



June 5, 2017

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

SUBJECT: Chiles Ranch Subdivision

Dear Don:

On August May 23, 2017, the City Council by the vote of 5-0 approved Planning Application PA #15-24: Supplemental Development Agreement #2-10, Tentative Subdivision Map #2-10, Revised Affordable Housing Plan #1-10, Final Planned Development #1-10; Revised Final Planned Development #2-17

The approval is subject to the following findings and conditions:

I. FINDINGS:

- 1. PROJECT DEVELOPMENT TIME LIMIT.** The property owner can commence substantial construction within eighteen months from the date of the final planned development approval and intends to complete the construction with a reasonable time.
- 2. GENERAL PLAN AND ZONING.** The development will comply with the General Plan land use designation of Residential Medium-Density. The proposed project will be consistent with the Zoning Ordinance and PD #xx. The proposed project will provide for an integrated and harmonious residential environment and creative relationship with adjacent residential uses.
- 3. CONSISTENCY WITH THE SUBDIVISION ORDINANCE.** In accordance with Section 36.06.080 of the City's Subdivision Ordinance, the proposed subdivision of land complies with requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act, the City's Subdivision Ordinance, the Municipal Code, and the General Plan.
- 4. COMPLIANCE WITH THE AFFORDABLE HOUSING ORDINANCE.** In accordance with Chapter 18.05 of the Davis Municipal Code the project complies with all of the requirements for affordable housing.
- 5. CIRCULATION.** The auto, bicycle and pedestrian traffic system is adequately designed to meet anticipated traffic and has been designed to provided the minimum amount of interference with each other in that, the proposed project has considered pedestrian and

bicycle circulation in developing the site plan and meets the City's standards for private driveways, circulation, and number of parking spaces.

6. **COMPATIBILITY.** The proposed project will constitute a residential environment of sustained desirability and stability in harmony with the character of the surrounding neighborhood. The proposed project is suitable for the site as it will comply with the standards in the zoning district, PD #8-07 (R-1), and the scale of the buildings will be consistent with within the district given the applicable development standards. As conditioned, the project will not have significant adverse effect on surrounding properties in that the plan incorporates standards for the site established as a means to minimize impacts on surrounding properties.
7. **EXISTING CONDITIONS.** All previously approved Conditions of Approval for Chiles Ranch Subdivision shall remain in effect, except as specifically modified herein.
8. **ENVIRONMENTAL.** An Initial Study was prepared for the project to evaluate potential impacts associated with a 108-unit residential development on the subject site. It revealed that an Environmental Impact Report is not warranted. The recommended mitigation measures and conditions of approval will reduce any impacts associated with this project to less than significant levels. Standard city mitigation measures, including applicable mitigation measures from General Plan EIRs would also be applicable to the project. Negative Declaration #1-08 was prepared for the project and certified by the City Council in June 2009. Staff has identified no new information or changed circumstances. Further environmental analysis is not required pursuant to Section 15162 of the CEQA guidelines.

II. CONDITIONS OF APPROVAL:

1. **APPROVAL.** The entitlements approved for the project are: 1) First Supplement and Amendment to Development Plan; 2) Tentative Subdivision Map No. 5088 to subdivide Parcel 41 as shown on Tentative Subdivision Map No. 4953 ("*Chiles Ranch*") into 9 individual lots (*creating "Chiles Ranch West"*); 3) Revised Affordable Housing Plan; 4) Final Planned Development establishing the building standards for "*Chiles Ranch West*"; and 5) Revised Final Planned Development #2-17 for minor changes in building development standards related to "*Chiles Ranch*". The approval will allow for the development of a 96-unit residential subdivision.
2. **FINAL MAP.** "*Chiles Ranch*" Phase 1-A Final Map No. 4953 shall be recorded prior to the sign off and final action on the "*Chiles Ranch West*" Tentative Map No. 5088 (Lot 41).

Conditions of Approval Specific to Chiles Ranch West

3. **SUBSTANTIAL CONFORMANCE.** The project shall be completed in substantial conformance to the plans contained within the staff report and dated July 26, 2015, except as modified herein. Design changes that require modifications to uses, elevations or site features shall be submitted for review and approval through the planning review process such as Design Review, or Minor Modification, whichever is applicable. Prior to issuance of Certificate of Occupancy, all conditions of approval and required improvements shall be completed to the satisfaction of the city.

4. **RUN WITH THE LAND.** The terms and conditions of this approval shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors, and assignees of the property owner.
5. **DEVELOPMENT AND MAINTENANCE.** The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, landscaping and grading on file in the Community Development and Sustainability Department, the conditions contained herein, Municipal Code regulations, and PD #8-07.
6. **INDEMNIFICATION.** The applicant shall defend, indemnify, and hold harmless the City of Davis, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Davis concerning this approval, including but not limited to any approval of condition of approval of the City Council, Planning Commission, or Community Development Director. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees and agents in the defense of the matter.
7. **OTHER APPLICABLE REQUIREMENTS.** The project approval is subject to all applicable requirements of the Federal, State and City of Davis, and any other affected governmental agencies. Approval of this request shall not waive compliance with all other applicable sections of the Municipal Code, all other applicable City Ordinances, and applicable Community or Specific Plans or Design Guidelines in effect at the time of building permit issuance. The duty of inquiry as to such requirements shall be upon the applicant.
8. **CONFLICTS.** When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail.
9. **APPLICANT'S RESPONSIBILITY TO INFORM.** The applicant shall be responsible for informing all subcontractors, consultants engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements herein in the City of Davis Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City as well as hours of operation requirements in the City.
10. **SUBSEQUENT MODIFICATION.** Any proposed subsequent modification of the subject site or structure thereon, including but not limited to the following actions, shall first be reported to the city for a review and determination of consistency with this permit. Actions affecting how people or materials move on, off or around the site; the physical appearance of the site or structures thereon (including but not limited to signing, architecture, landscaping, paving, etc.) the type of activity(ies) on land use(s) pursued thereon; the number of people employed thereon or otherwise involved with on-site activities or land uses; etc shall first be reported to the city for a review and determination of consistency with this permit.

