

STAFF REPORT

DATE: July 18, 2017

TO: City Council

FROM: Michael Webb, Assistant City Manager
Cathy Camacho, Planner

SUBJECT: PA #16-43, Appeal #3-17: Appeal of Planning Commission Action of June 14, 2017, on Appeal #2-17 Denying Administrative Approval of PA #16-43; Design Review #5-16, Minor Modification #1-17: **820 B and 822 B Street Multi-Family Residences**

This staff report provides Supplemental Information to the June 14, 2017, Planning Commission staff report prepared for Appeal #2-17, provided as Attachment 3.

Recommendation

Staff recommends that the City Council hold a public hearing and;

Approve Appeal #3-17, reversing the action of the Planning Commission on Appeal #2-17 denying Administrative Approval of PA #16-43 for the development of a new multi-family residential housing project at 820 B and 822 B Street located in the R-3-M zoning district; thereby upholding the Administrative Approval of the project, based on the Findings and subject to the Conditions provided in Attachment 1.

Should the City Council find that the Planning Commission did make an error in approving Appeal #2-17 to deny the project, Appeal #3-17 of Planning Commission action would be approved, thereby upholding Administrative Approval of the project. In upholding the approval, the City Council may modify the conditions as it deems appropriate.

Should the City Council find that the Planning Commission did not make an error, Appeal #2-17 would be upheld; Appeal #3-17 of Planning Commission action would be denied, and the project would be denied. The City Council has the prerogative to deny the application without prejudice, which would allow the applicant to substantially amend the proposal and submit a new application for reconsideration within one year of the denial.

The determination of the City Council is final.

Administrative Approval Process

The project is an 11-unit multi-family development located at 820 B and 822 B Street. Applications submitted were Design Review for site plan and architectural review and Minor Modification to increase the building height from 38 feet to 41 feet at the roof peaks. The project will provide one very-low income unit which under state law entitles the project to a density bonus and an “incentive”, which includes modification of architectural standards. The

incentive utilized will be a reduction of the rear yard setback from 25 feet to 22 feet. The application was processed pursuant to Section 40.39.020 (Administrative Approvals) of the Davis Municipal Code, which states:

*“The Administrative Approval process shall be applied when the community development and sustainability director is authorized to approve an application, such as for **minor modifications or site plan and architectural approval.**”*

In reviewing the project administratively as authorized under the Municipal Code, it was determined that:

- The project is consistent with the objectives of the General Plan residential high-density land designation of the site.
- The use is principally permitted in the R-3-M zoning district.
- The project is consistent with the development standards of the R-3-M zoning district.
- Minor modifications are allowed under the Municipal Code.
- The density bonus and incentive granted are consistent with state law.

The required findings to administratively approve the project were made, pursuant to Section 40.31.085 (Site Plan and Architectural Approval) of the Municipal Code as follows:

Design Review Findings

- 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;
- 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;
- The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and
- 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.

Minor Modification Findings (Section 40.27.080 Minor Modifications)

- Completion of the project as proposed is not inconsistent with the objectives of the general plan and intent of the zoning regulations.
- The minor modification will not adversely affect the health, safety or general welfare of persons residing or working on the site or in the vicinity.
- The proposed project is consistent with the requirements of the Uniform Building Code.

Prior to taking action on an Administrative Approval the Community Development and Sustainability Department is required to provide notice of intent to approve through a mailing to property owners within a five-hundred-foot radius of the subject site. The notice provides a 10-day comment period and a 10-day appeal period.

On May 4, 2017, an Intent to Approve letter was mailed to the applicant, residents, and property owners within a 500-foot radius of the property site (Attachment 2 of the June 14 Planning Commission staff report). The Administrative Approval process includes a 10-day comment period which ended on May 15, 2017 and was followed by a 10-day appeal period ending on May 24, 2017.

Prior to the end of the appeal period, an Appeal application was submitted and signed by multiple residents in the project vicinity (Attachment 1 of the June 14 Planning Commission staff report). The appeal does not include signatures from any directly adjacent property owner or resident.

Appeal of Planning Commission Action

On June 14, 2017, the Planning Commission reviewed Appeal of the Administrative Approval for an 11-unit multi-family project located in the Residential Garden Apartment (R-3-M) zoning district. The appeal application cited: 1) parking issues; 2) design; 3) number of units; and 4) height of the building as “Specific Reasons for Appeal.” Staff addressed the appeal issues in the staff report (Attachment 3), and recommended that the Planning Commission deny the Appeal. The Planning Commission voted 4-3 to uphold the appeal, which resulted in denial of the project. A summary of the Planning Commission action is provided in the “Planning Commission Action” section of the staff report.

The developer of the 820 B and 822 B Street project subsequently submitted an application appealing the Planning Commission action within the 10-day appeal period pursuant to Section 40.35.020 of the Municipal Code. The Appeal Application is provided in Attachment 2. “Specific Reasons for Appeal” from the project applicant are shown below and addressed in the “Appeal” section of the staff report.

- 1. The project complies with existing City Zoning requirements with one allowable Minor Modification for an increase in allowable height above the established 38 feet. Less than approximately 15% of the proposed building rises to a maximum of 41’.6” This height allows for mechanical screening and 9’ floor-to-ceiling residences to attract empty-nesters as residents.**
- 2. Due to central location, proximity to transit, and dedication of one permanently affordable unit, the project utilizes one State of CA Climate Change legislation for a small increase in density and an approximate 3’ increase in rear yard setback.**

Fiscal Analysis

The appellant has paid the required fee for filing an appeal and is required to pay all appeal processing fees. If approved, the 11-unit multi-family project is anticipated to be revenue neutral according to the fiscal impact analysis. Apartment complexes for profit contribute property taxes to the City’s General Fund based on the value of the property. Net new property tax revenue to the City for this project would be approximately \$10,000 annually. The development will generate a one-time fiscal benefit in construction tax and \$269,237 in development impact fee revenue.

Project Description

The project is redevelopment of two adjacent parcels totaling approximately .32 acres located at 820 B Street and 822 B Street. An existing single-family dwelling on each lot will be demolished and the two parcels will be merged. The parcels are zoned Residential Garden Apartment (R-3), which permits multi-family housing. The new development will be an approximately 15,749 square feet, three-story multi-family building with 11 rental units consisting of six one-bedroom units and five two-bedroom units. An elevator and internal stairs will provide access to the upper floors. The project will provide 13 on-site vehicle parking spaces. The applicant is providing one affordable unit for the project, which under Government Code Section 65915-65918 (Attachment 5 of the June 14 Planning Commission staff report), entitles the project to increased density and incentives. Under state law the project is receiving a density bonus that increases the maximum number of units allowed on the site from 9 to 11. The applicant is utilizing one incentive to modify the rear yard setback from a minimum of 25 feet required under the R-3-M zoning to 22 feet.



Proposed B Street Elevation

Project Setting

The subject site is located in the R-3-M zoning district, surrounded by a mix of uses including multi-family dwellings; the Davis Lutheran Church located south of the site; a two-story duplex to the north; and a single family dwelling to the east. Single-family homes are located across the street to the west in the R-1-8 zoning district. The project site is located is an area of B Street with different zoning designations on each side of the street. The zoning differential occurs in the centerline of the street, as shown below. The R-1-8 (Residential One-family) zoning on the west side of B Street allows single-family use, one primary structure, and a maximum building

height of 2 stories or 30 feet. The east side of B Street where the subject property is located is zoned R-3-M (Residential Garden Apartment), which allows multiple units, and a maximum building height of 3 stories or 38 feet. The proposal for a multi-unit apartment building at this location is consistent with the principally permitted uses of the R-3-M zoning district. The General Plan land use designation on the west side of B Street in the R-1-8 is residential low-density. The General Plan land use designation on the east side of B Street is residential high-density. The existing land development pattern of the area is shown on the following page.



820 B and 822 B Street Project Vicinity



Development Pattern in Vicinity of B Street Project

Applicant Outreach Efforts

The applicant’s neighborhood outreach efforts began shortly after the property was purchased in spring of 2015 to inform neighbors of the proposed development and to solicit their comments early in the process. Initial efforts included mailings and one-on-one meetings with neighbors. Beginning in September 2015, a number of larger neighborhood meetings were hosted by the application with 5-21 persons attending. The purpose of these meetings was to facilitate discussion on potential issues such as size, parking, number of units, affordable housing, and privacy impacts. In August 2016, the applicant mailed over 250 postcards to property owners and renters inviting them to a meeting to preview the design and project details with the project architect. Eight persons attended. The applicant submitted the project application in December 2016. The applicant provided a summary of comments heard, and the modifications made to the project in response as follows:

Neighbor Concern/Comment
Mini-Dorm / Overcrowding in Units

Modifications to Project Design
♦Deletion of 3+ Bedroom Units

	<ul style="list-style-type: none"> ◆“Co-signers” on lease applications/income verification; residents must qualify on their own without support from others ◆Target Residents: empty nesters, professionals
Amenities to Attract Target Residents	<ul style="list-style-type: none"> ◆Floorplans updated to meet target resident desires: walk-in closets, linen closets, powder rooms for guests, maximum of one “en-suite” bathroom per unit, large and private outdoor patios ◆ALL units are ADA compliant and designed for “aging in place” ◆Improved common outdoor amenities: including raised garden beds and social gathering space tucked away from adjacent residents in rear, NE corner of parcel ◆On-site storage units for bicycles and other items to attract existing Davis residents who would like to downsize. ◆Secured front entrances and gated parking area
Affordable Housing	<ul style="list-style-type: none"> ◆Affordable Housing included on-site, instead of in-lieu fee payment
Compliance with Zoning/Code	<ul style="list-style-type: none"> ◆Project meets all existing zoning/code requirements with State of CA Smart Growth and Climate Action legislation
Privacy	<ul style="list-style-type: none"> ◆Upper floor unit balconies recessed into building envelope and placed on West and East sides of building
Building & Site Aesthetics	<ul style="list-style-type: none"> ◆Mid-century modern design to better “fit” with the diversity of architectural styles in the surrounding neighborhood, from Davis Lutheran Church to surrounding apartment buildings and the various single-family home architectural styles ◆Sloped roofs for a more “traditional” look and feel ◆Relocation of Trash Enclosure from front setback on B Street to hidden within building envelope (in parking garage) ◆Additional trees, large native grasses along B St. ◆Use of more exterior wood paneling components ◆Changed exterior color palette from green accent color to a warmer, more subdued gray-green ◆Roof tile changed to a warmer gray

- ◆Increased stone façade around front of building for a less “commercial” look and feel
- ◆Added wood trellis accents at windows on front elevation

Previous Planning Action

On May 4, 2017, an “Intent to Approve” letter was mailed to property owners and residents with a 500’ radius of the project site, informing of staff determination to approve the 11-unit multi-family development located at 820 B and 822 B Street. The letter provided a 10-comment period, followed by a 10-day appeal period. The project application was processed as authorized under Section 40.39.020 (Administrative Approvals) of the Municipal Code that states:

“The community development and sustainability director shall determine, based on the merits of the proposal, whether an application shall be approved administratively or scheduled for a public hearing before the project planning commission.”

The application was processed accordingly, in that:

- The applications submitted are specifically cited as those that are authorized to be approved administratively.
- The determination was made by the Community and Sustainability Development Director to approve the project administratively, based on the merits of the projects including consistency with the residential high-density General Plan land use designation of the site; consistency with the R-3-M zoning; and that minor modifications are allowed under the City’s zoning code.
- The project is consistent with state law, which entitles the project to a density bonus and an incentive for providing affordable housing.
- The administrative approval process provides for public review, comment, and appeal periods.
- A public hearing before the Planning Commission is not required when a determination has been made that a project is subject to an administrative approval.

During the comment period, staff received six public comments. The comments included concerns regarding impacts on the neighborhood due to the project providing inadequate parking; height of the building; and density. No comments were received from any directly adjacent property owner or resident. Staff responded to questions raised, provided information as requested, and carefully considered whether, based on the comments received, the project warranted a public hearing. Ultimately staff determined that it was not warranted for the following reasons:

- The proposal is consistent with the General Plan residential high-density land use designation.
- Multi-family use is a principally permitted use in the project’s R-3-M zoning district.
- The project is consistent with the R-3-M development standards.
- The project meets the parking required for multi-family use.
- The building is an overall height of 36 feet (this is less than the 38 feet allowed under the zoning), with the exception of the roof peaks, and minor modifications are permitted under the city’s zoning code.

- Under state law, the project is entitled to a density bonus and incentive, which shall be granted by the City.
- The design was thoughtful and compatible with the area and provides an appropriate transition to its surroundings via use of varied and peaked roofs, articulation and modulation, and high quality materials and detailing.
- The project is exempt from environmental analysis under CEQA as an infill project.
- Findings to approve the project could be made.

The administrative approval process provides an appeal period, pursuant to Section 40.39.050 (Appeals to planning commission) of the Municipal Code that states, “*Any determination of the community development and sustainability director with respect to an administrative approval application may be appealed to the planning commission upon submittal to the community development and sustainability department of an appeal application, accompanied by the fee established by resolution of the city council.*” An appeal application was filed with the Community Development and Sustainability Department on May 23, 2017, within the 10-day appeal period. The appeal was scheduled for a public hearing before the Planning Commission.

Planning Commission Action

On June 14, 2017, the Planning Commission reviewed the appeal and received public testimony on reasons for the appeal including: 1) parking issues; 2) design; 3) number of units; and 4) height of the building. By a vote of 4-3 the Planning Commission upheld the appeal, thereby denying the project. The motion included a condition that 3 Valley Oaks and 1 Coast Oak be retained on site. Comments made by Commissioners supporting the appeal are summarized as follows:

- The project does not fit in with the neighborhood.
- Need to encourage developers to take into account the existing neighborhoods in which they are developing.
- Mass and scale are not mitigated in this neighborhood.
- Does not fit across the street from single-family homes.
- There are other examples of beautiful infill projects, no reason for developer to max out the site just because he can.
- Support some type of multi-unit on this site, here, but developer should work on a project more compatible with the neighborhood.
- Need more housing, but in other areas of town, not push it into existing neighborhoods.

Additionally, some Commissioners stated that the project should have been brought before the Planning Commission with a pre-application to provide guidance to the developer. Commissioners commented that if the project had not been approved administratively, the developer may have offered a project more compatible with the neighborhood. Staff believes that the administrative processing of the application was procedurally correct, and in accordance with the authority specifically granted to the Community Development and Sustainability Director under the Municipal Code.

Comments from Commissioners in favor of the proposal and denying the appeal are summarized as follows:

- Support the project and design of the building.

- Consistent with goals for a smart sustainable city.
- Support the inclusion of an affordable unit.
- Project would help meet housing needs.
- Beautiful design, well within what the zoning allows.
- Zoning provides regulations for what is allowed in transition districts.
- The project is consistent with the General Plan.

Though not stated as a specific reason for the appeal, at the public meeting neighbors also raised concerns regarding increased traffic generated by the project. In response to those concerns, staff notes that the capacity of B Street in the project vicinity is 17,000 vehicle trips per day. The current number of vehicles trips per day on this segment of the road is 3,374. The project would add a total of 74.14 trips per day, or 6.74 trips per day per unit. Levels of Service (LOS) would remain at A/B.

In summary, the Planning Commission comments reflect that the appeal was upheld due to incompatibility with the existing single-family homes in the neighborhood located in the adjacent R-1-8 zoning district. The Planning Commission action did not include, as a basis for the denial, specific findings such as: conflict with zoning development standards which allow the building as proposed; inadequate parking; inconsistency with the principally permitted multi-family use of the site within the R-3-M district; incompatibility with other existing multi-family uses within the surrounding area; or conflict with the General Plan.

The following section addresses the appellant’s appeal of the Planning Commission action.

Appeal Application

The appellant filed an appeal of the June 14, 2017, Planning Commission decision to overturn the Administrative Approval of the project. The specific reasons for the appeal are stated below, followed by “Staff Response.”

Specific Reasons for Appeal

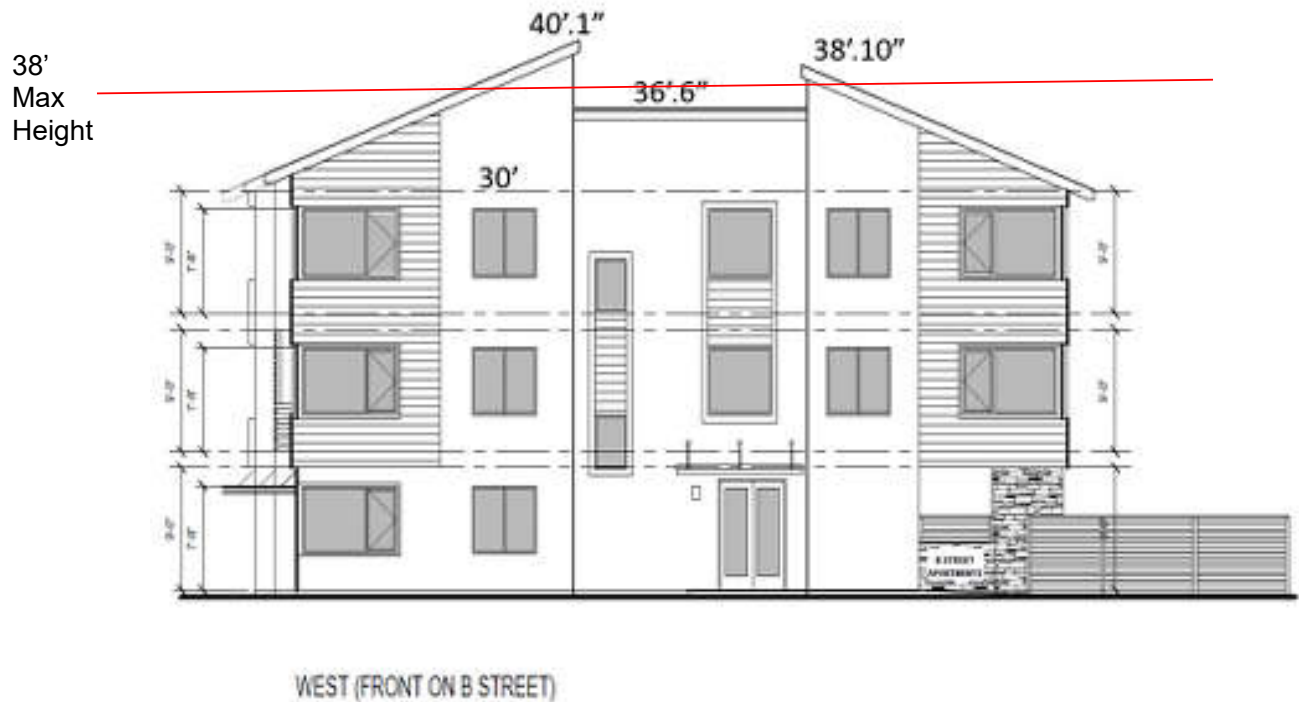
- 1. The project complies with existing City Zoning requirements with one allowable Minor Modification for an increase in allowable height above the established 38 feet. Less than approximately 15% of the proposed building rises to a maximum of 41’.6” This height allows for mechanical screening and 9’ floor-to-ceiling residences to attract empty-nesters as residents.**

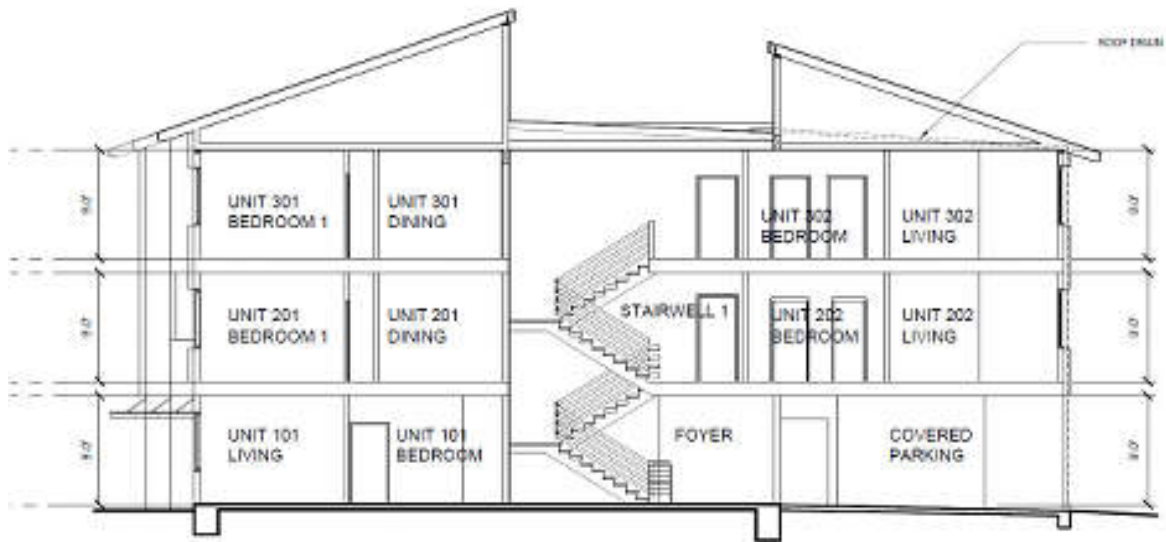
Staff Response

The maximum height of a building in the R-3-M zoning is three stories or 38 feet. Section 40.27.080 of the Municipal Code allows provides for a “Minor Modification” process to permit up to a10% increase or decrease in development standards including building setbacks, lot coverage, structure size, structure height, usable open space, parking and parking space. The applicant has requested a modification to allow an increase in the height of a portion of the roof from 38 feet to approximately 41 feet, 5 inches, to include a parapet to shield mechanical equipment and to provide 9’ vaulted ceilings for the upper units.

