

SUPPLEMENTAL STAFF REPORT

DATE: June 30, 2009

TO: City Council

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

SUBJECT: PA #55-07: Chiles Ranch Subdivision

On June 16, 2009 at the public hearing for the Chiles Ranch Subdivision Proposal, the City Council continued the item to June 30, 2009. By a 5-0 vote, the Council directed the applicant and the Sunrise Neighborhood Association to meet prior to June 30 and address the three outstanding significant issues and any other issues they wish to discuss. The purpose of the meeting would be for the parties to attempt to reach consensus or a mutually acceptable compromise if possible, or state positions if agreement could not be reached and report back to Council.

Staff position on the outstanding issues remains unchanged. Two minor changes to the recommended Conditions of Approval from the June 16, 2009 staff report are included in the revised Conditions attached to this report and described below.

Outstanding Issues

1. Inclusion of second dwelling units.
2. Revision of east property lines on five lots from zero to 3'.3" to provide delineation between private property and city greenbelt.
3. Bicycle path configuration / termination.

On Monday, June 22, 2009, the applicant, SNA President and board members, and staff met to continue discussions. Will Marshall from Public Works was also present. The meeting was for discussion purposes only, as SNA board would communicate the results of the meeting to the membership, receive feedback, discuss options, and determine their position on the outstanding issues. The SNA membership meeting will be held on the evening of Thursday, June 25, 2009 (after the production of Council packets). Therefore, the position of the membership is not known at this time, but would be reported at the meeting. A summary of the June 22, 2009 discussion is provided below.

1. The inclusion of second units is the issue where there is the greatest disparity between staff recommendation (21 units); developer proposal (11 units + 10 units with detached bedroom/study/game room); and SNA (0 second units / additional bedroom/study game room). The developer reiterated their proposal to limit the second dwelling units to 10. Staff stated that if the developer and SNA could reach consensus on a number of second dwelling units within the development, staff would recommend support for that number. Further staff

proposed that if an agreement could be reached, the language in the zoning ordinance would be modified to prohibit additional second units within the subdivision beyond those provided at initial construction. SNA asked whether owner occupancy of the primary dwelling could be required on lots with second units. Staff responded that we would contact the city attorney on this issue, but did not think it would be possible.

If agreement cannot be reached on this issue, staff recommendation for inclusion of 21 second dwelling units would remain unchanged.

2. The position of SNA membership is that the buffer will be compromised with the decrease of 3'.3", and that any decrease is significant. The developer noted that they did not believe this was a breach of the agreement, as the change is staff driven. The applicant noted that a fence would be installed at a point between the structures, but that the distance between the structures would not decrease and that only five lots on the east side would be revised. SNA noted concerns that the side yards could become visually blighted with storage, towels draped over the fence, etc. and that the obligation to ensure this did not happen would fall to SNA. Staff assured SNA that this would not be the case. The responsibility would lie with the HOA. Further, the zoning ordinance includes language which prohibits structures or debris visible from public view on side yards located adjacent to the greenbelt, and provisions to ensure compliance by the HOA shall be incorporated in the project CC&Rs. This could include fines or liens against property for violations, etc. (subject to review of city attorney).

Staff recommendation to revise the east side yards remains unchanged, retaining the fifty foot buffer from fence to structure but allowing a 3'.3" side yard.

3. The meeting provided an opportunity for Public Works to articulate staff's and the traffic consultant's safety concerns with the design configuration of the bicycle/pedestrian path as submitted with the original proposal. Public Works staff explained the reasons for the changes reflected in the current version of the sight plan, and acknowledged that additional design refinements, including pavement treatment, signing and striping would be part of the review of the construction drawings at the time of Final Map submittal. All were in agreement that bicyclist safety, particularly for less experienced bicyclists was very important. During the discussion the SNA asked whether signage could be placed at various points to alert drivers to merging or crossing bicyclists. The response was that signage is important, but that too much signage can be distracting because drivers are reading the signs rather than watching the road. As a general rule signs are placed in an area where a condition exists that is not readily apparent in terms of normal driver behavior. Bicycles are vehicles under the state Vehicle Code, fully entitled to use the public street system, and bicyclists are subject to the same rules as motor vehicle drivers. Bicyclists sharing city streets with cars is a common experience in Davis and most drivers are accustomed to bicycles sharing the roadway. PW staff noted that having bicycles enter the street at the "knuckle", where drivers would already need to be proceeding more slowly, and that sight distance, for both bicyclist and drivers, would be very good. Street improvements including textured pavement, centerline striping, and reflective pavement markers would be considered for installation at the bike crossing and at primary and secondary entrances into the

