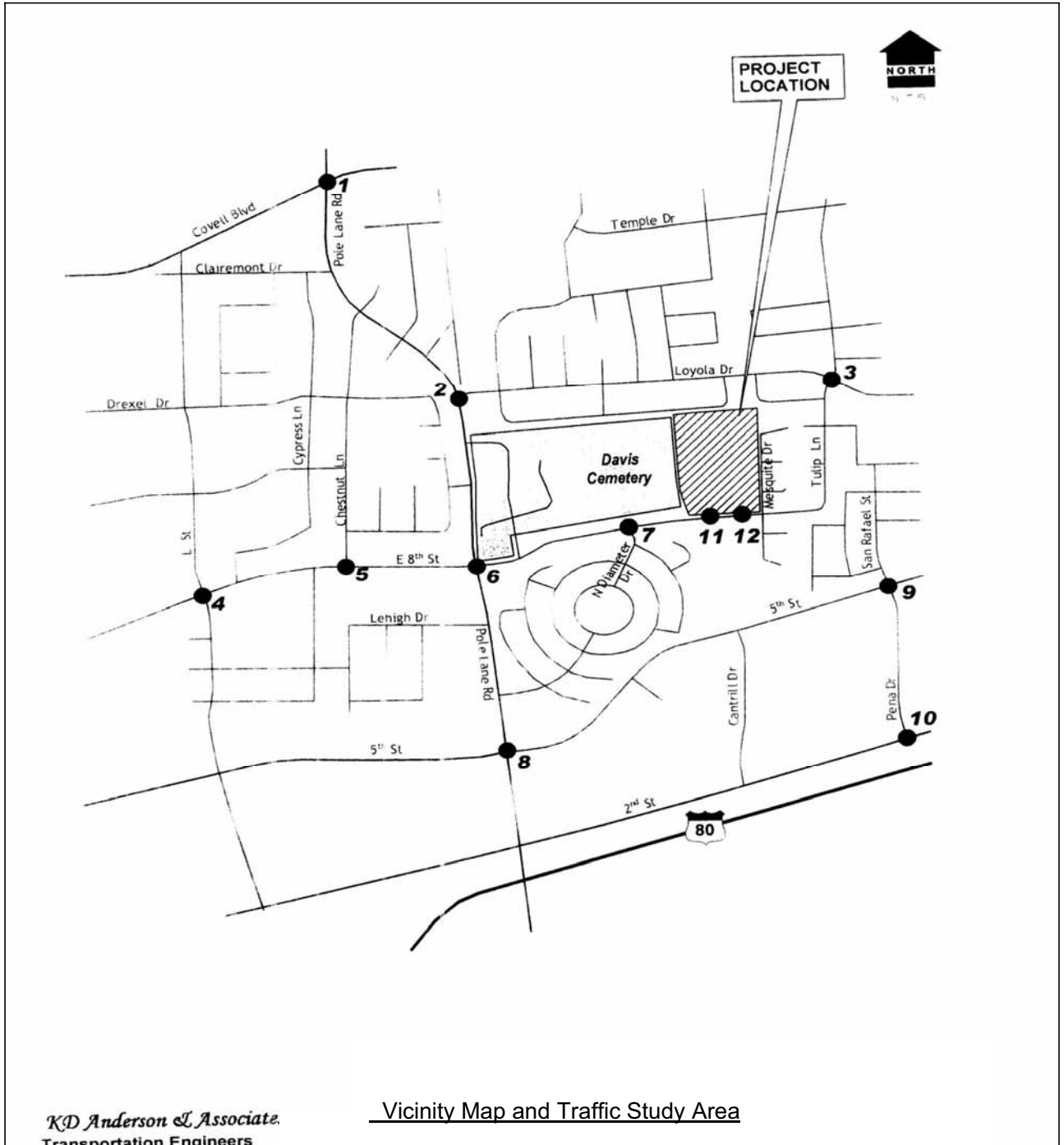
b) Less than Significant Impact. Hazards to safety from design features or incompatible uses would be less than significant. The project incorporates the following design features into the project to address safety.