As shown on the following page, the overall building façade height is 30', far lower than the maximum 38' permitted under the zoning; the parapet is 36'.6". No exception to the zoning is needed for these elements. The minor modification would be applicable only to a portion of the pitched roof at the peaks, which are 41'.1" and 38'.10". Given that the vast majority of the building would be less than the maximum height allowed under the zoning, staff found the deviation to be minor and supportable. In terms of the design review, staff believes that the pitched roof adds articulation and visual interest to the building, avoiding a boxy appearance which can be a typical design for multi-family structures.

Should Council not uphold approval of the Minor Modification, a redesign of the building to reduce the height could potentially result in integration of a flat roof, and an increase of the entire building to the maximum 38' feet, allowed under the R-3-M zoning in order to achieve the ceiling heights and desired screening that would be provided with the pitched roof. Staff believes that an overall lower façade on B Street and a pitched roof improves the appearance of the building. The approximate area of the building that would be above the 38 feet in height permitted under the zoning is shown below.





Cross Section of Building and Roof



NORTH (SIDE)

2. **Due to central location, proximity to transit, and dedication of one permanently affordable unit, the project utilizes one State of CA Climate Change legislation for a small increase in density and an approximate 3' increase in rear yard setback.**

Staff Response

As stated in the Intent to Approve letter, *“The applicant is providing one affordable unit for the project, which under Government Code Section 65915-65918 entitles the project to increased density and incentives that may include modifications to architectural standards required under the City’ zoning such as reduced setbacks, reduced parking, and other incentives. Under state law the project is receiving a density bonus that increases the maximum number of units allowed on the site from 9 to 11. The applicant is entitled to and utilizing one incentive to modify the rear yard setback from a minimum of 25 feet required under the R-3 zoning to 22 feet.”*

To encourage affordable housing and remove impediments to construction, the state has enacted laws that provide density bonuses and other concession to developers providing affordable units. The Government Code states:

A city, county, or city and county **shall** grant one density bonus, when an applicant for a housing development seeks and agrees to construct a housing development that will contain at least any one of the following:

- (A) Ten percent of the total units of a housing development for lower income households
- (B) Five percent of the total units of a housing development for very low income households.
- (C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons.

The applicant is providing (B) five percent of the total units (1 unit) of the development to very low income households and therefore is entitled to a density bonus calculated as follows:

- Maximum number of units permitted on the site under City’s General Plan = 9
- 20% Density bonus x 9 units = 1.8 units (rounded up to 2 units as required under state law)
- Total number of units permitted with state density bonus = 11

It should be noted that the proposed affordable unit could not otherwise be required or mandated by the City pursuant to the Palmer Case and Section 18.05.060 (Rental Development Affordable Housing Standards) of the Municipal Code that precludes local governments from requiring a developer to set affordable rent levels for private rental housing unless the developer has agreed to such rental restrictions in exchange for financial assistance or other consideration from the local government.

In addition to the density bonus, under the Government Code, the project is also entitled to certain “incentives: as follows:

An applicant for a density bonus may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section. The applicant **shall** receive the following number of incentives or concessions:

- (A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces.

The applicant has requested one incentive for providing at least five percent affordable housing units for very low income households (A). The incentive requested is a reduction in the rear yard setback from a minimum of 25 feet to a minimum of 22 feet.

The Government Code, states that the city, county, or city and county **shall** grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, that:

- The incentive does not result in rents for the targeted units to be set as specified in the subdivision.
- The concession or incentive would have a specific, adverse impact, defined in the Government Code Section 65589.5(2)(d) as a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.
- The concession or incentive would be contrary to state or federal law.

Staff believes these findings cannot be made, therefore an incentive for the B Street project shall be granted by the City as requested, in compliance with state law.

A condition of approval for this project is that one one-bedroom unit shall remain affordable to very-low income households in perpetuity and the property owner will adhere to all City affordable housing requirements, including Tenant Selection Guidelines and ongoing reporting and inspection obligations to the City.

Discussion and Conclusion

In the case of a design review application, the City has considerable discretion to gauge and determine the appropriate architectural and mass and scale compatibility of a given project. Mere compliance with General Plan and zoning policies does typically not provide enough assurance of community compatibility. Therefore, in addition to compliance with zoning standards the City also requires “Design Review” of all new construction projects other than

single-family detached houses. In this case, the staff administrative approval process was made on a determination that the project complied with the zoning and state mandated incentives and felt the architectural character of the project was thoughtful and compatible with the surroundings. While a substantial change from the existing condition of two small single-family houses on the site, the project helps to achieve the General Plan and zoning vision for the district. Unlike the Core Area, the City does not have Design Guidelines to suggest what an appropriate architectural fit is; therefore, the design review is considered on a case-by-case basis. In this case staff believed that due to the varied roof line, high quality materials, and building articulation and modulation, that the project was a fit. Neighbors cited concerns about density and zoning compatibility in their appeal. The Planning Commission was split 4-3 on the project with those opposed to the project largely citing “fit” with the single-family neighborhood adjacent. Those commissioners supporting the project believed there is consistency with zoning and an architectural fit and that the project helps achieve community goals, polices for infill and affordable housing.

The Planning Commission cited no inconsistencies with the General Plan or zoning standards on this proposal, and no specific recommendations have been made by the Planning Commission or neighbors as to what design or scale changes would be acceptable. The City Council has the discretion to determine the fit of the project, taking the design review findings into account and may approve or deny the project. Alternatively, the City Council could request changes to the project to reduce the mass and scale of the project if it felt changes were necessary to support it. However, any substantive changes to the mass and scale will impact the project feasibility and objectives, efficiency, and affordability. While it is important to consider the proposal in light of the adjacent R-1 district, it is also important to consider the existing and future context of the R-3 district where the project exists.

Ultimately, staff believes the project is supportable and recommends that the City Council approve Appeal #3-17, reversing the action of the Planning Commission on Appeal #2-17 denying PA #16-43 Administrative Approval, Design Review #15-16, Minor Modification #1-17; thereby upholding the Administrative Approval of the project, based on the Findings and subject to the Conditions provided in Attachment 1.

Attachments

1. Findings and Conditions of Administrative Approval for PA #16-43: Design Review #5-16, Minor Modification #1-17
2. Appeal Application #3-17
3. June 14, 2017, Planning Commission Staff Report and Attachments
4. Photos of Project Site and Surrounding Structures

Findings and Conditions
PA #16-43, Design Review #15-16, Minor Modification #1-17
B Street Residences

Findings

1. **General Plan and Zoning Consistency.** The proposed project is consistent with the objectives of the general plan, complies with applicable Residential Garden Apartment (R-3) regulations of the zoning code; and any adopted design guidelines for the district within which the project is located.
2. **Density.** Consistent with Government Code Section Government Code Section 65915-65918 the City shall grant a “density bonus” for a project that provides at least 5 percent of the total units in a housing development to very-low income households and “incentive(s)” to encourage affordable housing developments. The project provides 5 percent (.55 units rounded up to one unit) very-low income housing unit and has received a density bonus that increases the number of residential units allowed on the site from nine to eleven. Based on the number of affordable units provided, the project is eligible for one incentive which has been provided in a reduction of the site development standards for the rear yard setback.
3. **Minor Modification.** The increase in the height of the building by a maximum of ten percent from 38 feet to 41 feet will not adversely affect the health, safety or general welfare of persons residing or working on the project site or in the vicinity.
4. **Timeliness.** The property owner can commence substantial construction within eighteen (18) months from the date of this final planned development approval and intends to complete the construction within a reasonable time frame.
5. **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, and is compatible with the existing properties and anticipated future developments within the vicinity in terms of such elements as height, mass, scale and proportion, in that the proposed structure is permitted under the R-3 zoning.
6. **Appropriateness.** The residential development contributes to the mix of housing types within the district and is appropriate in area, location, and overall planning for the purpose intended.
7. **Circulation.** The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation, in that the project does not create excessive traffic which will degrade existing levels of service upon the local streets, does not create additional hazards to bicyclists or pedestrians using the sidewalks, and provides adequate parking and access for vehicles and bicycles.
8. **Climate Change and Sustainability.** The project, as conditioned, complies with the city’s Green Building Ordinance. The project building and site features are consistent with General

Plan and city policies to ensure long term sustainability of the project and water and conservation.

9. Environmental Determination

The proposed project is categorically exempt from further environmental review as an Infill Development Project allowed pursuant to CEQA section 15332.

Conditions of Approval

General

- 1. Approval.** This approval is for the construction of an approximately 15,749 square feet, three-story, eleven-unit multi-family development located at 820 B and 822 B Street. The project consists of six one-bedroom residential units with 1.5 bathrooms and five two-bedroom residential units with 2 bathrooms, an elevator, common open space, and parking areas. The project will provide one very low income unit.
- 2. Minor Modification.** The approval for the Minor Modification allows for an increase in the height of the building by a maximum of 10 percent to 41 feet.
- 3. Rear Yard Setback.** The rear yard setback for the building is a minimum of 22 feet. The modification to the R-3 zoning development standard of 25 feet is granted as an incentive, pursuant to Pursuant to Government Code Section Government Code Section 65915-6591.
- 4. Changes to Plan.** The area shown as Keynote “8” on the site plan shall be changed from paving to landscaping. This change shall also be incorporated into the landscape plan.
- 5. Lot Line Adjustment/Merger.** Prior to construction on the site, a lot line/merger application shall be submitted for review and approval by the Community Development and Sustainability Director. The application shall include a title report less than six months old.
- 6. Dedication.** The developer shall dedicate the one-foot wide portion of sidewalk along B Street currently located on applicant’s private property to the City as permanent right of way as part of the Lot Line Adjustment/Merger.
- 7. Approval period.** The approval period for Design Review #15-16 shall become null and void after a period of 18 months if the project is not in substantial construction in good faith reliance on the approval has 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. Requests for time extension must be accompanied by a formal application, all required exhibits and plans, and related application fees.
- 8. Building Permits.** The applicant shall obtain the necessary building permits for all structures from the Building Division of the Community Development and Sustainability prior to commencement of any construction.
- 9. Plan Check Fees.** A plan check fee shall be required by the Community Development and Sustainability when an application for a building permit is submitted.

- 10. Development Impact Fees.** Applicant shall pay the appropriate fees established in the Major Projects Financing Plan pursuant to the General Plan. Final fee categories shall be as adopted by the City Council in the Major Project Financing Plan and shall be paid at the time of certificate of occupancy or as otherwise required by law.
- 11. Park In-Lieu Fees.** The project is subject to park in lieu fees consistent with Municipal Code Section 36.08. At the time of building permit, the Applicant shall pay the parkland in-lieu fee. Fee shall be at the rate in effect at the time of payment as established and amended in Section 36.08.040(d) of the City of Davis Municipal Code.
- 12. 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.
- 13. Conditions, Covenants, and Restrictions.** Applicant shall provide CC&Rs, if any, for the project site, subject to the review and approval of the City Attorney and the Public Works and/or Community Development Departments prior to the certificate of occupancy.
- 14. Conformance to Plans.** The project shall be constructed in a manner that is substantially in conformance to the plans and material board submitted to the Community Development and Sustainability and dated February 2, 2017. Any changes to the size, colors, construction materials, design, and location of the structures or project facilities on the site shall not be made without prior City approval. Prior to issuance of Certificate of Occupancy, all design review conditions of approval and required improvements shall be completed to the satisfaction of the City.
- 15. Conditions of Approval.** The applicant shall provide and attach a full copy of the approved Design Review letter to the building permit application submittal.
- 16. 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.
- 17. 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 & Sustainability 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.

- 18. 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.
- 19. Conflicts.** When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail.
- 20. 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.
- 21. Design Review Plan Set.** Prior to the issuance of building permits, the applicant shall submit three copies of a revised design review plan set, clearly titled and with all conditions of approval incorporated or clearly listed on the plan, as appropriate. The plan set shall not be accepted as the approved design review plan set until the Community Development Director has signed and dated the plan set. The project shall be developed in substantial conformance to the plan set signed and dated. The final plans shall include the following:
- a. Final architectural information and details including siding materials, roofing specifications, and trash enclosure details.
 - b. Final design and details of all fences and walls.
 - c. Final planting and irrigation plan.
 - d. Final lighting plan for all exterior lighting, including fixture designs and a photometric plan. Light spill and glare shall be minimized. Parking lot pole lights are prohibited unless otherwise required by city ordinance.
 - e. Location of all mechanical equipment including backflow preventers, booster pumps, water meters, utility meters, air conditioner condenser units, photovoltaic equipment, and trash facilities.

Building Exterior

- 22. Building Materials.** The building materials shall be consistent with plans on February 2, 2017. Exterior colors shall be submitted to the Community Development and Sustainability for review and approval prior to installation.
- 23. Approved Building Design.** No substantive deviations from the approved building design may be permitted without another Design Review approval. Minor changes, as determined by the Community Development and Sustainability Director may be approved through the minor improvement application process.

- 24. Design Review Letter.** The applicant shall attach a full copy of the approved project letter to the Building Application Submittal.
- 25. Minor Changes.** Minor changes in materials and color selection may be made through the Community Development and Sustainability’s Minor Improvement process. Details shall be provided on the working plans to the satisfaction of the Community Development and Sustainability Director prior to issuance of building permits.
- 26. Visitability / Accessibility.** The applicant/developer shall provide all visitability / accessibility features consistent with the City’s Universal Access Ordinance, Section 18.10 of the Zoning Code.
- 27. Signage.** All signage shall comply with the requirements of Zoning Ordinance Section 40.26.020 and may be processed as an administrative Design Review application. Signage consistent with an approved sign program or design guidelines may be processed as a Minor Improvement.

Parking

- 28. Required Parking.** The on-site vehicular parking requirement for the project is 15 spaces based on the number of bedrooms per unit. A total of 13 spaces shall be provided, based upon a reduction in parking pursuant to Municipal Code Section 40.25A.080, which states, “...the director of community development or her/his designee reserves the right to implement certain incentives to help assist the implementation of increased bicycle amenities, such as, locker rooms, showers, or indoor secure bicycle parking. Potential incentives may include offsetting the required number of vehicle parking spaces (two spaces maximum or five percent of required vehicle parking), or other design requirements to accommodate space for secure bicycle parking, and other bicycle commuter amenities.” Under this provision, the project parking has been offset by two spaces for the developer providing increased bicycle amenities as described herein per conditions of approval for “Required Bicycle Parking.” A minimum of one on-site vehicle parking space shall be allocated to each unit.
- 29. Accessible Parking.** Accessible parking spaces shall be provided in compliance with the requirements of the State. Parking areas, driveways and parking stall shall meet the minimum requirements established in Section 40.25 of the Zoning Code.
- 30. Accessible Space Signage.** Prior to issuance of building permits, the develop shall submit for review and approval to the community Development and Sustainability Department, details of all accessible parking signage location and wording. Required assessable signage takes precedence over all other signage.
- 31. Parking Lot Shading.** The project shall comply with the city’s the Parking Lot Shading Guidelines. A parking lot shading plan and related shade calculations shall be submitted to the Community Development and Sustainability Department demonstrating compliance

32. Bicycle Parking. Based on one bicycle parking space for each bedroom in the development, a total of 16 bicycle parking spaces is required for the project, including 12 long-term covered secured spaces and 4 short-term parking spaces. Pursuant to Municipal Code Section 40.25A.080, the developer is providing increased bicycle parking amenities to offset the on-site vehicle parking requirement by two spaces. Therefore, the project shall provide a total of 41 bicycle parking spaces including 33 long-term secure covered spaces (3 spaces each in 11 bicycle/storage lockers), and 8 short-term parking spaces. Details for long-term parking security and location of both short-term and long-term spaces shall be shown on the plans and shall be submitted for review by the Public Works Department prior to the approval of plans and specifications for the improvements. Model and locking mechanism for all racks shall be subject to review and approval of the city's Bicycle /Pedestrian Coordinator.

33. Electric Vehicle Recharge. All covered parking space shall be pre-wired for EV recharge stations.

34. Green Building Ordinance. The applicant shall comply with the City's Green Building Ordinance for the project.

Landscaping

35. 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 2, 2014. 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:

- 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.
- h. Two deep watering tubes per tree planted in an isolated parking lot planter island.

- 36. Irrigation Systems.** All plant materials, including ground cover shall be serviced with an automatic irrigation system. All irrigation systems shall be subject to review and approval by the Community Development and Sustainability Department, Parks and General Services, and the Public Works Department prior to issuance of permits.
- 37. Landscape Water Conservation.** The project shall comply with the Landscape and Water Conservation requirements (Section 40.26.190 of the Davis Municipal Code) and the State's Model Water Efficiency Landscape Ordinance (MWELo). 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. Mass hydroseeding shall be prohibited.
- 38. 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.
- 39. Shrubs.** No plants with thorns or barbs shall be installed near walking paths or within 5 feet of the public right of way. Shrubs shall be a minimum of 5 gallons in size. Ground cover may be 1 gallon or less in size. Ground cover areas shall be supplemented with additional 5-gallon size materials to provide variation and texture.
- 40. Accent Material.** Bark or other surface material may be utilized in planter areas as a mulch or accent material, but used alone are not sufficient to qualify as landscaping material. Large areas that utilize only bark, decomposed granite, or other surface/mulch material are not acceptable and shall include shrubs, trees and groundcover to provide variation, texture and shade.
- 41. Final Design.** The final design of any perimeter walls, landscaping and sidewalks shall be included in the required landscape plans and shall be subject to review and approval by the Community Development & Sustainability Director and City Engineer and shall be coordinated for consistency with any greenstreet planting that may be required.
- 42. Landscape Maintenance Statement.** The following statement shall be included on the final landscape plan set: "All 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 shall be replaced within 30 days. Significant trimming or pruning will not be permitted without prior City approval. Trees shall be planted and continuously maintained throughout the surface parking lot to insure that within 15 years after establishment of the parking lot; at least fifty percent (50%) of the parking area will be shaded at noon on August 21st."
- 43. Inspection Required.** Required landscaping for the property shall be inspected prior to issuance of Certificate of Occupancy. Developer shall provide notice to the Planning and Building Department a minimum of 48 hours prior to the requested inspection; not including

weekends or holidays. The developer shall be responsible for having the approved set of landscape plans on site at the time of the inspection.

Fencing

44. Fencing. Concurrently with application for the first building permit, developer shall submit a plan showing the location and design, material and construction details for all fences proposed in the project subject to review and approval of the Community Development and Sustainability Department and Public Works Department.

Trees

45. Preconstruction Survey and Tree Report. Prior to issuance of grading, disking 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.

46. Tree Modification Plan. A Tree Modification Permit shall be required for the tree removal proposed for the project. Mitigation of the removals to be determined after submission of the Arborist report.