development. The improvements would be designed to enhance driver and bicyclist awareness, and to guide bicyclists onto the street system, as safely as possible. SNA stated that they understood the concept and would take it to the membership, although they still believed a better bicycle path configuration was possible.

SNA also stated that the information they received was that the applicant was not interested in pursuing a bike path through the cemetery and had not cooperated with the cemetery. SNA was very frustrated by this. The applicant responded that they had initiated discussions with the cemetery because it was in the developer's best interest to do so. Had a bicycle path been possible through the north buffer to the cemetery, the city would have considered accepting the north buffer as greenbelt, which would reduce the area owned and maintained by the HOA and corresponding dues to residents. The applicant made every effort to facilitate this with the cemetery. Staff detailed the efforts that were made by the applicant and staff to secure a bike path through the cemetery and assured SNA that conditions of approval are in place to allow for future connectivity. It was agreed that communication between staff, applicant and neighbors was crucial to avoid further miscommunication.

Staff continues to recommend that of the options presented, the one ending the bicycle corridor at the "knuckle" in the road as proposed is the safest. As directed by Council a condition will be added to the Findings and Conditions of approval as follows: *"The proposed bicycle path located in the east greenbelt and terminating at the public street within the project prior to E. Eighth Street will be brought before the before the Bicycle Advisory Commission for comment prior to finalizing details of the bicycle path."*

Other

3. *Hours of Construction.* The SNA is requesting hours of construction be limited to reduce long term impacts on the neighborhoods during the phased construction. The applicant is open to the concept of limiting hours, so long as it is not so restrictive as to impact the livelihoods of those hired to construct the project. Although no specifics work hours were suggested by SNA, the idea of no work on federal holidays was raised, as well limited hours during the week. SNA will prepare a proposal for applicant and Council consideration. SNA asked staff whether restricted work hours had been placed on other projects. Staff has found that the recently approved Grande project included the following condition regarding construction noise.

During all project construction, the construction contractors shall limit all noise-producing construction related activities ~~to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and to the hours of 8:00 a.m. and 8:00 p.m. on Saturdays and Sundays.~~ The City Council approved the project applications on December 16, 2008, and directed that the construction hours shall be as follows:

*7:00 a.m. to 6:00 p.m., Monday through Friday, and
8:00 a.m. and 6:00 p.m. on Saturdays and Sundays*

Staff recommendations provided in the June 16, 2009 staff report did not address hours of construction. If Council supports a modification of work hours, appropriate Conditions of Approval would be incorporated into the project.

Conclusion

Dependent upon SNA position and the City Council's determination, the existing recommended Conditions of Approval related to the significant issues would be modified to reflect the Councils' action.

Corrections to June 16, 2009 Staff Report

Two minor corrections, not related to the significant issues will be reflected in the final documents.

1. Page 55 of the staff report - fill in blank in Development Agreement Page17, Section 202 Development Timing as follows:
(B). "Failure to Proceed in a Timely manner. After commencement of construction, if the Developer ceases construction of infrastructure improvements for a period exceeding forty eight (48) months and/or does not finalize any residential units..."
2. A condition related to the tentative map shall be added to the Conditions of Approval as follows:
"Subdivider shall annex the project into the city's Community Facilities District 1990-1 (East Davis Area of Benefit), prior to, or concurrently with the recordation of the first Final Map for the project."

Attachment

- Revised Findings and Conditions of Approval