- i. The traffic study recommended that the confluence between the pedestrian / bike pathway at the east side of the site and E. Eighth Street be designed so that bicycle traffic exiting from the pathway stops prior to entering E. Eighth Street. The bicycle path has been redesigned so that riders enter the project roadway system prior to entering E. 8th Street.
- ii. The traffic study recommended consideration of treatments such as curb extension to narrow the roadway and to slow vehicles at the southeast intersection ("T" in the road) so that motorists would not become complacent at this point and turn without observing bicycles and pedestrians. The developer has incorporated curb extension into the site plan in this area.
- iii. The traffic study recommended that the development includes a pedestrian crossing at the west loop roadway to provide access to the resident garden. The street curves at the point. The proposed width of the streets is less than the standard city street and the basis for slowing traffic down along the internal street system. An enhanced crossing would serve to decrease speed along and to increase driver awareness at this section of the roadway. The developer proposes textured pavement at the crossing to address this comment.

f) Less Than Significant Impact. The project proposes to modify an existing gutter at the intersection of Mesquite Drive and E. Eighth Street. The gutter currently prevents a fully loaded bus from traveling on E. Eighth Street in the project of the vicinity of the project, even though the need for service is recognized by Unitrans, the city and existing residents. If the modifications are feasible to accommodate a bus route in this area, it would provide an alternative public transportation choice to new and existing residents. Absent a new bus route on E. Eighth Street, the impacts of the project would be less than significant as currently alternate bus stops

are located with ¼ mile of the project. The project, as conditioned, will be consistent with policies for alternative transportation. There are existing bike paths and lanes within the area, which the proposed project will complement.

g) No impact. There are no impacts that can be identified with the proposed project relative to rail, waterborne or air traffic.



XVI. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:				
a) Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Local or regional water treatment or distribution facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Sewer or septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Solid waste disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Local or regional water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a)-g) Less Than Significant Impact. The site is an existing infill site located within the city limits. The General Plan land use designation of the site has been identified the site as "Residential" for over thirty years. The development of the site is included in the one percent growth cap assumed in the General Plan. Under the General Plan EIR it was anticipated that the development of the site for residential use would result in less than significant impacts on water supply. The proposed residential development would result in surface runoffs. The project will be required to comply with City requirements for stormwater drainage and discharge as matter of standard practice via conditions of approval. The site improvements will include bioswales for stormwater temporary retention and groundwater recharge to minimize runoff issues. The project will connect to City water system that draws from groundwater supplies. The project will be required to comply with standard water conservation measures for appliances and irrigation.

Utilities and services are existing or available through local City Services, Davis Waste Removal, Pacific Gas and Electric, and other providers. The project will use some of the existing service capacity. There has been no information from any of the services providing agencies indicating inadequate supplies to serve the proposed project. Therefore, the proposed project would not result in the need for any new systems or supplies. The developer will be required to work with utility service providers prior to building permits and occupancy to make sure infrastructure for the site will be adequate. The project will not have a significant impact on utilities or services in that new systems or substantial alterations for are not anticipated to be required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have the potential to achieve short-term objectives, to the disadvantage of long-term, environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Less Than Significant Impact. The proposed project is an infill proposal on a site that had been designated for development since 1973. The site is surrounded by residential development and the Davis cemetery. The site is currently vacant. It is covered by weed and grasses with potential habitat value. It is known that there is Swainson’s hawk nest within one-quarter of mile of the site. There is no knowledge of possible burrowing owls on the site, or other special species. Appropriate mitigation measures have been included to address the potential impacts to Swainson’s hawk and burrowing owls foraging habitat and nesting. Given

the proposed mitigation measures and City standard conditions of approval, the project would not substantially degrade the quality of the environment and is considered to have a less than significant impact.

b) Less Than Significant Impact. The project involves development of a vacant site that will consistent with the proposed Zoning and General Plan. The proposed project will meet all applicable City requirements. It is not anticipated that the proposed project will conflict with any known City goals, standards, or policies. While there will be short-term adverse noise and air quality impacts associated with the development of the site, no long-term environmental impacts can be identified. Any impacts are considered to be less than significant.