47. Tree Protection Plan. A Tree Protection plan shall be required for the remaining trees along the north and western property lines. The tree protection plan should be included in the construction plan set. 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.

48. 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.

49. Tree Maintenance. All trees planted or preserved common area trees within the development 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.

Lighting

50. Street Lighting. Final street lighting design, including location and number of fixtures, are subject to the review and approval of the City Engineer.

51. Exterior Lighting. All exterior lighting shall be directed so as to not adversely impact traffic or adjacent sites. Light standards should generally 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 and Sustainability Department prior to the issuance of permits.

- 52. Wall mounted lighting.** All wall mounted building lighting shall be carefully located and shielded in order to mitigate nuisance light and glare. Details of the lighting shall be reviewed and approved prior to issuance of building permits.

Police

- 53. 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.

Fire Prevention Requirements

- 54. Fire Department Requirements.** Prior to the issuance of permits, the owner/developer shall obtain approval from the fire department that: a) All necessary public services, including water service and fire hydrants, meet fire department standards; and b) Vehicle access is sufficient to accommodate fire department equipment add fire sprinklers are provided in any building over 5,000 square feet. Based on a future submittal of complete architectural and civil plans there may be additional requirements.

- 55. Backflow Prevention Equipment.** Backflow prevention devices may be required for this building. Prior to issuance of building permits for any structure within the site, plumbing plans shall be submitted subject to the review and approval of the City Engineer.

- 56. Roof Appurtenances.** All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development and Sustainability Director prior to the issuance of building permits.

- 57. Equipment Screening.** All ground mounted utility appurtenances such as transformers, AC condensers, backflow devices, etc., shall be located out of public view and adequately screened in such a manner as to minimize the visual and acoustical impact. Whenever possible, utility transformers shall be placed in underground vaults. All gas and electrical meters shall be concealed and/or painted to match the building.

Garbage and Green Waste

- 58. DWR Verification.** Prior to or concurrently with the submittal of the improvement plans, submit verification from Davis Waste Removal that they will be able to serve the project for garbage, recycling and green waste removal and that their vehicles will be able to accommodate waste removal from the proposed totter areas.

- 59. Enclosure.** Conditions of the *Manual of Stormwater Quality Control Standards for New Development and Redevelopment* related to the trash enclosure shall be included in the project design (e.g. a permanent roof shall be provided over trash enclosure).
- 60. Design.** Details of trash enclosure design shall be submitted for review and approval by the Community Development and Sustainability Department prior to the issuance of building permits. Trash enclosure and recycling areas shall be adequately screened from public view and shall be architecturally compatible with proposed building design by utilizing consistent materials and colors.
- 61. Masonry and Closing Mechanism.** All required trash enclosures areas shall be constructed of a minimum 6' high masonry wall and shall have a self-closing gate constructed of solid metal materials and attached to posts embedded in concrete.
- 62. Garbage and Green Waste Pickup.** Times and locations for garbage and green waste storage adjacent to streets may be limited through the use of signage or other means. Provisions for such limitations shall be submitted at the time of building permit and shall be subject to review and approval of the City Engineer. If signage is used to limit storage, Applicant shall pay for installation of signs.

Stormwater / BMPs

- 63. Stormwater Discharge.** The proposed development and project applicant shall comply with the City's Stormwater Management and Discharge Control Ordinance.
- 64. Stormwater Drainage.** Submit complete calculations demonstrating the adequacy of the increased storage to be accommodated by the adjacent stormwater detention basin as well as adequacy of the swale and other BMPs to meet treatment measure requirements. Such calculations shall be provided concurrent with the improvement plans. The "Attachment 4" design storm shall be used for storm water quality purposes. The 10% event shall be analyzed to determine the adequacy of conveyance of stormwater flows.
- 65. Stormwater Quality.** The project shall be demonstrated in design to comply with the development standards of Section E.12. Post Construction Stormwater Management Program of the Phase II Small MS4 General Permit (General Permit). The developer shall submit a stormwater quality plan prior to the issuance of the building permits subject to the review and approval of the Public Works Director that shall have all of the following elements:
- a. Calculations showing total site size and total impervious area proposed.
 - b. Drainage areas delineated into drainage management areas(DMAs) (Section E.12.e.(ii)(b).
 - c. Within each DMA provide the features and supporting calculations demonstrating:
 - i. Site design measures to remove as much runoff as possible based upon the 85th percentile 24 hour storm event (0.65") for Davis (Section E.12.e.(ii)(a) &(d)).
 - ii. The direction of flow for all runoff from all impervious surfaces into bioretention areas with stormwater treatment control measures to accommodate the volume of remaining runoff.
 - iii. Calculations showing total weighted imperviousness.

- iv. Calculations showing the adequacy of the design for onsite bioretention to accommodate the remaining runoff (Section E.12.e.(ii)(f).
 - v. Calculations showing the correct sizing for treatment control measures within bioretention areas for stormwater runoff (Section E.12.e.(ii)(c).
 - vi. Cross sections of all bioretention areas and treatment control measures showing proper design and substrata including infiltration rates for any proposed engineered soils.
 - vii. Proposed plant palettes for all bioretention and treatment control measures areas.
- d. Calculations showing that the proposed site conditions runoff does not exceed the pre-project conditions for the 2 year 24-hour storm event for Davis (2.26") (Section E.12.f.).

66. Stormwater Treatment Controls Maintenance. A stormwater maintenance agreement shall be provided subject to the review and approval of the Public Works Director prior to the issuance of the building permits. A copy of the fully executed and recorded SW maintenance agreement shall be provided to the Public Works Director prior to occupancy.

67. Stormwater Prevention Plan. This project may be subject to State requirements for a Storm Water Pollution Prevention Plan (SWPPP) and may need to file a Notice of Intent (NOI) with the State. The Applicant shall be responsible for contacting the Regional Water Quality Control Board to determine if additional requirements apply to this project.

68. 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.

Utilities

69. Utilities Maintenance. Utilities located within common access areas shall be privately owned and maintained. Provisions shall be made for easements for common access, drainage, utilities and provisions for maintenance and repair of any shared utilities, driveways, or walkways. These provisions shall be subject to the review and approval of the Public Works Director and/or the City Attorney prior to the recordation of the Lot Line Adjustment/Merger. Reservation of the easements for reciprocal access, drainage, utilities and maintenance for shared facilities for this subdivision shall be shown on the Lot Line Adjustment/Merger.

70. Underground Utilities. Developer shall attempt to locate onsite underground utility lines away from permeable pavement bases. However, if they need to penetrate the base, consideration should be given to waterproofing (depending on the utility) or possible encasement using low-strength flowable concrete fill.

71. Dry Utilities. Prior to approval of the improvement plans, Applicant shall submit locations of joint trench and other dry utilities. Details shall include but not be limited to the following: HVAC, gas meters, and electrical boxes for each unit and service points, conduit wire sizes, and poles numbers for street lights.

- 72. Sewer.** A sewer capacity study will be required at the time of construction documents for review and approval of the City Engineer. The site connection to existing 8-inch line sewer line within B Street may be required to be upsized depending on existing and proposed loads.
- 73. Connection Fees.** Water Connection and Sewer Connection fees shall be paid at the time of building permit, or as required by law.
- 74. Utility Improvement Plan Review.** All sizes, locations and grades of the utilities to serve this project are subject to the review and approval of the City Engineer. Applicant shall submit improvement plans for the public and private common improvements subject to review and approval of the City Engineer.

Grading and Drainage

- 75. Biological Survey Required.** Biological Survey. Prior to commencement of construction of public improvements on the site, a biological clearance survey application shall be submitted by the Applicant for review by the City. The study shall be consistent with City ordinances and shall address whether there are endangered and/or protected species on the site. The applicant shall implement all mitigation measures that are identified as required as a result of the survey. The survey shall be conducted not less than thirty days prior to any equipment staging, demolition, tree removal, or grading activity. A discing permit may be required.
- 76. Grading Plan.** Prior to the issuance of a grading, or any ground disturbance, or building permit or other improvement activities on the site, the Applicant shall submit a final grading plan for the project prepared by a registered Civil Engineer, concurrent with the improvement plans for review and approval of the City Engineer. All accessibility features and bicycle/pedestrian access routes are to be clearly delineated on the site.
- 77. Grading.** Prior to approval of grading plans for this subdivision, Developer shall satisfy the City Engineer that the proposed grading will not adversely affect adjacent properties. In addition, retaining walls shall be provided by the Applicant wherever the grade differential between adjacent lots is 0.5 feet or greater. Masonry retaining walls shall be provided when such grade differential is 1.0 feet or greater.
- 78. Drawings.** The Applicant's engineer shall prepare Record Drawings that accurately indicate the completed grades after completion of grading operations. Reproducible mylar copies of the Record Drawings shall be provided to the City.
- 79. Drainage Plan Required.** Drainage Plan Required. An on-site drainage plan to serve the subdivision shall be submitted for review and approval of the City of Davis Public Works Department prior to the issuance of permits. concurrent with the subdivision improvement plans. On-site drainage improvements shall be designed to collect and convey the 10% storm flows. Final calculations for the 10% and 1% storm events shall be provided.

Public Improvements

- 80. 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, outdoor restaurant seating, bike racks, water meters, backflow devices, signs and curb/gutter/sidewalk improvements.

81. Frontage Improvements. If the sidewalk in front of the parcels is not up to ADA requirements, it shall be replaced. All 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. For improvement plans, please reference appropriate City of Davis Standards for required Frontage Improvements (curb, gutter, sidewalk and driveway) and provide dimensions for improvements.

82. Pavement Design. At submittal of improvement plans, provide details of pavement treatment including type, thickness, and other design details subject to review and approval of the City Engineer. All street sections shall be designed based on the subgrade "R" value and the Traffic Index (TI). The TI for streets shall be as follows:

<u>Street Classification</u>	<u>TI</u>
Major Arterials	10.0
Minor Arterials	8.0
Collectors	7.5
Modified Locals	6.5
Local	5.5
Cul-de-sac	5.0
Private	5

Pavement design shall be consistent with the recommendations stated in the soils report.

83. Driveway. A medium driveway is required per City of Davis Standard Detail 301-4. Detail shall be provided with Building Permit submittal, subject to review and approval by the Public Works Department.

Private Improvements

84. Easements. Provisions shall be made for easements for common access, drainage, utility and provisions for maintenance and repair of any shared utilities, driveways, or walkways. These provisions shall be subject to the review and approval of the Public Works Director and/or the City Attorney prior to the recordation of the Lot Line Adjustment/Merger. Reservation of the easements for reciprocal access, drainage, utility and maintenance for shared facilities for this subdivision shall be shown on the Lot Line Adjustment/Merger.

Preconstruction

85. Demolition. Demolition application including submittal of a site management and diversion plans, and compliance with all applicable provisions of the Municipal Code pertaining to demolition, are required and shall be approved by the Community Development and Sustainability Department prior to the removal of any structure on the project site.

86. Construction Management Plan. Prior to issuance of any permit or inception of any construction activity on the site, the developer shall submit a construction impact management plan including a project development schedule and “good neighbor” information for review and approval by the Community Development and Sustainability and Public Works Departments. The plan shall include, but is not limited to: public notice requirements for periods of significant impacts (noise/vibration, etc.), special street posting, construction vehicle parking plan, phone listing for community concerns, names of persons who can be contacted to correct problems, 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.

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

88. 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.

Construction

89. Good Neighbor Relations. The applicant shall provide e-mail and telephone listing for community concerns, names of persons who can be contacted report concerns and correct problems report concerns. A copy of the contact information shall be provided to the Community Development and Sustainability Department.

90. Erosion Control Plan Required. Erosion Control Plan Required. An Erosion Control plan shall be prepared by a registered Civil Engineer, for review and approval by the City Engineer prior to commencement of construction of development improvements. This plan shall incorporate the following requirements:

- a. This plan will include erosion control measures to be applied during the rainy season (the months of October through April, inclusive). These measures may include limitations on earth moving activities in sensitive areas during this time period.
- b. This plan will include methods of revegetating denuded earth slopes. Revegetation will be accomplished by a method which reseeds and temporarily protects the ground so that 90% germination is achieved. Future building pads are not subject to this requirement, although measures will be required to contain sediments.
- c. The developer shall implement wind erosion and dust control measures to be applied on a year-round basis. This shall include an effective watering program to be implemented during earth moving activities. Erosion control measures may include limitations on earth moving activities in sensitive areas during the rainy season.
- d. All sediments generated by construction activities shall be contained by the use of sediment traps, such as silt fences, settling basins, perimeter ditches, etc.

- e. When building construction will be delayed beyond the next rainy season, the developer shall provide erosion control measures on each individual lot.

91. Air Quality During Construction. Air Quality During Construction. The following actions shall be taken during construction to minimize temporary air quality impacts (dust):

- a. An effective dust control program should be implemented whenever earth-moving 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.

92. Ozone Precursors during Construction. In order to minimize the release of ozone precursors associated with construction, the following standard requirements developed by the Yolo/Solano APCD shall be implemented:

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

93. 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 impacts before construction continues.

94. Noise Reduction Practices. The applicant shall employ noise-reducing construction practices. The following measures shall be incorporated into contract specifications to reduce the impact of construction noise.

- a. All equipment shall have sound-control devices no less effective than those provided on the original equipment. No equipment shall have an un-muffled exhaust.

- b. As directed by the City, the developer shall implement appropriate additional noise mitigation measures including, but not 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.

95. 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.

96. 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.

97. Trash Maintenance. The entire site shall be kept free of trash or debris at all times.

98. 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.

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.

Plans

100. Revised Plans. Prior to issuance of building permits, revised plans incorporating all conditions of approval for this project shall be coordinated and submitted to the Community Development and Sustainability Department as one package in accordance with plan check requirements. The revised plans shall show any lot modified, herein. All plans including site, grading, landscape, irrigation, mechanical and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, encroachment, building, etc.) Any changes to the size, elevation, design or location of any structure on site, or other site or landscape improvements shall not be made without prior City approval.

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

On-Going Conditions

102. 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. The applicant shall consult with Public Works for use of Best Management Practices to manage erosion control on the site.

- 103. Trash Maintenance.** The entire site shall be kept free of trash or debris at all times.
- 104. 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.
- 105. Construction Waste Recycling.** Prior to issuance of permits, the applicant shall submit to the City for review and approval a Construction Waste Recycling Program for the project including provisions for participation in the County Wood Waste Reduction program or equivalent. The recycling program should include the recycling and re-use of all construction materials and garbage generated by the construction workers, such as shipping boxes and packing materials, beverage containers, metal scraps, etc.
- 106. Property Maintenance.** Owners are responsible for maintaining all buildings, yards, structures, parking areas and other improvements in such a manner, which does not detract from the appearance of the surrounding area. Driveway and parking areas 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.
- 107. Landscape Maintenance.** The property owner shall be responsible for the installation and maintenance of all landscaping from the back of the curb to their project.
- 108. Affordability.** One one-bedroom unit in the project will remain affordable to very-low income households in perpetuity and will adhere to all city affordable housing requirements, including its Tenant Selection Guidelines and ongoing reporting and inspection obligations to the City.

COMMUNITY DEVELOPMENT AND SUSTAINABILITY DEPARTMENT

23 Russell Boulevard, Suite 2 – Davis, California 95616
 530/757-5610 – FAX: 530/757-5660 – TDD: 530/757-5666



RECEIVED
 JUN 28 2017
 City of Davis
 Community Development
 DATE RECEIVED

APPEAL APPLICATION

Type or print the following information:

Name of Appellant:	B9 Urban Infill, LLC
Mailing Address:	2940 Spafford St, Suite 202
City, State, Zip Code:	Davis, CA 95618
Daytime Phone:	530-848-5079

TYPE OF APPEAL: Please check the applicable type of action:

- Administrative
- Design Review
- Planning Comm.

Project being appealed: 820-822 B St. aka "B Street Apartments"

Action being appealed: Planning Commission Decision to overturn Administrative Approval

Date of action: 06/14/2017

Specific Reasons for Appeal (Attach additional pages if necessary)

- 1 Project complies with existing City Zoning requirements with one allowable Minor Modification for an increase in allowable height above the established 38'. Less than ~15% of the proposed building rises above 38' to a max height of 41' 6". This height allows for mechanical screening and 9' floor-to-ceiling in residences to attract empty-nesters as residents.
- 2 Due to central location, proximity to transit, and dedication of one permanently affordable Very-Low Income unit, the project utilizes State of CA Climate Change legislation for a small increase in density and ~3' increase in rear set-back.

Kenya K. King
 Signature

06/23/2017
 Date

Note: This appeal must be submitted within **ten (10)** days of the Final Determination of the Administrative Official or Advisory Body. If the action taken on the appeal is challenged in court, the challenge may be limited to raising only those issues raised at the public hearing or in written correspondence delivered to the Planning Commission or City Council at or prior to the public hearing.

<p>Date submitted: <u>6/23/2017</u></p> <p>Planner: <u>Tam C</u></p> <p>PA# <u>16-43</u></p> <p><u>Appeal #3-17</u></p>	<p>FOR OFFICE USE ONLY</p> <p>Fee total: <u>\$200</u></p> <p><input checked="" type="checkbox"/> Fixed Fee Project</p> <p><input type="checkbox"/> Deposit/Hourly Project</p> <p>Project No. to Charge <u>216032</u></p>
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Rev. 04-29-10

CITY OF DAVIS

STAFF REPORT

DATE: June 14, 2017

TO: Planning Commission

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

SUBJECT: **820 B Street and 822 B Street, Appeal of Administrative Approval for New Multi-Family Housing Development:** PA #17-30, Appeal #2-17 of PA #16-43: Design Review #15-16, Minor Modification #1-17

Recommendation

Staff recommends that the Planning Commission hold a public hearing and deny Planning Application PA #17-30, Appeal #2-17 (Attachment 1), appealing administrative approval of Planning Application #16-43, Design Review #15-16, Minor Modification #1-17 for new multi-family housing development located at 820 B and 822 B Street.

Section 40.39 020 of the Municipal Code (Administrative Approvals), states, “*The administrative approval process shall be applied when the community development and sustainability director is authorized to approve an application, such as for minor modifications, administrative use permits, or site plan and architectural approval. The community development and sustainability director shall determine, based on the merits of the proposal, whether an application shall be approved administratively or scheduled for a public hearing before the project planning commission.*” The project is in compliance with zoning and was processed and approved administratively in accordance with this section of the Code.

The Planning Commission focus is on the issues raised in the appeal. Denying the Appeal would uphold the project approval. Approving the Appeal would deny the project. An action of the Planning Commission may be appealed to the City Council.

Project Summary

The project proposal is redevelopment of two adjacent parcels located at 820 B Street and 822 B Street. The parcels are zoned Residential Garden Apartment (R-3-M), which permits multi-family housing. Each lot contains an existing single-family dwelling that will be demolished. The two lots will be merged into a single parcel for the development of a three-story multi-family building of approximately 15,749 square feet, containing 11 rental units consisting of six one-bedroom units and five two-bedroom units. The applicant is requesting a Minor Modification to increase the height of the building from a maximum of 38 feet permitted under the R-3 zoning to 41 feet. The project will provide 13 on-site vehicle parking spaces.

Under Government Code Section 65915-65918 (Attachment 5) the project is entitled to increased density and incentives for providing affordable housing. Under this provision, based on providing one very low income unit, the project receives a 20 percent density bonus that increases the maximum number of units allowed on the site from 9 to 11. The project is also

eligible for one incentive, which the applicant is utilizing to modify the rear yard setback from a minimum of 25 feet required under the R-3 zoning to 22 feet.

Staff notes that affordable units would not be required for this project given the Palmer Decision, as this project complies with zoning. Palmer (Section 18.05.060 of the Municipal Code, Rental Development Affordable Housing Standards(c)(5)(e)), precludes local governments from requiring a developer to set affordable rent levels for private rental housing unless the developer has agreed to such rental restrictions in exchange for financial assistance or other consideration from the local government.