c) Less Than Significant Impact. There are no known cumulative adverse impacts associated with the proposed residential infill project. Short-term air quality and noise impacts have been identified and mitigation measures to reduce the impacts to less than significant levels are proposed for adoption. The transportation study prepared for this project found no adverse impacts that will warrant mitigation measures. Given that the proposed project would generate additional vehicle trips, it is anticipated that it would contribute pollutants to the area that is already deemed as non-attainment zone. However, it is not anticipated that the proposed project would generate a considerable contribution to cumulatively impact the region. It should be noted that District Air Quality Plan assumes some increase in growth and a cumulative impact from all development projects. Proposed mitigation measures are anticipated reduce the incremental emissions contribution as much as possible. Again, the General Plan policies encourage infill development. The Program EIR for the General Plan Update determined that mitigation measures could be implemented to reduce potential air quality impacts, but that the impacts would remain significant and unavoidable. The District considers an impact cumulatively significant if projected emissions are greater than emissions for the site if developed under the existing land use designation. This will not be the situation with regards to the subject site's development with 108 single-family homes.

The proposed project will produce greenhouse gases that contribute to global warming impacts. The proposed project would include a number of elements consistent with recently adopted city policies to reduce overall carbon emissions. The location is within one-quarter mile of existing transit and proposes bicycle paths and greenbelt to provide connectivity to Mace Ranch Park. City streets with bike lanes exist on E. Eighth Street immediately adjacent to the south side of the property. Siting of the buildings take advantage of southern exposures and roofs will allow for photovoltaic to be installed. The project applicant proposes pre-wiring all units for PV and the installation photovoltaics within the project. The project will comply with city requirements for energy conservation and efficiency. Any impacts would be less than significant, individually or cumulatively.

d) Less Than Significant Impact. The proposed residential development project, as conditioned and mitigated, will be consistent with surrounding residential uses. It is a site selected for urban develop in a little over 35 years, which is not surrounded by fully developed homes and a city park. All potential impacts have been analyzed and addressed above and determined to be less than significant. The project will have no significant adverse impacts on human beings as mitigated and conditioned.

Summary of 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.

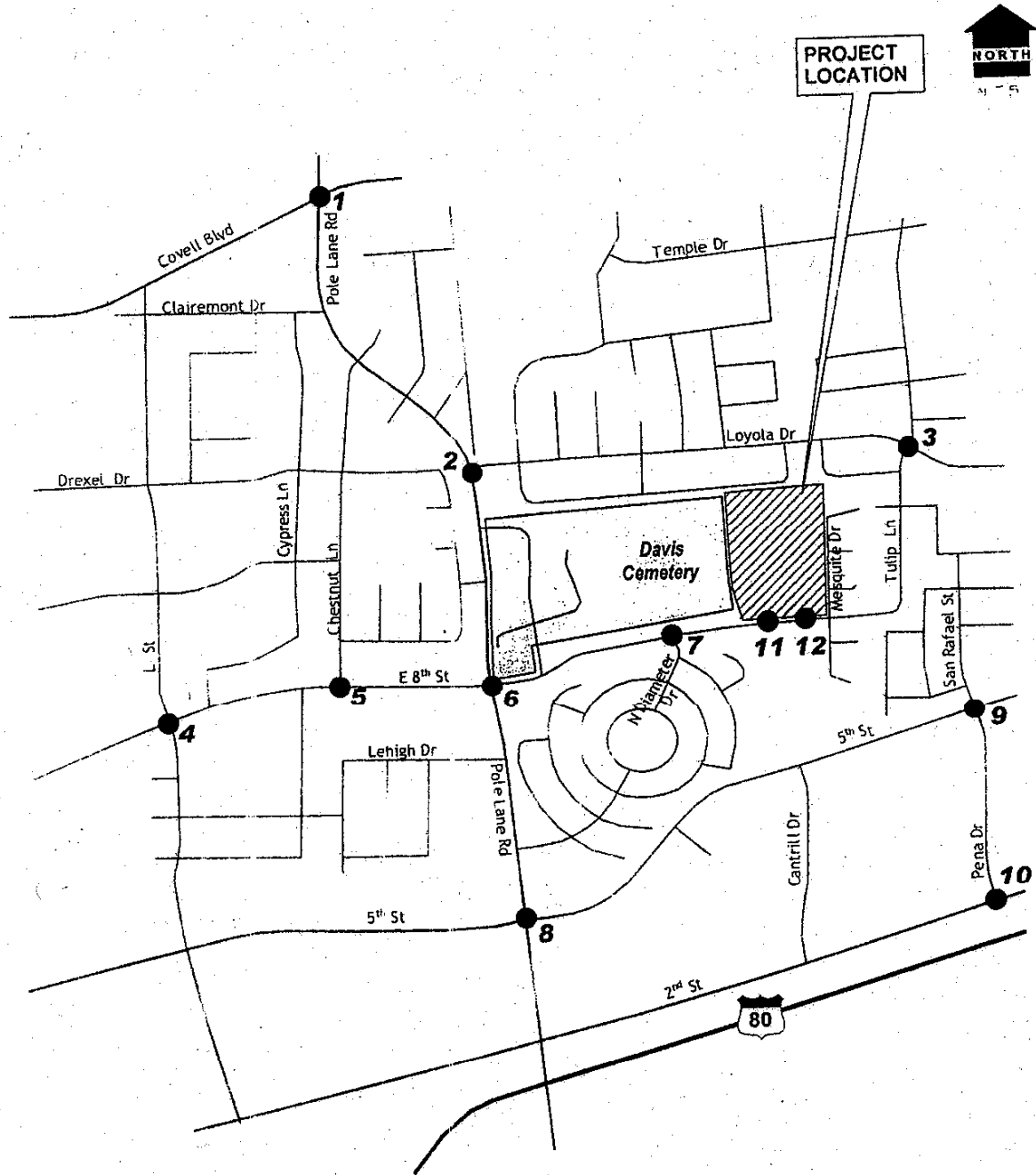
- a) If avoidance of project activity (demolition of existing structures, grading, or new construction) during the breeding season is not feasible, a qualified biologist shall conduct pre-construction survey(s) to determine the nesting status of white-tailed kites, barn owls, burrowing owls, yellow-billed 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).
- c) The project applicant shall pay fair share fees for the future water supply project(s) required to meet city demand beyond 2020 at the time of building permit issuance.