Design Review Process

The Design Review application was processed in accordance with Section 40.39.020 of the Municipal Code, Administrative Approvals, which states, “*The administrative approval process shall be applied when the community development and sustainability director is authorized to approve an application, such as for minor modifications or site plan and architectural approval.*” Prior to taking action on an administrative approval the Community Development and Sustainability Department is required to provide notice of intent to approve through a mailing to property owners and residents within a five-hundred-foot radius of the subject site. The intent to approve letter was mailed on May 4, 2017. The Intent to Approve Letter, including Findings and Conditions of approval are provided in Attachment 2.

The administrative approval process includes a 10-day comment period, followed by a 10-day appeal period. Pursuant to Section 40.39.050 of the Municipal Code, any determination of the Community Development and Sustainability Director with respect to an administrative approval application may be appealed to the Planning Commission upon submittal to the Community Development and Sustainability Department of an appeal application, accompanied by the fee established within ten days after the determination of the community development and sustainability director, such determination is final. Prior to the end of the appeal period, an Appeal was filed by the appellant and signed by numerous residents in the vicinity. The specific reasons for the Appeal are addressed in the “Appeal” section of the staff report.

Project Data:

- Appellants:** Jennifer & John Wolfe, et al.
815 B Street
Davis, CA 95616
- Property Owner:** B9 Urban Infill, LLC
Kemble Pope & Neal Cordeiro
2940 Spafford Street, Suite 202
Davis, CA 95618
- Project Location:** 820 B and 822 B Street
- Zoning:** R-3-M, Residential Garden Apartment
- General Plan:** Residential-Medium High Density

Lot Sizes:

820 B Street	8,147 square feet (.19 acre)
822 B Street	5,742 square feet (.13 acre)

Adjacent Zoning and Land Use:

North:

820 B Street	R-3-M, single family residence
B822 B Street	R-3-M, multi-family housing

South:

R-3 M, Lutheran church

East: 820 B Street

R-3-M, Lutheran church parking lot

822 B Street

R-3-M, single-family residence

West:

R-1-8, Residential One-Family, single family residences



Existing Site 820 B Street



Existing Site 822 B Street



“B Street Residences” Proposed Multi-Family Project



B Street Residences

Environmental Determination

The proposed project is categorically exempt from further environmental review as an Infill Development Project allowed pursuant to CEQA section 15332.

Public Noticing

Public hearing notices for this meeting were sent to all property owners and residents within 500 feet of the project site and published in the Davis Enterprise. As of the date this report, staff has received three verbal and one written comment in response to the notice related to parking, and two written comments that are provided in Attachment 6.

Appeal

The appellant has filed an appeal of administrative design review approval for the construction of a new multi-family development at 820 B and 822 B Street. The reasons stated for the appeal are:

1. Parking Issues
2. Design
3. Too Many Units
4. Too Tall

The section below addresses specific reasons for the appeal and summarizes the appeal narrative followed by “Staff Response”.

Reasons for Appeal

1. Parking Issues. The appeal narrative states, “...that parking is not really considered. This seems like a glaring omission. Choosing to have the residents of the eleven different units park on a side street is going to present a problem. There is not adequate space for eleven or more vehicles”.

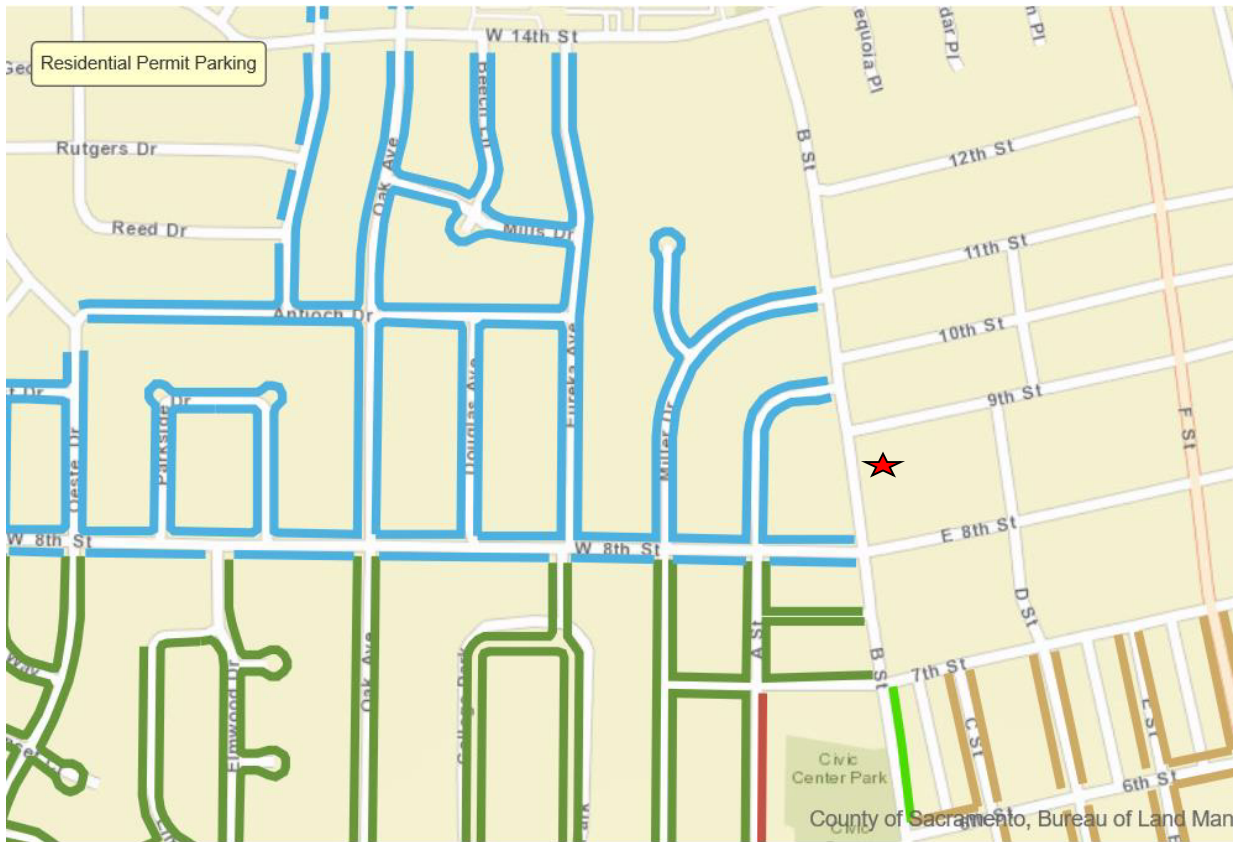
Staff Response

The project proposes a total of 16 bedrooms and 13 on-site parking spaces. The City has an adopted a Bicycle Ordinance that allows the Director of Community Development to implement certain incentives including offsetting the required number of vehicle parking spaces by a maximum of 2 spaces for projects going above and beyond the bicycle parking requirements and amenities as specified in the ordinance. Under this provision, the project parking has been offset by two parking spaces, from 15 to 13, for providing increased bicycle amenities including individual secure bicycle parking lockers within each covered parking space on the site. Multi-family zoning does not require a one-space-per-bedroom parking ratio, and assumes that not all renters will have a car and will utilize other forms of transportation such as biking, walking and riding the bus. It is possible that a potential renter may not own a car or may opt to live elsewhere if they have multiple vehicles that could not be parked on site. Each unit would have use of at least one parking space, leaving two spaces available that could be assigned for units with a second car.

Staff recognizes that due to the prohibited parking on B Street in the project vicinity, there are concerns regarding the potential parking impacts on adjacent neighborhood streets. The primary concern appears to be misinformation that staff has advocated that the project meet its parking requirement or secure extra parking for residents by obtaining parking permits on nearby streets that allow parking by permit only. This is incorrect for several reasons:

- The project must comply with the City’s zoning and meet its parking obligation by providing on-site parking spaces, and is doing so.
- Parking on public streets, including streets within or outside a parking district, may not be utilized to fulfill the parking requirement for any project.
- Residents of the B Street project would not be issued parking permits for nearby parking districts because these are provided to residents who live on those streets. Residents of the B Street project would be subject to the same restrictions as any other city resident or visitor wishing to park in these districts. This has been confirmed by the Police Department.

Staff cannot guarantee that a resident or guest would never park on a nearby street, but given the number of parking spaces that will be provided on the site, it is expected that impacts to these streets would be minimal or short-term.



Map of Residential Parking Districts Shown in Blue, Green, and Brown
 (red star indicates approximate location of B Street Project)

The applicant is sensitive to parking concerns in the project vicinity. Residents expressed concerns about impacts early in the process. With that in mind, the project was designed with small units of only one- or two-bedrooms to target low intensity users such as seniors, empty-nesters, and single professionals. This design actually *increased* the number of parking spaces required for the project. By comparison, if the project were a larger, student oriented development consisting of 4 four-bedroom units (16 bedrooms), the required parking would be 2 spaces for each three- or more- bedroom unit, or 8 spaces. Given the existing parking constraints in the area, the applicant believed that providing more parking for the same number of bedrooms, rather than maximizing the site and minimizing the parking, would be a better project for the neighborhood, with few impacts on existing street parking. The proposed parking is in compliance with the zoning

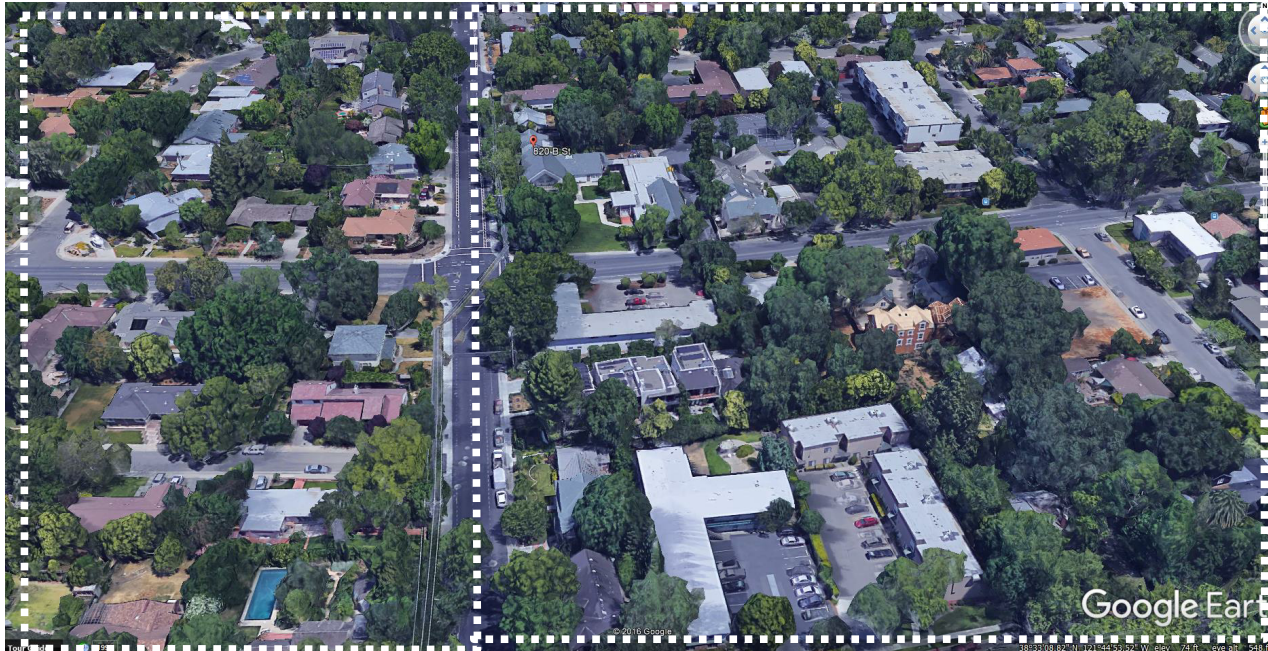
2. Design. The Appeal includes the following statements related to design:

a. *“The project that is proposed changes the property from having two small homes on it to now having 11 apartments. In short, the property is being changed from being a natural part of this residential neighborhood to a full-fledged multi-unit apartment building.”*

Staff Response

This area of B Street is a transitional zone with different zoning designations on each side of the street that allow different uses. The zoning differential occurs in the middle of the street. The R-

1-8 (Residential One-family) zoning on the west side of B Street allows only single-family use. The east side of B Street where the subject property is located is zoned R-3-M (Residential Garden Apartment), and allows single-family and multi-family uses. The single-family homes on the subject site are permitted under the zoning, as are apartments. The new development represents a change, however the existing single-family use on the site does not preclude the right of the property owner to change the use or to redevelop the site to the extent allowed under the zoning. The proposal for a multi-unit apartment building at this location is consistent with the principally permitted uses of the R-3-M zoning district.



R-1-8 Zoning

820 B and 822 B Street Project Vicinity

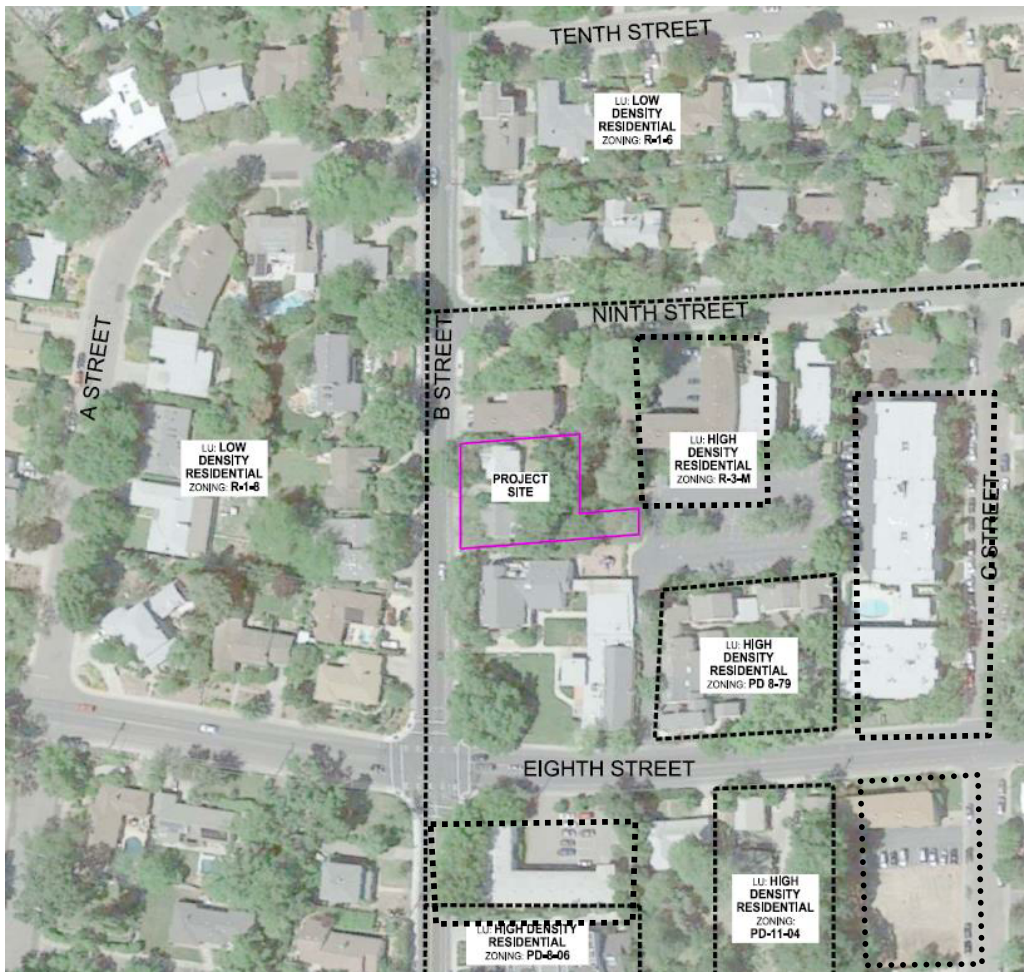
R-3-M Zoning

“The current design is not in harmony with existing structures and appears to be imposing, commercial and will have extreme differences in scale from the neighborhood homes.”

Staff Response

Staff believes that the building would be in harmony with the existing structures when considered in the context of all uses and buildings in the surrounding area. In this case, the project is located across the street from single-family residential uses but also adjacent to a church and in the vicinity of other multi-family residential buildings located in the R-3-M district. When the area is viewed as a whole, the case could be made that the existing single family dwellings on the subject site are out of scale with the R-3-M district in which the proposed project is located, given the area is nearly fully developed with multi-family residential buildings. Staff understands that this is not the neighbor’s issue, but rather they believe that the scale is imposing when compared to existing single-family residences in the neighborhood. The west side of B Streets limits dwellings to two-story to preserve and protect the character of this single-family zoning district. The east side of B Street is zoned differently and allows for three stories and multiple units, which means a larger structure is permitted. Staff recognizes it can be difficult to design a project in a transitional area such as this, where there are a variety of uses

and building types and sizes, however there is an established development pattern in the area. The area from B Street and F Street, between W. Eighth Street to 9th Street consists of single-family homes located across the street from more intense uses and larger multi-family buildings and institutional buildings. A multi-family building on the subject site would be consistent with this existing land development pattern of the area. The project is not located within an area that is subject to design guidelines therefore, the zoning development standards such as lot coverage, setbacks, height, and useable open space are the primary factors that guide the design in terms of size of building that can be accommodated on the site.



Development Pattern in Vicinity of B Street Project
(dashed lines indicate multi-family use)

The design review approval is based on a finding of compatibility with *existing properties and anticipated future developments* within the vicinity in terms of such elements as height, mass, scale and proportion. Staff believes that these finding can be made in the context of the project area, considering the existing uses and buildings in the vicinity and what zoning permits on the site. This area is zoned for multi-family use. Given the City’s infill policies and need for housing, it is anticipated that other parcels in this R-3-M district located on B Street which currently contain

single-family homes, would likely be redeveloped in the future to multi-family use, in manner similar to the proposed building

Applicant Outreach. The applicant states that neighborhood outreach efforts began shortly after the property was purchased in spring of 2015 to inform neighbors of the proposed development and to solicit their comments early in the process. Initial efforts included mailings and one-on-one meetings with neighbors. Beginning in September 2015, a number of larger neighborhood meetings were hosted by the application with 5-21 persons attending. The purpose of the meetings was to facilitate discussion on potential issues such as size, parking, number of units, affordable housing, and privacy impacts. In August 2016, the applicant mailed over 250 postcards to property owners and renters inviting them to a meeting to preview the design and project details. Eight persons attended. The applicant submitted the design review application in December 2016.

The applicant has summarized the comments heard, and the modifications made to the project in response.

Neighbor Concern/Comment

Mini-Dorm / Overcrowding in Units -

Modifications to Project Design

- Deletion of 3+ Bedroom Units
- “Co-signers” on lease applications/income verification; residents must qualify on their own without support from others
- Target Residents: empty nesters, professionals

Amenities to Attract Target Residents

- Floorplans updated to meet target resident desires: walk-in closets, linen closets, powder rooms for guests, maximum of one “en-suite” bathroom per unit, large and private outdoor patios
- ALL units are ADA compliant and designed for “aging in place”
- Improved common outdoor amenities: including raised garden beds and social gathering space tucked away from adjacent residents in rear, NE corner of parcel
- On-site storage units for bicycles and other items to attract existing Davis residents who would like to downsize.
- Secured front entrances and gated parking area

Affordable Housing

- Affordable Housing included on-site, instead of in-lieu fee payment

Compliance with Zoning/Code

- Project meets all existing zoning/code requirements with State of CA Smart Growth and Climate Action legislation.

Privacy

- Upper floor unit balconies recessed into building envelope and placed on West and East sides of building.

Building & Site Aesthetics

- Mid-century modern design to better “fit” with the diversity of architectural styles in the surrounding neighborhood, from Davis Lutheran Church to surrounding apartment buildings and the various single-family home architectural styles
- Sloped roofs for a more “traditional” look and feel.
- Relocation of Trash Enclosure from front setback on B Street to hidden within building envelope (in parking garage).
- Additional trees, large native grasses along B St.

In response to the most recent comments received, the applicant has made the following additional modifications to the project:

- Use of more exterior wood paneling components
- Changed exterior color palette green accent color to a warmer, more subdued gray-green.
- Roof tile has been changed to a warmer gray
- Increased stone façade around front of building for a less “commercial” look and feel.
- Added wood trellis accents at windows on front elevation

Staff believes that the applicant made a demonstrated effort to solicit comments for this project in the early stage and to address them during the process. The interim guidelines encourage uniqueness and diversity of design rather than homogeneity. Staff believes that this project is consistent with the guidelines in that the building has a modern appearance but also incorporates traditional architectural elements and materials found in the neighborhood. The design is a blend of commercial and residential styles, appropriate for the site and compatible with existing structures in the vicinity. The Planning Commission has the discretion to agree or disagree with staff that the findings for design review approval for this project can be made.

b. “In-fill guidelines state avoid constructing a new larger building to an existing adjacent smaller building without mitigating the impacts of scale/form differences, privacy and light and air.”

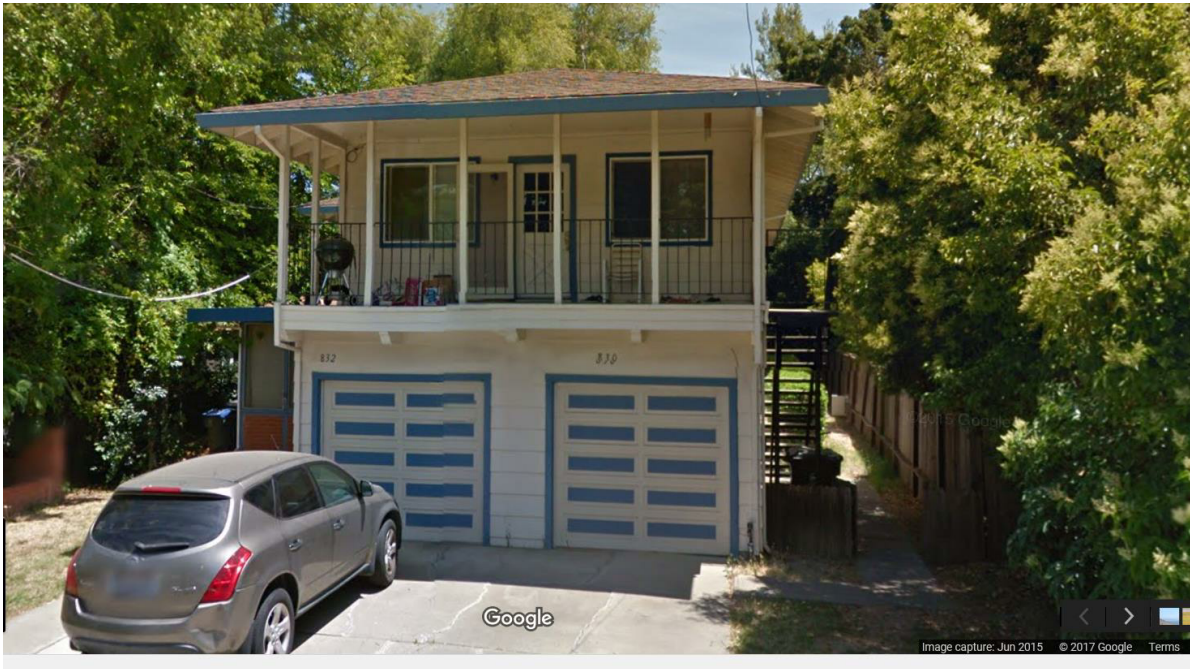
Staff Response

The project is located adjacent to the Lutheran Church to the south and a multi-family triplex to the north. While the triplex is a smaller building than the proposed building, the infill guidelines do not prohibit a new larger building, and intentionally allow flexibly to recognize the unique circumstances of every site. The purpose of the guideline stated is to help staff determine the impacts, if any, on the adjacent structures. In terms of privacy impacts, there would be no impacts to the church. The north side of the new building would include one balcony on the

second floor and one balcony on the third floor facing the triplex' narrow side yard where that building's exterior stairs are located. The private outdoor space for the upper unit of the triplex is provided on a balcony facing B Street, not the new building. Privacy in these areas would not be affected. Third floor windows located on the north side of the new building would face the rear yard of the triplex. These would be high bathroom windows and bedroom windows that the occupants of the unit would likely cover with shades or blinds to ensure their own privacy. Staff has identified no air or shading impacts that would result to the existing structure due to the size or adjacency of the new building, and has determined that the relationship between the proposed and existing building is not incompatible. While not a basis on which to approve or deny the appeal, staff notes that neither the property owner or residents of the adjacent triplex located at 830 B Street signed the appeal application.



B Street Project Site and Adjacent Buildings



Triplex Located North of B Street Project Site

3. **Too Many Units.** The appeal states, “*The project would normally have a limit of a certain number of units but because the project has one affordable unit for lower income renters, it is allowed to have more units and to exceed both the normal setback and the usual height requirements. We believe this is disingenuous.*”

Staff Response

As stated in the intent to approve letter, “*The applicant is providing one affordable unit for the project, which under Government Code Section 65915-65918 entitles the project to increased density and incentives that may include modifications to architectural standards required under the City’ zoning such as reduced setbacks, reduced parking, and other incentives. Under state law the project is receiving a density bonus that increases the maximum number of units allowed on the site from 9 to 11. The applicant is entitled to and utilizing one incentive to modify the rear yard setback from a minimum of 25 feet required under the R-3 zoning to 22 feet.*”

To encourage affordable housing and remove impediments to construction, the state has enacted laws that provide density bonuses and other concession to developers providing affordable units. The Government code states:

A city, county, or city and county **shall** grant one density bonus, when an applicant for a housing development seeks and agrees to construct a housing development, that will contain at least any one of the following:

- (A) Ten percent of the total units of a housing development for lower income households
- (B) Five percent of the total units of a housing development for very low income households.
- (C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons.

The applicant is providing (B) five percent of the total units (1 unit) of the development to very low income households and therefore is entitled to a density bonus calculated as follows:

- Maximum number of units permitted on the site under City’s General Plan = 9
- 20% Density bonus x 9 units = 1.8 units (rounded up to 2 units as required under state law)
- Total number of units permitted with state density bonus = 11

In addition to the density bonus, under this code, the project is also entitled to certain “incentives: as follows:

An applicant for a density bonus may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section. The city, county, or city and county **shall** grant the concession or incentive requested by the applicant. The applicant shall receive the following number of incentives or concessions:

- (A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.
- (B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at

least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces.

The applicant has requested one incentive (A) for providing at least five percent affordable housing units for very low income households. The incentive requested is a reduction in the rear yard setback from a minimum of 25 feet to a minimum of 22 feet.

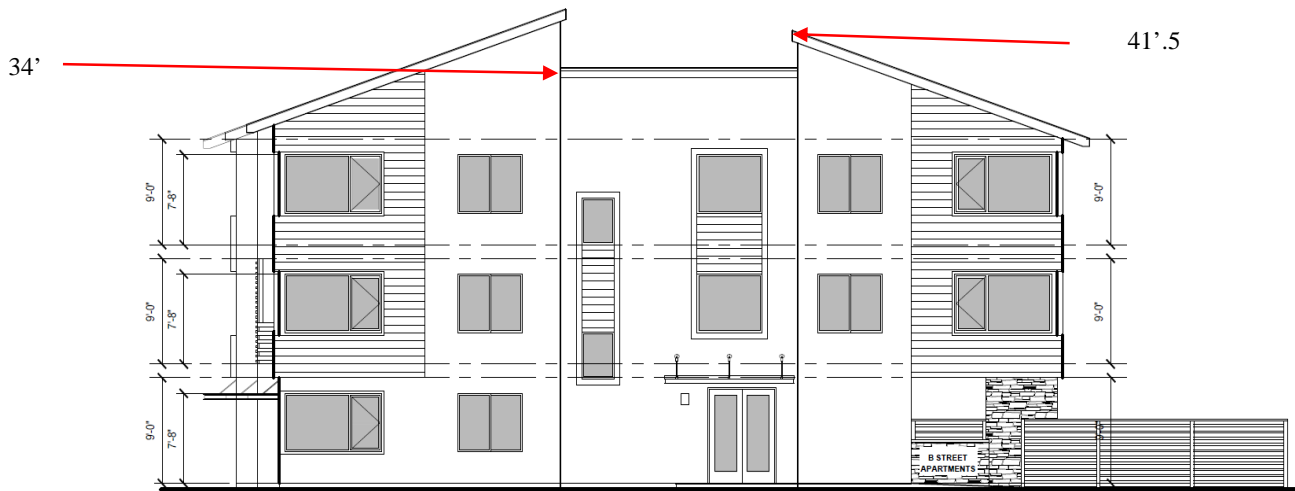
Because this is the first proposal to come to the City under the new law, staff thoroughly and fully vetted the language, the allowed density bonus, the accuracy of the density bonus calculation, and the granting of the incentives with the City Attorney. Staff proceeded with processing the application for an 11-unit project with an incentive in accordance with direction received. The City does not have discretion to deny the density bonus even if it exceeds what is permitted under our General Plan, or to deny the incentive requested.

A condition of approval for this project is that one one-bedroom unit shall remain affordable to very-low income households in perpetuity and the property owner will adhere to all City affordable housing requirements, including Tenant Selection Guidelines and ongoing reporting and inspection obligations to the City.

4. Too Tall.

Staff Response

The maximum height of a building in the R-3-M zoning is three stories or 38 feet. Section 40.27.080 of the Municipal Code permits for a "Minor Modification" for up to a 10% increase or decrease in development standards including building setbacks, lot coverage, structure size, structure height, usable open space, parking and parking space. The applicant has requested a modification to allow an increase in the height of the building from 38 feet to approximately 41 feet, 5 inches by incorporating a peaked roof as shown on the following page.

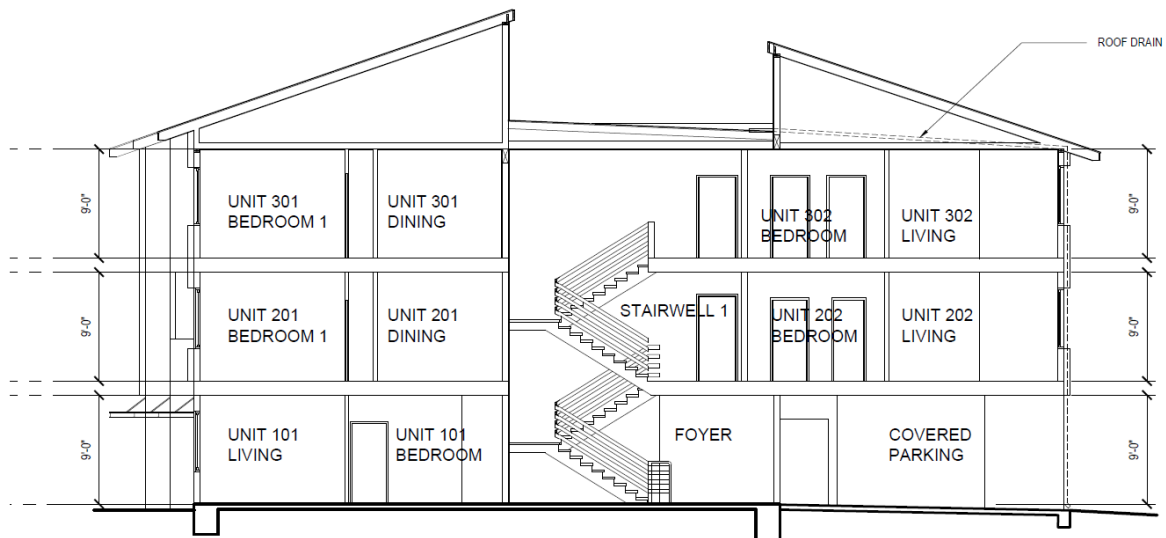


WEST (FRONT ON B STREET)

As shown above, the maximum height of the building façade would be 34 feet. The highest peak of the roof would be 41 feet, 5 inches. The peak roof would add visual interest to the building and allow for higher vaulted ceilings in the upper units. Should the Commission choose to not uphold approval of the Minor Modification, a redesign to reduce the height of the building would likely increase the height of the façade by 4 feet, from 34 feet to 38 feet, the maximum height allowed under the zoning; eliminate the peak; and integrate a flat roof. Staff believes that a lower profile façade along B Street would be preferable to a taller building, and that the peaked roof as proposed would add articulation and improve the overall appearance of the building.



NORTH (SIDE)



Cross Section of Building and Roof

Conclusion

Staff has addressed the items raised in the Appeal and recommends that the Planning Commission deny Planning Application PA #17-30, Appeal #2-17; thereby upholding administrative approval of Planning Application #16-43, Design Review #15-16, Minor Modification #1-17 for a new multi-family housing development located at 820 B and 822 B Street.

Attachments

1. Appeal Application #2-17
2. Letter of Intent to Approve with Findings and Conditions
3. Site Plan and Building Elevations
4. R-3-M Zoning
5. Government Code Section 65915-65918
6. Correspondence



RECEIVED

MAY 23 2017
City of Davis
Community Development
DATE RECEIVED

APPEAL APPLICATION

Type or print the following information:

Name of Appellant:	Jennifer + John Wolfe (et al) <i>*see back of this application.</i>
Mailing Address:	815 B St. John.Wolfe@pacbell.net
City, State, Zip Code:	Davis, CA 95616
Daytime Phone:	530-400-1510 (John) 530-400-6380 (Jennifer)

TYPE OF APPEAL: Please check the applicable type of action:

- Administrative
- Design Review
- Planning Comm.

Project being appealed: B20 B St. + 822 B St. PA #15-24

Action being appealed: approval of project

Date of action: May 24, 2017

Specific Reasons for Appeal (Attach additional pages if necessary) **see attached letter*

1. parking issues
2. design
3. too many units
4. too tall

Signature: Jennifer Wolfe Date: 5.23.17

Note: This appeal must be submitted within ten (10) days of the Final Determination of the Administrative Official or Advisory Body. If the action taken on the appeal is challenged in court, the challenge may be limited to raising only those issues raised at the public hearing or in written correspondence delivered to the Planning Commission or City Council at or prior to the public hearing.

FOR OFFICE USE ONLY

Date submitted: 5/23/2017
Planner: TC
PA# 17-30 Appeal # 06-17

Fee total: \$200
 Fixed Fee Project
 Deposit/Hourly Project
Project No. to Charge 216043

Rev. 04-29-10

ET AL

RECEIVED

MAY 23 2017

City of Davis
Community Development

Haley Dequine 301 9th St.

Jon Dequine 301 9th St

Tyler Otto 309 9th St

Julie Otto 309 9th St

ADAM BRIDGE 869 A ST

Richard ~~Chadwick~~ CHADWICK 1000 "B" St. R. Chadwick

Nancy Chadwick 1000 B ST Nancy Chadwick

SUSAN F HODELL 835 B St Susan Hodell

GREGORY J ARZ 835 B St Gregory Arz

Donna Skeen 840 A St D. Skeen

Jim Skeen 840 A St J. W. Skeen

Andrea Burgoy 814 VA St. Andrea Burgoy

Edelgard Brunelle 217 E. 8th St Edelgard Brunelle

Jessanne Range 805 B St DORANNE RANGE

Wendell Range 803 B St WENDELL RANGE

Marina Oshana 309 10th St. Marina Oshana
Robert H. Bondurant

David Copp 309 10th St David Copp

Richard T. Curley 316 10th St Richard T. Curley

Julie Langston 410 10th St Julie Langston

Jackie Radin 402 10th St Jackie Radin

John Foraker 854 A St John Foraker

854 A ST

840 B St. Beth Foraker

854 A Street Beth Foraker

821 B St.

409 Ninth Street
616 B Street Kim DeYoung

616 B St.

616 B St. Kim DeYoung

Leon Tirapelle

Julia Hunter Blair

David DeYoung

Kim DeYoung

Mike Hughes
Dawn Castelle

207 E. 8th Street

RECEIVED

MAY 23 2017

May 14, 2017

City of Davis
Community Development

To Whom It May Concern,

We, the residents on and around B Street, have lived in our neighborhood for decades. We purchased our homes because we wanted to live in a neighborhood with families, wanted proximity to the downtown and campus and wanted to be close to schools, our church and shopping. Many residents are original owners; this neighborhood doesn't frequently turn over houses.

Since we live so close to the downtown, we follow city planning and have paid attention to the priority that in-fill has played in development for the City of Davis. We support that effort and understand its necessary provisions; however, what is happening on the two lots on B Street is in-fill on steroids.

As neighbors, we have watched the two vacant homes for years and wondered what was happening. Recently, we found out that an 11 unit apartment building that is three stories high and uses every inch of the lot is planned for the properties.

As concerned homeowners in the neighborhood, we will be directly affected by this development. It is for this reason that we ask you to reconsider this project for these reasons:

- 1) The houses have remained vacant for years. During this time, the homeowners have not taken care of the properties. The homes are falling apart, the grass/weeds in front are never mowed and the houses look unkempt and empty. The houses could provide an outlet for crime in this shoddy condition. Fortunately, they have not. However, these years have passed and it has been felt that the homeowners have not acted in "good faith" or behaved in any way neighborly.
- 2) The project that is proposed changes the property from having two small homes on it to now having 11 apartments. In short, the property is being changed from being a natural part of this residential neighborhood to a full-fledged multi-unit apartment building. That is a significant change with little discussion about the impact on either our neighborhood or the increase in traffic. The property has parking for 13 additional cars. That alone should speak to the significant change happening at this location. These changes move the properties from having homeowners who are invested into the neighborhood to landlords who already have shown little regard for the neighborhood. The apartment renters have no stake in the neighborhood and are transient in their time here. That is a significant loss for our neighborhood community and needs to be considered.
- 3) The project normally would have a limit of a certain number of units but because this project has one unit for lower income renters, it is allowed to have more units

and to exceed both the normal setbacks on the lot and to exceed the usual height requirements. We believe that this is disingenuous. The homeowners have not been interested in the neighborhood as evidenced by their homeownership for the past few years. Suddenly, they use a provision in the law to exceed the norms for both setbacks and height to add many more units to the property. Again, as neighbors, this does not feel like the homeowners are acting in "good faith" or with any regard for the neighborhood. In reading the city Guide for In-fill Development found on the City of Davis website, the idea of in-fill that works with the neighborhood norms is repeatedly mentioned. In the guide provided on the City of Davis website it is recommended that in-fill projects: "Provide a residential environment of sustained desirability and stability in harmony with the surrounding neighborhood." It is also mentioned in the guide as a specific example to avoid: "Constructing a new larger building adjacent to an existing smaller building without mitigating the impacts of scale/form differences, privacy, and light and air..." The current design is not in harmony with the existing structures and visually appears to be imposing, commercial and will have extreme difference in scale and form from the neighborhood homes.

4) It also has come to our attention that the solution for parking is to "park around the corner". The property owner told several neighbors that the city had indicated this was good solution. When reading the Guide to Infill Development on the City of Davis website, it seems that parking is not really considered. This seems like a glaring omission. Choosing to have the residents of the eleven different units park on a side street is going to present a problem. There is not adequate space for eleven or more vehicles.

It is for these reasons that we are asking that the City of Davis carefully reconsider this project. We are not opposed to in-fill but feel strongly that any in-fill project should work in harmony with our neighborhood. The current proposal does not.

We hope to have a good working relationship with the property owners and seek a mutually beneficial decision in this development project.

We thank you for your time and consideration.

Sincerely,

Jennifer and John Wolfe - 815 B Street
Beth and John Foraker - 854 A Street
Sue Hodell and Gregory Arz - 835 B St.
Wendell and Doranne Range - 805 B Street

DEPARTMENT OF COMMUNITY DEVELOPMENT & SUSTAINABILITY

23 Russell Boulevard, Suite 2 – Davis, California 95616
530/757-5610 – FAX: 530/757-5660 – TDD: 530/757-5666



May 4, 2017

TO: Applicant and Adjacent Property Owners
FROM: Cathy Camacho, Planner
SUBJECT: PA #15-24; Design Review #16-43, Minor Modification #1-17:
820 B Street and 822 B Street, B Street Residences

This notice is to inform you of the Community Development and Sustainability Department's intent to administratively approve an application for the following project:

Applicant: Betty Woo
Property Owner: B9 Urban Infill, LLC
c/o Kemble Pope & Neal Cordeiro
2940 Spafford Street, Suite 202
Davis, CA 95618
Project Location: 820 B Street and 822 B Street
Zoning: Residential Garden Apartments (R-3)

Project Description

The applicant has submitted an application to redevelop two adjacent parcels located at 820 B Street and 822 B Street. The existing dwellings will be demolished and the two parcels will be merged into a single parcel. The parcels are zoned Residential Garden Apartment (R-3), which permits multi-family housing. The new development will be a three-story multi-family building with 11 rental units, providing six one-bedroom units with 1.5 bathrooms, and five two-bedroom units with 2 bathrooms. An elevator and internal stairs will provide access to the upper floors. The project will provide 13 on-site vehicle parking spaces.