References and Sources

1. City of Davis. May 2001. General Plan & General Plan Environmental Impact Report.
2. City of Davis. March 2006. Zoning Ordinance.
3. KD Anderson & Associates, Inc., Transportation Consultants, Chiles Ranch Traffic Impact Analysis. October 2008.
4. Sacramento Metropolitan Air Quality Management District. June 2008. Draft Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways.
5. Yolo-Solano Air Quality Management District. July 11, 2007. Handbook for Assessing and Mitigating Air Quality Impacts.
6. California Air Resources Board. April 2005. Air Quality and Land Use Handbook: A Community Health Perspective.
7. Edward D. Whisler Biological. Biological Resources Report for Chiles Ranch, 2411 East Eighth Street, Davis, California. July 2007.
8. Tree Associates, Dan Quickert, ISA Certified Arborist. Tree Evaluation, Simmons Property, 2411 E. Eighth Street, Davis, California. July 2007.
9. JRP Historical Consultants, Historical Survey, Chiles-Simmons Property. August 2006.
10. Roland-Nawi Associates Preservation Consultants, Peer Review and Evaluation, Chiles-Simmons Property. June 2008.

Exhibits

1. Summary of Regulatory Standards of Air Quality
2. Chiles Ranch Subdivision Carbon Reduction Proposal
3. Resolution #08-166, Adopting Greenhouse Gas Reduction Targets for the City of Davis
4. Resolution #09-043, Adopting Greenhouse Gas Reduction Thresholds and Standards for New Residential Projects
5. Correspondence, United States Department of the Interior, Fish and Wildlife Service, September 4, 2008
6. *KD Anderson & Associates*, Traffic Study Vicinity Map



KD Anderson & Associates, Inc.
Transportation Engineers

4720-001.VSD

10/28/2008

Vicinity Map and Traffic Study Area

figure 1

From: Sharon Meisch-Suh [pixie.91@sbcglobal.net]
Sent: Wednesday, May 27, 2009 7:30 PM
To: Cathy Camacho
Cc: Hyoung Suh
Subject: Chiles Ranch Residential Subdivision

Ms. Camacho,

We are opposed to the proposed change in the land use designation from Residential Low-Density to Residential Medium-Density for the project located at 2411 E. Eight Street. And we are opposed to the rezoning of the three parcels from a mix of Agriculture and Residential One and Two Family to a residential Planned Development.

Please do not cave into the demands of New Urban Development. LLC.

Sincerely,

Hyoung W. Suh
Sharon Meisch-Suh
837 Mesquite Drive
Davis, CA 95618