The applicant is providing one affordable unit for the project, which under Government Code Section 65915-65918 entitles the project to increased density and incentives that may include modifications to architectural standards required under the City' zoning such as reduced setbacks, reduced parking, and other incentives. Under state law the project is receiving a density bonus that increases the maximum number of units allowed on the site from 9 to 11. The applicant is entitled to and utilizing one incentive to modify the rear yard setback from a minimum of 25 feet required under the R-3 zoning to 22 feet. The applicant is requesting a Minor Modification to increase the height of the building from a maximum of 38 feet permitted under the R-3 zoning to 41 feet. The project meets all other zoning standards.

CITY OF DAVIS

The building will be approximately 15,479 square feet in size. Setbacks will be 20 feet front (B Street), 12 feet side (north), 18 feet side (south), and 22 feet rear. Lot coverage will be 40 percent; open space 30 percent; height three stories, 41 feet.

Design Review

The building design is a stacked configuration. Recessed elements and sloping roof forms provide building articulation, and exterior wood panel accents and variation in paint colors provide interest and depth. Proposed materials are stucco and composite siding with fiber cement (wood) accent panels, asphalt shingle roof, metal canopy awnings on first floor entry doors, stone cladding at exterior columns, decorative trellis features, green screen living wall, combination wood and metal privacy fencing, and on-site trash enclosure with wainscoting, located out of public view. Exterior paint is primarily off-white, with green accent wall and black trim. Units will feature built-in laundry, private outdoor patios with built-in bench and garden boxes on ground floor units, balconies on upper units, enclosed bicycle storage, and shared outdoor space and amenities. Vehicular access to the site will be from a private gated driveway located on B Street.

The site contains ten trees of various species and sizes. Based on the arborist report required from the applicant by the City, eight trees are proposed for removal due to poor condition or proximity to permeable paving to be installed in the project that will severely impact the viability of the trees. The conceptual landscaping plan includes five new trees, shrubs, ornamental grasses and ground cover installed in the interior of the site and along B Street to enhance the street frontage.

Administrative Procedure

Under the provisions of Municipal Code Section 40.39, the Community Development and Sustainability Department is allowed to administratively approve certain projects, such as the proposed design review without a public hearing. However, before approval is given, there will be a **comment period ending on May 15, 2017**. This comment period will enable you to bring your comments or questions to the attention of the Community Development Department. No appeal form or fee is required and you may correspond orally or in writing. If you have any questions about the project or the process, you may contact me via email at ccamacho@cityofdavis.org, or (530) 757-5610.

Unless the department receives information which, in its judgment, warrants that a public hearing be held, the project will be approved. **An appeal period will commence on May 16, 2017 and will close at 5:00 p.m. on May 24, 2017.** If you wish to appeal the approval, thereby requesting a public hearing to be held on this project, an appeal application accompanied by a written statement of the grounds for the objection, along with a fee of \$200 must be received prior to the end of the appeal period.

Please Note: The project approval is based upon Findings and subject to Conditions of Approval. In an effort to save paper, these are not included in this letter. If you wish to receive a copy of the Findings and Conditions of Approval via email or by mail, please contact me to request a copy.

You will not receive any further notice unless an appeal is filed and a public hearing is scheduled.

Attachments

Site Plan

Streetview Renderings

Building Elevation

Building Cross-Section

c: Greg Mahoney, Building
Tim Annis, Fire
Rob Cain, Community Services
Dianna Jenson, Public Works

Findings and Conditions
PA #16-43, Design Review #15-16, Minor Modification #1-17
B Street Residences

Findings

- 1. General Plan and Zoning Consistency.** The proposed project is consistent with the objectives of the general plan, complies with applicable Residential Garden Apartment (R-3) regulations of the zoning code; and any adopted design guidelines for the district within which the project is located.
- 2. Density.** Consistent with Government Code Section 65915-65918 the City shall grant a “density bonus” for a project that provides at least 5 percent of the total units in a housing development to very-low income households and “incentive(s)” to encourage affordable housing developments. The project provides 5 percent (.55 units rounded up to one unit) very-low income housing unit and has received a density bonus that increases the number of residential units allowed on the site from nine to eleven. Based on the number of affordable units provided, the project is eligible for one incentive which has been provided in a reduction of the site development standards for the rear yard setback.
- 3. Minor Modification.** The increase in the height of the building by a maximum of ten percent from 38 feet to 41 feet will not adversely affect the health, safety or general welfare of persons residing or working on the project site or in the vicinity.
- 4. Timeliness.** The property owner can commence substantial construction within eighteen (18) months from the date of this final planned development approval and intends to complete the construction within a reasonable time frame.
- 5. 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, and is compatible with the existing properties and anticipated future developments within the vicinity in terms of such elements as height, mass, scale and proportion, in that the proposed structure is permitted under the R-3 zoning.
- 6. Appropriateness.** The residential development contributes to the mix of housing types within the district and is appropriate in area, location, and overall planning for the purpose intended.
- 7. Circulation.** The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation, in that the project does not create excessive traffic which will degrade existing levels of service upon the local streets, does not create additional hazards to bicyclists or pedestrians using the sidewalks, and provides adequate parking and access for vehicles and bicycles.
- 8. Climate Change and Sustainability.** The project, as conditioned, complies with the city’s Green Building Ordinance. The project building and site features are consistent with General Plan and city policies to ensure long term sustainability of the project and water and conservation.

9. Environmental Determination

The proposed project is categorically exempt from further environmental review as an Infill Development Project allowed pursuant to CEQA section 15332.

Conditions of Approval

General

1. **Approval.** This approval is for the construction of an approximately 15,749 square feet, three-story, eleven-unit multi-family development located at 820 B and 822 B Street. The project consists of six one-bedroom residential units with 1.5 bathrooms and five two-bedroom residential units with 2 bathrooms, an elevator, common open space, and parking areas. The project will provide one very low income unit.
2. **Minor Modification.** The approval for the Minor Modification allows for an increase in the height of the building by a maximum of 10 percent to 41 feet.
3. **Rear Yard Setback.** The rear yard setback for the building is a minimum of 22 feet. The modification to the R-3 zoning development standard of 25 feet is granted as an incentive, pursuant to Pursuant to Government Code Section Government Code Section 65915-6591.
4. **Changes to Plan.** The area shown as Keynote “8” on the site plan shall be changed from paving to landscaping. This change shall also be incorporated into the landscape plan.
5. **Lot Line Adjustment/Merger.** Prior to construction on the site, a lot line/merger application shall be submitted for review and approval by the Community Development and Sustainability Director. The application shall include a title report less than six months old.
6. **Dedication.** The developer shall dedicate the one-foot wide portion of sidewalk along B Street currently located on applicant’s private property to the City as permanent right of way as part of the Lot Line Adjustment/Merger.
7. **Approval period.** The approval period for Design Review #15-16 shall become null and void after a period of 18 months if the project is not in substantial construction in good faith reliance on the approval has 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. Requests for time extension must be accompanied by a formal application, all required exhibits and plans, and related application fees.
8. **Building Permits.** The applicant shall obtain the necessary building permits for all structures from the Building Division of the Community Development and Sustainability prior to commencement of any construction.
9. **Plan Check Fees.** A plan check fee shall be required by the Community Development and Sustainability when an application for a building permit is submitted.
10. **Development Impact Fees.** Applicant shall pay the appropriate fees established in the Major Projects Financing Plan pursuant to the General Plan. Final fee categories shall be as

adopted by the City Council in the Major Project Financing Plan and shall be paid at the time of certificate of occupancy or as otherwise required by law.

- 11. Park In-Lieu Fees.** The project is subject to park in lieu fees consistent with Municipal Code Section 36.08. At the time of building permit, the Applicant shall pay the parkland in-lieu fee. Fee shall be at the rate in effect at the time of payment as established and amended in Section 36.08.040(d) of the City of Davis Municipal Code.
- 12. 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.
- 13. Conditions, Covenants, and Restrictions.** Applicant shall provide CC&Rs, if any, for the project site, subject to the review and approval of the City Attorney and the Public Works and/or Community Development Departments prior to the certificate of occupancy.
- 14. Conformance to Plans.** The project shall be constructed in a manner that is substantially in conformance to the plans and material board submitted to the Community Development and Sustainability and dated February 2, 2017. Any changes to the size, colors, construction materials, design, and location of the structures or project facilities on the site shall not be made without prior City approval. Prior to issuance of Certificate of Occupancy, all design review conditions of approval and required improvements shall be completed to the satisfaction of the City.
- 15. Conditions of Approval.** The applicant shall provide and attach a full copy of the approved Design Review letter to the building permit application submittal.
- 16. 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.
- 17. 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 & Sustainability 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.

- 18. 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.
- 19. Conflicts.** When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail.
- 20. 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.
- 21. Design Review Plan Set.** Prior to the issuance of building permits, the applicant shall submit three copies of a revised design review plan set, clearly titled and with all conditions of approval incorporated or clearly listed on the plan, as appropriate. The plan set shall not be accepted as the approved design review plan set until the Community Development Director has signed and dated the plan set. The project shall be developed in substantial conformance to the plan set signed and dated. The final plans shall include the following:
- a. Final architectural information and details including siding materials, roofing specifications, and trash enclosure details.
 - b. Final design and details of all fences and walls.
 - c. Final planting and irrigation plan.
 - d. Final lighting plan for all exterior lighting, including fixture designs and a photometric plan. Light spill and glare shall be minimized. Parking lot pole lights are prohibited unless otherwise required by city ordinance.
 - e. Location of all mechanical equipment including backflow preventers, booster pumps, water meters, utility meters, air conditioner condenser units, photovoltaic equipment, and trash facilities.

Building Exterior

- 22. Building Materials.** The building materials shall be consistent with plans on February 2, 2017. Exterior colors shall be submitted to the Community Development and Sustainability for review and approval prior to installation.
- 23. Approved Building Design.** No substantive deviations from the approved building design may be permitted without another Design Review approval. Minor changes, as determined by the Community Development and Sustainability Director may be approved through the minor improvement application process.
- 24. Design Review Letter.** The applicant shall attach a full copy of the approved project letter to the Building Application Submittal.

- 25. Minor Changes.** Minor changes in materials and color selection may be made through the Community Development and Sustainability's Minor Improvement process. Details shall be provided on the working plans to the satisfaction of the Community Development and Sustainability Director prior to issuance of building permits.
- 26. Visitability / Accessibility.** The applicant/developer shall provide all visitability / accessibility features consistent with the City's Universal Access Ordinance, Section 18.10 of the Zoning Code.
- 27. Signage.** All signage shall comply with the requirements of Zoning Ordinance Section 40.26.020 and may be processed as an administrative Design Review application. Signage consistent with an approved sign program or design guidelines may be processed as a Minor Improvement.

Parking

- 28. Required Parking.** The on-site vehicular parking requirement for the project is 15 spaces based on the number of bedrooms per unit. A total of 13 spaces shall be provided, based upon a reduction in parking pursuant to Municipal Code Section 40.25A.080, which states, "*...the director of community development or her/his designee reserves the right to implement certain incentives to help assist the implementation of increased bicycle amenities, such as, locker rooms, showers, or indoor secure bicycle parking. Potential incentives may include offsetting the required number of vehicle parking spaces (two spaces maximum or five percent of required vehicle parking), or other design requirements to accommodate space for secure bicycle parking, and other bicycle commuter amenities.*" Under this provision, the project parking has been offset by two spaces for the developer providing increased bicycle amenities as described herein per conditions of approval for "Required Bicycle Parking." A minimum of one on-site vehicle parking space shall be allocated to each unit.
- 29. Accessible Parking.** Accessible parking spaces shall be provided in compliance with the requirements of the State. Parking areas, driveways and parking stall shall meet the minimum requirements established in Section 40.25 of the Zoning Code.
- 30. Accessible Space Signage.** Prior to issuance of building permits, the develop shall submit for review and approval to the community Development and Sustainability Department, details of all accessible parking signage location and wording. Required assessable signage takes precedence over all other signage.
- 31. Parking Lot Shading.** The project shall comply with the city's the Parking Lot Shading Guidelines. A parking lot shading plan and related shade calculations shall be submitted to the Community Development and Sustainability Department demonstrating compliance
- 32. Bicycle Parking.** Based on one bicycle parking space for each bedroom in the development, a total of 16 bicycle parking spaces is required for the project, including 12 long-term covered secured spaces and 4 short-term parking spaces. Pursuant to Municipal Code Section 40.25A.080, the developer is providing increased bicycle parking amenities to offset

the on-site vehicle parking requirement by two spaces. Therefore, the project shall provide a total of 41 bicycle parking spaces including 33 long-term secure covered spaces (3 spaces each in 11 bicycle/storage lockers), and 8 short-term parking spaces. Details for long-term parking security and location of both short-term and long-term spaces shall be shown on the plans and shall be submitted for review by the Public Works Department prior to the approval of plans and specifications for the improvements. Model and locking mechanism for all racks shall be subject to review and approval of the city's Bicycle /Pedestrian Coordinator.

33. Electric Vehicle Recharge. All covered parking space shall be pre-wired for EV recharge stations.

34. Green Building Ordinance. The applicant shall comply with the City's Green Building Ordinance for the project.

Landscaping

35. 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 2, 2014. 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:

- 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.
- h. Two deep watering tubes per tree planted in an isolated parking lot planter island.

36. Irrigation Systems. All plant materials, including ground cover shall be serviced with an automatic irrigation system. All irrigation systems shall be subject to review and approval by the Community Development and Sustainability Department, Parks and General Services, and the Public Works Department prior to issuance of permits.

- 37. Landscape Water Conservation.** The project shall comply with the Landscape and Water Conservation requirements (Section 40.26.190 of the Davis Municipal Code) and the State's Model Water Efficiency Landscape Ordinance (MWELo). 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. Mass hydroseeding shall be prohibited.
- 38. 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.
- 39. Shrubs.** No plants with thorns or barbs shall be installed near walking paths or within 5 feet of the public right of way. Shrubs shall be a minimum of 5 gallons in size. Ground cover may be 1 gallon or less in size. Ground cover areas shall be supplemented with additional 5-gallon size materials to provide variation and texture.
- 40. Accent Material.** Bark or other surface material may be utilized in planter areas as a mulch or accent material, but used alone are not sufficient to qualify as landscaping material. Large areas that utilize only bark, decomposed granite, or other surface/mulch material are not acceptable and shall include shrubs, trees and groundcover to provide variation, texture and shade.
- 41. Final Design.** The final design of any perimeter walls, landscaping and sidewalks shall be included in the required landscape plans and shall be subject to review and approval by the Community Development & Sustainability Director and City Engineer and shall be coordinated for consistency with any greenstreet planting that may be required.
- 42. Landscape Maintenance Statement.** The following statement shall be included on the final landscape plan set: "All 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 shall be replaced within 30 days. Significant trimming or pruning will not be permitted without prior City approval. Trees shall be planted and continuously maintained throughout the surface parking lot to insure that within 15 years after establishment of the parking lot; at least fifty percent (50%) of the parking area will be shaded at noon on August 21st."
- 43. Inspection Required.** Required landscaping for the property shall be inspected prior to issuance of Certificate of Occupancy. Developer shall provide notice to the Planning and Building Department a minimum of 48 hours prior to the requested inspection; not including weekends or holidays. The developer shall be responsible for having the approved set of landscape plans on site at the time of the inspection.

Fencing

44. Fencing. Concurrently with application for the first building permit, developer shall submit a plan showing the location and design, material and construction details for all fences proposed in the project subject to review and approval of the Community Development and Sustainability Department and Public Works Department.

Trees

45. Preconstruction Survey and Tree Report. Prior to issuance of grading, disking 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.

46. Tree Modification Plan. A Tree Modification Permit shall be required for the tree removal proposed for the project. Mitigation of the removals to be determined after submission of the Arborist report.

47. Tree Protection Plan. A Tree Protection plan shall be required for the remaining trees along the north and western property lines. The tree protection plan should be included in the construction plan set. 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.

48. 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.

49. Tree Maintenance. All trees planted or preserved common area trees within the development 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.

Lighting

50. Street Lighting. Final street lighting design, including location and number of fixtures, are subject to the review and approval of the City Engineer.

51. Exterior Lighting. All exterior lighting shall be directed so as to not adversely impact traffic or adjacent sites. Light standards should generally 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 and Sustainability Department prior to the issuance of permits.

52. Wall mounted lighting. All wall mounted building lighting shall be carefully located and shielded in order to mitigate nuisance light and glare. Details of the lighting shall be reviewed and approved prior to issuance of building permits.

Police

53. 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.

Fire Prevention Requirements

54. Fire Department Requirements. Prior to the issuance of permits, the owner/developer shall obtain approval from the fire department that: a) All necessary public services, including water service and fire hydrants, meet fire department standards; and b) Vehicle access is sufficient to accommodate fire department equipment and fire sprinklers are provided in any building over 5,000 square feet. Based on a future submittal of complete architectural and civil plans there may be additional requirements.

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

56. Roof Appurtenances. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development and Sustainability Director prior to the issuance of building permits.

57. Equipment Screening. All ground mounted utility appurtenances such as transformers, AC condensers, backflow devices, etc., shall be located out of public view and adequately screened in such a manner as to minimize the visual and acoustical impact. Whenever possible, utility transformers shall be placed in underground vaults. All gas and electrical meters shall be concealed and/or painted to match the building.

Garbage and Green Waste

58. DWR Verification. Prior to or concurrently with the submittal of the improvement plans, submit verification from Davis Waste Removal that they will be able to serve the project for garbage, recycling and green waste removal and that their vehicles will be able to accommodate waste removal from the proposed totter areas.

59. Enclosure. Conditions of the *Manual of Stormwater Quality Control Standards for New Development and Redevelopment* related to the trash enclosure shall be included in the project design (e.g. a permanent roof shall be provided over trash enclosure).

60. Design. Details of trash enclosure design shall be submitted for review and approval by the Community Development and Sustainability Department prior to the issuance of building permits. Trash enclosure and recycling areas shall be adequately screened from public view and shall be architecturally compatible with proposed building design by utilizing consistent materials and colors.

61. Masonry and Closing Mechanism. All required trash enclosures areas shall be constructed of a minimum 6' high masonry wall and shall have a self-closing gate constructed of solid metal materials and attached to posts embedded in concrete.

62. Garbage and Green Waste Pickup. Times and locations for garbage and green waste storage adjacent to streets may be limited through the use of signage or other means. Provisions for such limitations shall be submitted at the time of building permit and shall be subject to review and approval of the City Engineer. If signage is used to limit storage, Applicant shall pay for installation of signs.

Stormwater / BMPs

63. Stormwater Discharge. The proposed development and project applicant shall comply with the City's Stormwater Management and Discharge Control Ordinance.

64. Stormwater Drainage. Submit complete calculations demonstrating the adequacy of the increased storage to be accommodated by the adjacent stormwater detention basin as well as adequacy of the swale and other BMPs to meet treatment measure requirements. Such calculations shall be provided concurrent with the improvement plans. The "Attachment 4" design storm shall be used for storm water quality purposes. The 10% event shall be analyzed to determine the adequacy of conveyance of stormwater flows.

65. Stormwater Quality. The project shall be demonstrated in design to comply with the development standards of Section E.12. Post Construction Stormwater Management Program of the Phase II Small MS4 General Permit (General Permit). The developer shall submit a stormwater quality plan prior to the issuance of the building permits subject to the review and approval of the Public Works Director that shall have all of the following elements:

- a. Calculations showing total site size and total impervious area proposed.
- b. Drainage areas delineated into drainage management areas(DMAs) (Section E.12.e.(ii)(b).
- c. Within each DMA provide the features and supporting calculations demonstrating:
 - i. Site design measures to remove as much runoff as possible based upon the 85th percentile 24 hour storm event (0.65") for Davis (Section E.12.e.(ii)(a) &(d)).
 - ii. The direction of flow for all runoff from all impervious surfaces into bioretention areas with stormwater treatment control measures to accommodate the volume of remaining runoff.
 - iii. Calculations showing total weighted imperviousness.
 - iv. Calculations showing the adequacy of the design for onsite bioretention to accommodate the remaining runoff (Section E.12.e.(ii)(f).
 - v. Calculations showing the correct sizing for treatment control measures within bioretention areas for stormwater runoff (Section E.12.e.(ii)(c).

- vi. Cross sections of all bioretention areas and treatment control measures showing proper design and substrata including infiltration rates for any proposed engineered soils.
- vii. Proposed plant palettes for all bioretention and treatment control measures areas.
- d. Calculations showing that the proposed site conditions runoff does not exceed the pre-project conditions for the 2 year 24-hour storm event for Davis (2.26”) (Section E.12.f.).

66. Stormwater Treatment Controls Maintenance. A stormwater maintenance agreement shall be provided subject to the review and approval of the Public Works Director prior to the issuance of the building permits. A copy of the fully executed and recorded SW maintenance agreement shall be provided to the Public Works Director prior to occupancy.

67. Stormwater Prevention Plan. This project may be subject to State requirements for a Storm Water Pollution Prevention Plan (SWPPP) and may need to file a Notice of Intent (NOI) with the State. The Applicant shall be responsible for contacting the Regional Water Quality Control Board to determine if additional requirements apply to this project.

68. 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.

Utilities

69. Utilities Maintenance. Utilities located within common access areas shall be privately owned and maintained. Provisions shall be made for easements for common access, drainage, utilities and provisions for maintenance and repair of any shared utilities, driveways, or walkways. These provisions shall be subject to the review and approval of the Public Works Director and/or the City Attorney prior to the recordation of the Lot Line Adjustment/Merger. Reservation of the easements for reciprocal access, drainage, utilities and maintenance for shared facilities for this subdivision shall be shown on the Lot Line Adjustment/Merger.

70. Underground Utilities. Developer shall attempt to locate onsite underground utility lines away from permeable pavement bases. However, if they need to penetrate the base, consideration should be given to waterproofing (depending on the utility) or possible encasement using low-strength flowable concrete fill.

71. Dry Utilities. Prior to approval of the improvement plans, Applicant shall submit locations of joint trench and other dry utilities. Details shall include but not be limited to the following: HVAC, gas meters, and electrical boxes for each unit and service points, conduit wire sizes, and poles numbers for street lights.

72. Sewer. A sewer capacity study will be required at the time of construction documents for review and approval of the City Engineer. The site connection to existing 8-inch line sewer line within B Street may be required to be upsized depending on existing and proposed loads.

73. Connection Fees. Water Connection and Sewer Connection fees shall be paid at the time of building permit, or as required by law.

74. Utility Improvement Plan Review. All sizes, locations and grades of the utilities to serve this project are subject to the review and approval of the City Engineer. Applicant shall submit improvement plans for the public and private common improvements subject to review and approval of the City Engineer.

Grading and Drainage

75. Biological Survey Required. Biological Survey. Prior to commencement of construction of public improvements on the site, a biological clearance survey application shall be submitted by the Applicant for review by the City. The study shall be consistent with City ordinances and shall address whether there are endangered and/or protected species on the site. The applicant shall implement all mitigation measures that are identified as required as a result of the survey. The survey shall be conducted not less than thirty days prior to any equipment staging, demolition, tree removal, or grading activity. A discing permit may be required.

76. Grading Plan. Prior to the issuance of a grading, or any ground disturbance, or building permit or other improvement activities on the site, the Applicant shall submit a final grading plan for the project prepared by a registered Civil Engineer, concurrent with the improvement plans for review and approval of the City Engineer. All accessibility features and bicycle/pedestrian access routes are to be clearly delineated on the site.

77. Grading. Prior to approval of grading plans for this subdivision, Developer shall satisfy the City Engineer that the proposed grading will not adversely affect adjacent properties. In addition, retaining walls shall be provided by the Applicant wherever the grade differential between adjacent lots is 0.5 feet or greater. Masonry retaining walls shall be provided when such grade differential is 1.0 feet or greater.

78. Drawings. The Applicant's engineer shall prepare Record Drawings that accurately indicate the completed grades after completion of grading operations. Reproducible mylar copies of the Record Drawings shall be provided to the City.

79. Drainage Plan Required. Drainage Plan Required. An on-site drainage plan to serve the subdivision shall be submitted for review and approval of the City of Davis Public Works Department prior to the issuance of permits. concurrent with the subdivision improvement plans. On-site drainage improvements shall be designed to collect and convey the 10% storm flows. Final calculations for the 10% and 1% storm events shall be provided.

Public Improvements

80. 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, outdoor restaurant seating, bike racks, water meters, backflow devices, signs and curb/gutter/sidewalk improvements.

81. Frontage Improvements. If the sidewalk in front of the parcels is not up to ADA requirements, it shall be replaced. All 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. For improvement plans, please reference appropriate City of Davis Standards for required Frontage Improvements (curb, gutter, sidewalk and driveway) and provide dimensions for improvements.

82. Pavement Design. At submittal of improvement plans, provide details of pavement treatment including type, thickness, and other design details subject to review and approval of the City Engineer. All street sections shall be designed based on the subgrade "R" value and the Traffic Index (TI). The TI for streets shall be as follows:

<u>Street Classification</u>	<u>TI</u>
Major Arterials	10.0
Minor Arterials	8.0
Collectors	7.5
Modified Locals	6.5
Local	5.5
Cul-de-sac	5.0
Private	5

Pavement design shall be consistent with the recommendations stated in the soils report.

83. Driveway. A medium driveway is required per City of Davis Standard Detail 301-4. Detail shall be provided with Building Permit submittal, subject to review and approval by the Public Works Department.

Private Improvements

84. Easements. Provisions shall be made for easements for common access, drainage, utility and provisions for maintenance and repair of any shared utilities, driveways, or walkways. These provisions shall be subject to the review and approval of the Public Works Director and/or the City Attorney prior to the recordation of the Lot Line Adjustment/Merger. Reservation of the easements for reciprocal access, drainage, utility and maintenance for shared facilities for this subdivision shall be shown on the Lot Line Adjustment/Merger.

Preconstruction

85. Demolition. Demolition application including submittal of a site management and diversion plans, and compliance with all applicable provisions of the Municipal Code pertaining to demolition, are required and shall be approved by the Community Development and Sustainability Department prior to the removal of any structure on the project site.

86. Construction Management Plan. Prior to issuance of any permit or inception of any construction activity on the site, the developer shall submit a construction impact management plan including a project development schedule and “good neighbor”

information for review and approval by the Community Development and Sustainability and Public Works Departments. The plan shall include, but is not limited to: public notice requirements for periods of significant impacts (noise/vibration, etc.), special street posting, construction vehicle parking plan, phone listing for community concerns, names of persons who can be contacted to correct problems, 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.

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

88. 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.

Construction

89. Good Neighbor Relations. The applicant shall provide e-mail and telephone listing for community concerns, names of persons who can be contacted report concerns and correct problems report concerns. A copy of the contact information shall be provided to the Community Development and Sustainability Department.

90. Erosion Control Plan Required. Erosion Control Plan Required. An Erosion Control plan shall be prepared by a registered Civil Engineer, for review and approval by the City Engineer prior to commencement of construction of development improvements. This plan shall incorporate the following requirements:

- a. This plan will include erosion control measures to be applied during the rainy season (the months of October through April, inclusive). These measures may include limitations on earth moving activities in sensitive areas during this time period.
- b. This plan will include methods of revegetating denuded earth slopes. Revegetation will be accomplished by a method which reseeds and temporarily protects the ground so that 90% germination is achieved. Future building pads are not subject to this requirement, although measures will be required to contain sediments.
- c. The developer shall implement wind erosion and dust control measures to be applied on a year-round basis. This shall include an effective watering program to be implemented during earth moving activities. Erosion control measures may include limitations on earth moving activities in sensitive areas during the rainy season.
- d. All sediments generated by construction activities shall be contained by the use of sediment traps, such as silt fences, settling basins, perimeter ditches, etc.
- e. When building construction will be delayed beyond the next rainy season, the developer shall provide erosion control measures on each individual lot.

91. Air Quality During Construction. Air Quality During Construction. The following actions shall be taken during construction to minimize temporary air quality impacts (dust):

- a. An effective dust control program should be implemented whenever earth-moving 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.

92. Ozone Precursors during Construction. In order to minimize the release of ozone precursors associated with construction, the following standard requirements developed by the Yolo/Solano APCD shall be implemented:

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

93. 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 impacts before construction continues.

94. Noise Reduction Practices. The applicant shall employ noise-reducing construction practices. The following measures shall be incorporated into contract specifications to reduce the impact of construction noise.

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

notifying adjacent residents in advance of construction work, or installing acoustic barriers around stationary construction noise sources.

95. **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.
96. **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.
97. **Trash Maintenance.** The entire site shall be kept free of trash or debris at all times.
98. **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.
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.

Plans

100. **Revised Plans.** Prior to issuance of building permits, revised plans incorporating all conditions of approval for this project shall be coordinated and submitted to the Community Development and Sustainability Department as one package in accordance with plan check requirements. The revised plans shall show any lot modified, herein. All plans including site, grading, landscape, irrigation, mechanical and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, encroachment, building, etc.) Any changes to the size, elevation, design or location of any structure on site, or other site or landscape improvements shall not be made without prior City approval.
101. **Compliance with Conditions.** Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City of Davis Community Development and Sustainability Department. The site and buildings shall be inspected for compliance prior to the issuance of a certificate of occupancy.

On-Going Conditions

102. **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. The applicant shall consult with Public Works for use of Best Management Practices to manage erosion control on the site.
103. **Trash Maintenance.** The entire site shall be kept free of trash or debris at all times.

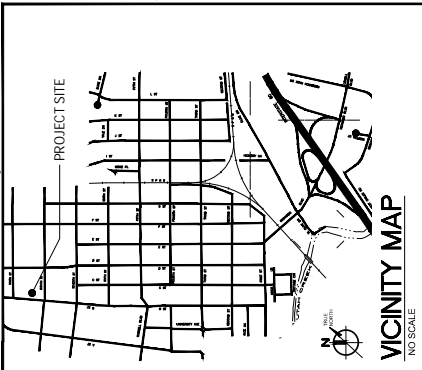
104. Backflow Equipment. Backflow prevent valve wheels and stems shall be maintained in a manner which enables inspection in order to determine whether or not the valve is open.

105. Construction Waste Recycling. Prior to issuance of permits, the applicant shall submit to the City for review and approval a Construction Waste Recycling Program for the project including provisions for participation in the County Wood Waste Reduction program or equivalent. The recycling program should include the recycling and re-use of all construction materials and garbage generated by the construction workers, such as shipping boxes and packing materials, beverage containers, metal scraps, etc.

106. Property Maintenance. Owners are responsible for maintaining all buildings, yards, structures, parking areas and other improvements in such a manner, which does not detract from the appearance of the surrounding area. Driveway and parking areas 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.

107. Landscape Maintenance. The property owner shall be responsible for the installation and maintenance of all landscaping from the back of the curb to their project.

108. Affordability. One one-bedroom unit in the project will remain affordable to very-low income households in perpetuity and will adhere to all city affordable housing requirements, including its Tenant Selection Guidelines and ongoing reporting and inspection obligations to the City.



OWNER
 BU URBAN INFILL, LLC
 KENBLE POPE
 1000 CALIFORNIA STREET, SUITE 100
 SAN FRANCISCO, CA 94109
 (504) 848-5079 CELL (POPE)
 (816) 698-7759 CELL (CORDEIRO)

ARCHITECT
 BETTY WOO, AIA ARCHITECTS
 1500 CALIFORNIA STREET, SUITE 100
 SAN FRANCISCO, CA 94109
 (415) 774-1111

PROJECT DATA
 LOT AREA: 14,242 SF, 0.326 ACRES
 APN: 076-19-006-000, 076-19-006-000
 EASEMENTS: (E) EASEMENT AT CENTER LINE BETWEEN THE SUBJECT AND ADJACENT UNDEVELOPED LOTS TO BE ABANDONED WHEN LOTS ARE MERGED.

SETBACKS: FRONT: 20'-0" NORTH SIDE VARS. 19'-7"
 SOUTH SIDE VARS. 16'-4" REAR: 2'-0"
 MAX. BUILDING HEIGHT: 41'-0" ALLOWED IN R-3.4M
 41'-0" MAXIMUM ALLOWED PER 10% MUNICIPAL CODE
 MINOR MODIFICATION, 40'-0" ACTUAL BUILDING HEIGHT

BUILDING AREA: 1ST FLOOR = 3,289.5 SF
 2ND FLOOR = 5,149 SF
 3RD FLOOR = 4,922.5 SF
 TOTAL = 13,361 SF
 + CARPORT = 2,392 SF
 TOTAL = 15,749 SF

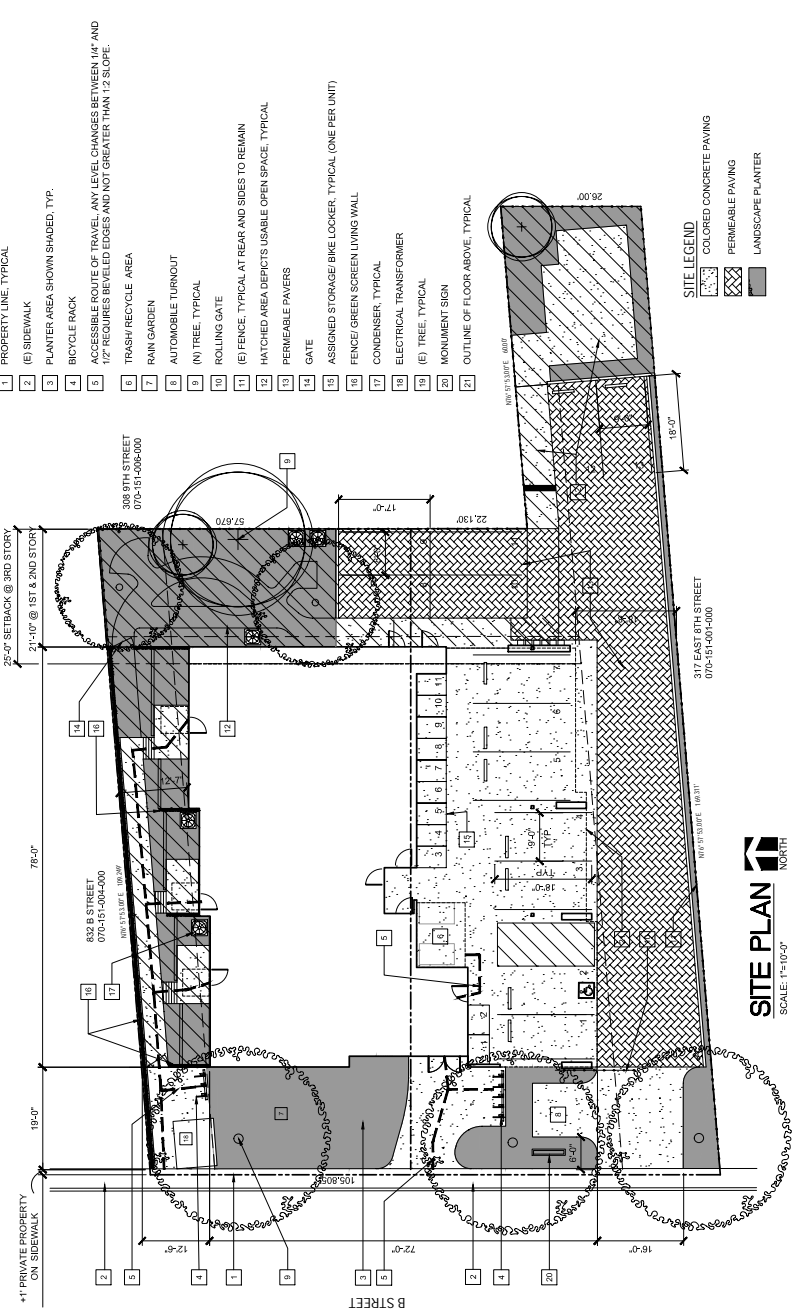
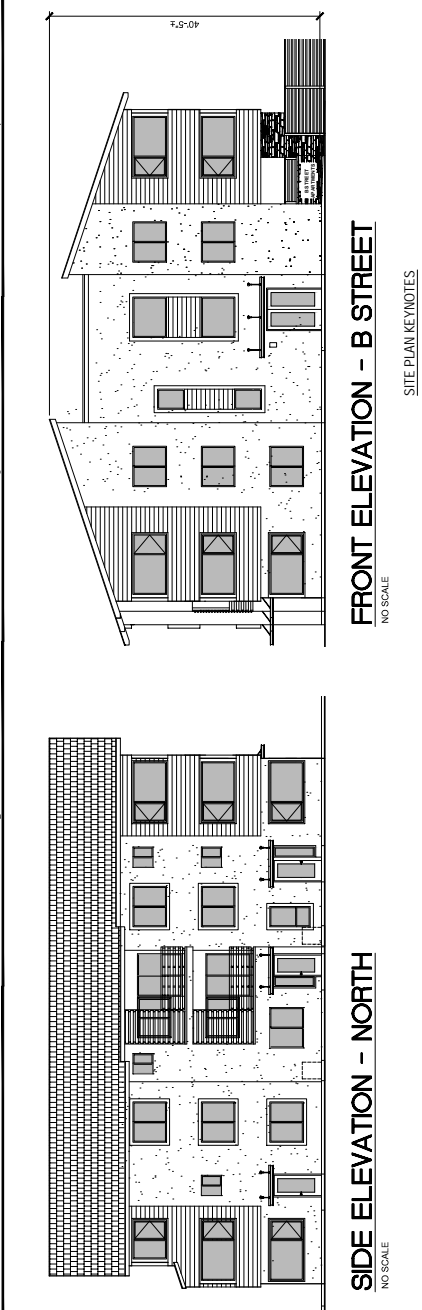
LOT COVERAGE: Allowable: 40% OF 14,242 = 5,697 SF
 Actual: 5,714/14,242 = 40%

USABLE OPEN SPACE:
 AFFORDABLE UNIT (1) 300 = 300
 1 BEDROOM UNIT (5) 350 = 1,750 SF
 2 BEDROOM UNIT (3) 450 = 1,350 SF
 TOTAL = 4,200 SF REQUIRED
 4,214/4,000 = 1.0535 ACTUAL PROVIDED

PARKING SPACES
 1 SPACE PER 1 BEDROOM APARTMENT = 6
 1 SPACE PER 2 BEDROOM APARTMENT = 2
 ENHANCED BICYCLE PARKING CREDIT = 2
 13 PROVIDED

SHEET INDEX

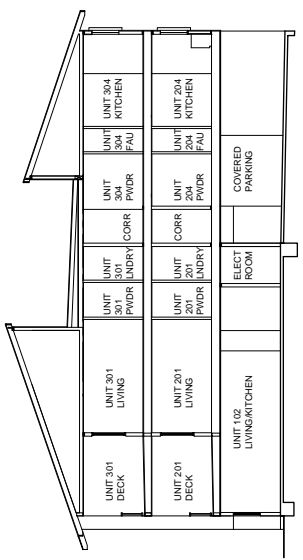
A10	SITE PLAN AND DATA
A11	FOUNDATION AND UNIT SUMMARY
A12	FIRST FLOOR PLAN
A21	SECOND FLOOR PLAN
A22	THIRD FLOOR PLAN
A40	BUILDING SECTIONS
A60	EXTERIOR ELEVATIONS
L1	LANDSCAPE SITE PLAN
L2	LANDSCAPE PLANTING PLAN
L3	LANDSCAPE SHADE PLAN



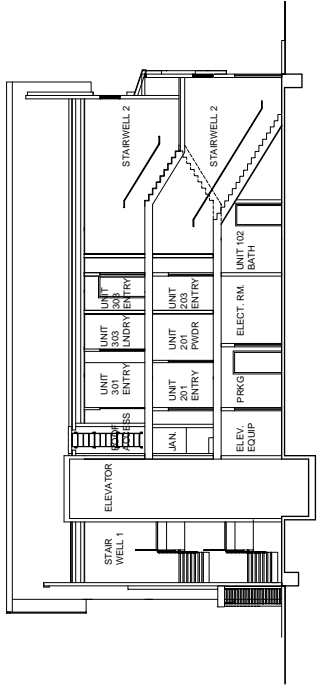
REVISION	DATE	BY



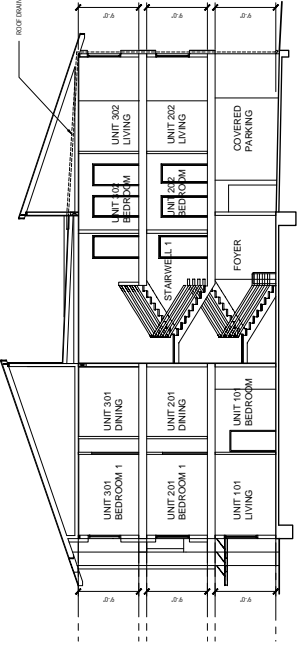
EXTERIOR ELEVATIONS



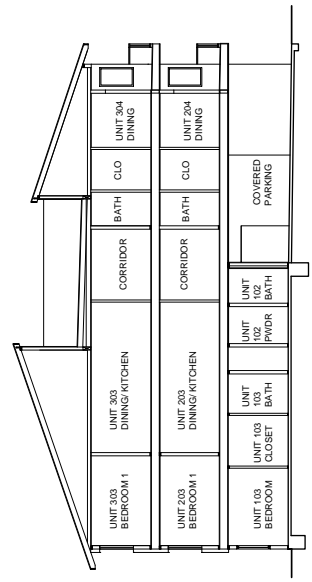
BUILDING SECTION B
SCALE: 1/8"=1'-0"



BUILDING SECTION D
SCALE: 1/8"=1'-0"



BUILDING SECTION A
SCALE: 1/8"=1'-0"



BUILDING SECTION C
SCALE: 1/8"=1'-0"

Davis Municipal Code

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[Chapter 40 ZONING](#)

Article 40.08 RESIDENTIAL GARDEN APARTMENT (R-3) DISTRICT

[40.08.010 Purpose.](#)

The purpose of a residential garden apartment (R-3) district is to stabilize and protect the residential character of the district, and to promote, insofar as compatible with the intensity of land use, a suitable environment for family life. (Ord. 296 § 10.1)

[40.08.020 Permitted uses.](#)

The principal permitted uses of land in an R-3 district are as follows:

- (a) Single-family dwellings and duplexes.
- (b) Multiple dwellings.
- (c) Agriculture, except the raising of animals or fowl for commercial purposes or the sale of any products at retail on the premises.
- (d) Family and group day care homes as defined in Section [40.26.270](#).
- (e) Group care homes with six or fewer clients, subject to the provisions of Section [40.26.135](#).
- (f) Cooperative housing, as defined in Section [40.01.010](#).
- (g) Supportive housing.
- (h) Transitional housing. (Ord. 296 § 10.2; Ord. 862 § 2; Ord. 1198 § 1; Ord. 1737 § 5, 6, 1994; Ord. 1787 § 12; Ord. 2413 § 2, 2013)

[40.08.030 Accessory uses.](#)

The following accessory uses shall be permitted in an R-3 district:

- (a) Home occupations, subject to the provisions of Sections [40.01.010](#) and [40.26.150](#).
- (b) Swimming pools, subject to the provisions of Section [40.26.350](#).
- (c) Signs, subject to the regulations of Section [40.26.020](#).
- (d) Other accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to requirements of Section [40.26.010](#).
- (e) Secondary dwelling units meeting the requirements of Section [40.26.450](#) (ministerial secondary units). (Ord. 296 § 10.3; Ord. 875 § 7; Ord. 1357 § 10; Ord. 1419 § 7; Ord. 2126 § 5, 2003; Ord. 2359 § 4, 2010)

[40.08.040 Conditional uses.](#)

The following conditional uses may be permitted in an R-3 district:

- (a) Boarding houses for any number of guests.
- (b) Nursery schools and day care centers, subject to the provisions of Section [40.26.270](#).
- (c) Public and semipublic buildings and uses of a recreational, educational, religious, cultural or public service type, including public utility, but not including corporation yards, storage or repair yards,

warehouses and similar uses.

- (d) Medical clinics in the R-3-M district.
- (e) Professional and administrative offices in the R-3-M district.
- (f) Hospitals, churches and other religious or eleemosynary institutions, subject to the provisions of Section [40.26.160](#).
- (g) Social halls, lodges, fraternal organizations and clubs, except those operated for a profit.
- (h) For the purpose of setback determination, a converted attic space shall have the same setbacks as the story directly below it in all residential districts.
- (i) No exterior changes to the existing roofline of the structure shall be allowed except for the provision of egress windows or doors in compliance with [Uniform Building Code](#) (UBC). Any dormers or similar structures provided to comply with the UBC required egress windows, shall not exceed the minimum size necessary to obtain the required egress.
- (j) No attic conversion shall be allowed if one of the following occurs:
 - (1) The maximum stories allowed in the district have been achieved;
 - (2) The number of stories that can be built on a lot are restricted (usually, restricted to one-story building).
- (k) If no restrictions apply and the maximum stories allowed in the district have not been achieved, a building permit only would be required for the attic conversion.
- (l) Group care homes with more than six clients, subject to the provisions of Section [40.26.135](#).
- (m) Living groups, subject to the provisions of Section [40.26.260](#).
- (n) Single room occupancy (SRO) units. (Ord. 296 § 10.4; Ord. 377 § 9; Ord. 416 § 2; Ord. 501 § 2; Ord. 862 § 2; Ord. 1357 § 11; Ord. 1419 § 8, 9; Ord. 1737 § 7, 1994; Ord. 1786 § 2; Ord. 1787 § 13; Ord. 2113 § 1, 2003; Ord. 2413 § 4, 2013)

[40.08.050 Height regulations.](#)

No principal building shall exceed three stories or thirty-eight feet in height. No accessory building shall exceed two stories or twenty-five feet in height, except as provided in Section [40.27.030](#). (Ord. 296 § 10.5; Ord. 1786 § 1)

[40.08.060 Area, lot width, open space and yard requirements.](#)

The following minimum requirements shall be observed, except where increased for the conditional uses, or as provided in Sections [40.27.040](#) to [40.27.070](#):

- (a) **Lot area.**
 - (1) Zone R-3-L, seventy-five hundred square feet.
 - (2) Zone R-3-M, seventy-five hundred square feet.
- (b) **Usable open space.**
 - (1) Zone R-3-L. Each efficiency apartment, six hundred square feet. Each one-bedroom apartment, six hundred square feet. Each two-bedroom apartment, six hundred fifty square feet. Each additional bedroom, fifty square feet. Twenty-five percent of the lot area shall be devoted to open space in the case of rooming and boarding houses and dwellings occupied by living groups.
 - (2) Zone R-3-M. Each efficiency apartment, three hundred square feet. Each one-bedroom

apartment, three hundred fifty square feet. Each two-bedroom apartment, four hundred square feet. Each additional bedroom, fifty square feet. Twenty-five percent of the lot area shall be devoted to open space in the case of rooming and boarding houses and dwellings occupied by living groups.

- (c) **Lot coverage.** Forty percent.
- (d) **Lot width.** Zones R-3-L and R-3-M, seventy feet.
- (e) **Front yards.** Zones R-3-L and R-3-M, twenty feet.
- (f) **Side yards.** Zones R-3-L and R-3-M. Street side yard, fifteen feet. Interior side yard, one side, six feet, total both sides, eighteen feet. If the principal building is three or three and one-half stories, one side, twelve feet, total both sides, thirty feet.
- (g) **Rear yard.** Zones R-3-L and R-3-M, fifteen feet. If the principal building is two or two and one-half stories, twenty feet. If the principal building is three or three and one-half stories, twenty-five feet.
- (h) **Lot area per dwelling unit.**
 - (1) Zone R-3-L:
 - (A) Efficiency apartment, nine hundred square feet.
 - (B) One bedroom apartment, one thousand two hundred fifty square feet.
 - (C) Two or more bedroom apartment, one thousand four hundred square feet.
 - (2) Zone R-3-M:
 - (A) Efficiency apartment, seven hundred fifty square feet.
 - (B) One bedroom apartment, nine hundred square feet.
 - (C) Two or more bedroom apartment, one thousand one hundred fifty square feet. (Ord. 296 § 10.6; Ord. 312 § 1; Ord. 360 § 1; Ord. 503; Ord. 862 § 4)

40.08.070 Special conditions.

- (a) Site plan and architectural approval by the community development and sustainability director or designee shall be required for all uses.
- (b) Off-street parking shall be required for all uses as provided in Sections [40.25.010](#) through [40.25.120](#). (Ord. 296 § 10.7; Ord. 316 § 5; Ord. 333 § 2; Ord. 600 § 1; Ord. 1627 § 7; Ord. 2390 § 2, 2012)

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GOVERNMENT CODE

SECTION 65915-65918

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented.

(b) A city, county, or city and county shall grant a density bonus and incentives or concessions described in subdivision (d) when the applicant for the housing development seeks and agrees to construct at least any one of the following:

(1) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(2) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(3) A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code.

(4) Ten percent of the total dwelling units in a condominium project as defined in subdivision (f) of, or in a planned development as defined in subdivision (k) of, Section 1351 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, continued affordability of all lower income density bonus units for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Those units targeted for lower income households, as defined in Section 50079.5 of the Health and Safety Code, shall be affordable at a rent that does not exceed 30 percent of 60 percent of area median income. Those units targeted for very low income households, as defined in Section 50105 of the Health and Safety Code, shall be affordable at a rent that does not exceed 30 percent of 50 percent of area median income.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the condominium project as defined in subdivision (f) of, or in the planned unit development as defined in subdivision (k) of, Section 1351 of the Civil Code, are persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code. Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local government shall recapture its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership. For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the percentage by which the initial sale price to the moderate-income

household was less than the fair market value of the home at the time of initial sale.

(d) (1) An applicant may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of either of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a condominium or planned development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a condominium or planned development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a condominium or planned development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section. The city, county, or city and county shall also establish procedures for waiving or modifying development and zoning standards that would otherwise inhibit the utilization of the density bonus on specific

sites. These procedures shall include, but not be limited to, such items as minimum lot size, side yard setbacks, and placement of public works improvements.

(e) In no case may a city, county, or city and county apply any development standard that will have the effect of precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(f) The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.

(g) (1) For the purposes of this chapter, except as provided in paragraph (2), "density bonus" means a density increase of at least 20 percent, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant to the city, county, or city and county. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b). For each 1 percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent. For each 1 percent increase above 5 percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent up to a maximum of 35 percent. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. The density bonus shall not be included when determining the number of housing units that is equal to 5 or 10 percent of the total. The density bonus shall apply to housing developments consisting of five or more dwelling units.

(2) For the purposes of this chapter, if a development does not meet the requirements of paragraph (1), (2), or (3) of subdivision (b), but the applicant agrees or proposes to construct a condominium project as defined in subdivision (f) of, or a planned development as defined in subdivision (k) of, Section 1351 of the Civil Code, in which at least 10 percent of the total dwelling units are reserved for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, a "density bonus" of at least 5 percent shall be granted, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of

the general plan as of the date of application by the applicant to the city, county, or city and county. For each 1 percent increase above 10 percent of the percentage of units affordable to moderate-income households, the density bonus shall be increased by 1 percent up to a maximum of 35 percent. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. The density bonus shall not be included when determining the number of housing units that is equal to 10 percent of the total. The density bonus shall apply to housing developments consisting of five or more dwelling units.

(h) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county as provided for in this subdivision, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire development. For each 1 percent increase above the minimum 10 percent land donation described in paragraph (2) of this subdivision, the density bonus shall be increased by 1 percent, up to a maximum of 35 percent. This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required pursuant to this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(1) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(3) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

(4) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of dedication.

(5) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(6) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(i) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or a city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(j) "Housing development," as used in this section, means one or more groups of projects for residential units constructed in the planned development of a city, county, or city and county. For the purposes of this section, "housing development" also includes a subdivision or a planned unit development or condominium project, as defined in Section 1351 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(k) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary

approval. This provision is declaratory of existing law.

(1) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(2) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

This subdivision does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

(n) Nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) "Development standard" includes site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation.

(2) "Maximum allowable residential density" means the density allowed under the zoning ordinance, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project.

(p) (1) Upon the request of the developer, no city, county, or city and county shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b), that exceeds the following ratios:

(A) Zero to one bedrooms: one onsite parking space.

(B) Two to three bedrooms: two onsite parking spaces.

(C) Four and more bedrooms: two and one-half parking spaces.

(2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through onstreet parking.

(3) This subdivision shall apply to a development that meets the requirements of subdivision (b) but only at the request of the applicant. An applicant may request additional parking incentives or

concessions beyond those provided in this section, subject to subdivision (d).

65915.5. (a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

(b) For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

(d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.

(e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal to convert apartments to condominiums.

(f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915.

65916. Where there is a direct financial contribution to a housing development pursuant to Section 65915 through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the city, county, or city and county shall assure continued availability for low- and moderate-income units for 30 years. When appropriate, the agreement provided for in Section 65915 shall specify the mechanisms and procedures necessary to carry out this section.

65917. In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with Section 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.

65917.5. (a) As used in this section, the following terms shall have the following meanings:

(1) "Child care facility" means a facility installed, operated, and maintained under this section for the nonresidential care of children as defined under applicable state licensing requirements for the facility.

(2) "Density bonus" means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city, including a charter city, city and county, or county of:

(A) A maximum of five square feet of floor area for each one square foot of floor area contained in the child care facility for existing structures.

(B) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility for new structures.

For purposes of calculating the density bonus under this section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child care licensing requirements shall be included in the floor area of the child care facility.

(3) "Developer" means the owner or other person, including a lessee, having the right under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors to make application for development approvals for the development or redevelopment of a commercial or industrial project.

(4) "Floor area" means as to a commercial or industrial project, the floor area as calculated under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors and as to a child care facility, the total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in accordance with applicable state child care licensing requirements.

(b) A city council, including a charter city council, city and county board of supervisors, or county board of supervisors may establish a procedure by ordinance to grant a developer of a commercial or industrial project, containing at least 50,000 square feet of floor area, a density bonus when that developer has set aside at least 2,000 square feet of floor area and 3,000 outdoor square feet to be used for a child care facility. The granting of a bonus shall not preclude a city council, including a charter city council, city and county board of supervisors, or county board of supervisors from imposing necessary conditions on the project or on the additional square footage. Projects constructed under this section

shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other health, safety, and zoning requirements generally applicable to construction in the zone in which the property is located. A consortium with more than one developer may be permitted to achieve the threshold amount for the available density bonus with each developer's density bonus equal to the percentage participation of the developer. This facility may be located on the project site or may be located offsite as agreed upon by the developer and local agency. If the child care facility is not located on the site of the project, the local agency shall determine whether the location of the child care facility is appropriate and whether it conforms with the intent of this section. The child care facility shall be of a size to comply with all state licensing requirements in order to accommodate at least 40 children.

(c) The developer may operate the child care facility itself or may contract with a licensed child care provider to operate the facility. In all cases, the developer shall show ongoing coordination with a local child care resource and referral network or local governmental child care coordinator in order to qualify for the density bonus.

(d) If the developer uses space allocated for child care facility purposes, in accordance with subdivision (b), for any purposes other than for a child care facility, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors in accordance with procedures to be developed by the legislative body of the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. Any penalty levied against a consortium of developers shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this subdivision shall be deposited by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors into a special account to be used for childcare services or child care facilities.

(e) Once the child care facility has been established, prior to the closure, change in use, or reduction in the physical size of, the facility, the city, city council, including a charter city council, city and county board of supervisors, or county board of supervisors shall be required to make a finding that the need for child care is no longer present, or is not present to the same degree as it was at the time the facility was established.

(f) The requirements of Chapter 5 (commencing with Section 66000) and of the amendments made to Sections 53077, 54997, and 54998, by Chapter 1002 of the Statutes of 1987 shall not apply to actions taken in accordance with this section.

(g) This section shall not apply to a voter-approved ordinance adopted by referendum or initiative.

65918. The provisions of this chapter shall apply to charter cities.

Cathy Camacho

From: Wolfgang Polonik <wpolonik@gmail.com>
Sent: Thursday, June 8, 2017 1:02 PM
To: Cathy Camacho
Cc: Edith Sauer Polonik
Subject: Comment on project at 820 B Street and 822 B Street

Hello,

We are Davis residents for more than 18 years now, and since 4 years we live on 229 E8th Street. We are writing to express our concerns about the planned development project at 820 B Street and 822 B Street.

The issues that already have been brought up in this context (parking, design, too many units, too tall) can more generally be seen as concerns about a change of character of our neighborhood these type of developments are engendering. We feel that this aspect should be discussed much more thoroughly before such a project should be permitted.

This aspect just mentioned is of more general concern. Projects similar to the proposed project on 820/822 B street, seem to happen in the central Davis neighborhoods at various places, e.g. the development of the huge apartment complex on B-street in downtown Davis between 2nd and 3rd street), which to us, and to many others we spoke, seems out of place.

While we understand the increasing need for housing in Davis, respecting the character of existing neighborhoods (architectural and otherwise), and giving esthetic aspects much more importance, would certainly have a positive influence on the future success of such developments. They would, more broadly, enhance the appeal of Davis as a place to live and to work, which in turn will not only have positive economic impacts, but will also have positive effects on the well-being of Davis residents.

It is clear that the integration of aspects outlined in the previous paragraph will not tend to keep the costs low in the short term, but short term business interests should not be the driving force here. While we cannot say for sure whether this in fact is the case for the project on 820/822 B Street, we cannot deny that this is the impression that we get from the proposed project.

We hope that the planned project will be reconsidered.

Edith Sauer Polonik
Wolfgang Polonik

Cathy Camacho

From: Adam Bridge <abridge@mac.com>
Sent: Thursday, June 8, 2017 5:20 PM
To: Cathy Camacho
Subject: Comments on 820 B & 822 B Street Project

Dear Commission Members,

I would like to express my concern about the parking issues raised by the construction of the apartment complex at 820 & 822 B Street. We will be out of town at the time of the meeting so I'm responding to you via this e-mail.

In particular I would like to address the suggestion that residents of that building be allowed parking permits in the preferential parking "S" district.

I believe that the proposed apartment complex should have to provide parking for its residents. It's not unlikely there will be more cars owned by residents of the building than there are parking spaces. This was a design decision made by the developers to limit the parking footprint and give them more space to develop. Pushing residents' vehicles that overflow the spaces provided will push them into the streets around the apartment building. If each apartment has two occupants and each has a vehicle then we'd have 13 vehicles searching for a place to park. Add more occupants and you'll add more cars.

The suggestion that residents be given S Parking permits would impinge upon the neighborhood. For those of us who live closest to the apartment building it will likely mean cars parked perpetually in front of our homes, limiting our ability to host guests or workers in our home. This is exactly why the S permit was placed - to eliminate that very problem.

Our household has street parking closest to the proposed building. Parking in front of our home will be a prime location. I estimate that 5 cars can park along our property line with another five across A Street to the south. There's little likelihood that these vehicles would move often, especially if their owners are students. The effect on our lives would be fundamental and negative.

I urge the Commission to find another alternative that does not impinge on parking on A Street essentially over-turning the reason for the preferential parking permit in our area.

Thank you,

Janice & Adam Bridge
869 A Street
Davis, CA 95616-1916

Project Site and Surrounding Structures



820 B Street



822 B Street



820 B Street and Davis Luthern Church to the South



Single-Family Homes on B Street, Located West of 820-822 B Street



Adjacent 2-story Duplex Located North of 822 B Street



822 B Street Rear Yard View of Adjacent Duplex