- 11. BUILDING PERMITS.** The applicant shall obtain the necessary building permits for all structures from the Building Division of the Community Development and Sustainability Department prior to commencement of any construction.
- 12. PLAN CHECK FEES.** A plan check fee shall be required by the Community Development and Sustainability Department when an application for a building permit is submitted.
- 13. DEVELOPMENT IMPACT FEES.** Applicant shall pay the appropriate fees established in the Major Projects Financing Plan pursuant to the General Plan. Final fee categories shall be as adopted by the City Council in the Major Project Financing Plan and shall be paid at the time of certificate of occupancy or as otherwise required by law.
- 14. PARK IN-LIEU FEES.** The project is subject to park in lieu fees consistent with Municipal Code Section 36.08. At the time of building permit, the Applicant shall pay the parkland in-lieu fee. Fee shall be at the rate in effect at the time of payment as established and amended in Section 36.08.040(d) of the City of Davis Municipal Code.
- 15. SCHOOL IMPACT FEES.** The owner shall cooperate with the School District to the extent authorized by State law in establishing school funding mechanisms for new subdivisions and in-fill development to ensure that the impacts of such development on school facilities are fully mitigated.
- 16. DEVELOPMENT STANDARDS:** The final development standards for the project shall be substantially in compliance with the development standards shown on the Final Planned Development Plan and dated May 5, 2017. Any significant changes shall require an additional discretionary action for approval subject to the determination of the appropriate process by the Community Development and Sustainability Department staff.
- 17. FINAL PLANNED DEVELOPMENT SET.** Prior to issuance of building permits the applicant shall submit a reproducible copy of the Final Development Plan set, with all conditions of approval incorporated or clearly listed on the plans. The plan set shall not be accepted as the Final Planned Development Set until the Community Development and Sustainability Director has signed and dated the set. The applicant shall provide two prints of the signed set to the Community Development and Sustainability Department. Electronic copies are recommended.
- 18. REQUIRED PARKING.** The number of parking spaces shall be provided in accordance with the requirements of Section 40.25.090 of the Zoning Ordinance. One additional parking on site parking space shall be provided for a lot with an accessory dwelling unit.
- 19. GARAGES.**
 - a. Garage conversions (partial or whole) shall not be permitted under this Final Planned Development.
 - b. Required parking spaces within garages shall remain clear for parking.
- 20.** Enforcement shall be the responsibility of the Homeowners' Association.

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

FIRE DEPARTMENT REQUIREMENTS.

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

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

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

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

26. POLICE SAFETY REQUIREMENTS. Plans shall be submitted to the Police Department for review and approval prior to issuance of building permits. All new development shall comply with the City Building and Security Ordinance and other safety recommendations and requirements regarding building security as well as employee and patron security, prior to issuance of building permits.

27. FENCING. All fencing design, material and construction details for residential lots shall be subject to review of the Community Development and Sustainability Director or designee. Fencing shall conform to the City of Davis Standard Fence, Wall and Hedge requirements. Residential fencing shall be fully located on private property. The property owner will be responsible for maintenance and repair. The Homeowner's Association shall be responsible for ensuring property maintenance of fencing through CC&Rs.

28. RESIDENTIAL TREE PLANTING. Trees shall be a minimum of 15 gallons in size. All trees shall be planted and staked in accordance with Parks and General Services standards.

29. RESIDENTIAL LANDSCAPING. The applicant/developer shall install all front yard landscaping and irrigation. Landscaping design shall be reviewed and approved prior to issuance of permits

- 30. IRRIGATION SYSTEMS.** All plant materials, including ground cover shall be serviced with an automatic irrigation system. All irrigation systems shall be subject to review and approval by the Community Development and Sustainability Department, Parks and General Services, and/or the Public Works Department prior to issuance of permits.
- 31. PROPERTY MAINTENANCE.** The following statement shall be included on the site plan:
“Applicants are responsible for maintaining all common area landscaping and irrigation, signs, structures, fences, bicycle and pedestrian paths, private drives, and other improvements in such a manner that does not detract from the appearance of the surrounding area. Parking lots shall be maintained in an attractive and suitable fashion with any potholes, significantly cracked or uneven paving and any other significant damage repaired in a timely fashion throughout the life of the project.”
- 32. PROJECT LANDSCAPING.** The developer shall be responsible for installing landscaping in private front yards for new lots in “Chiles Ranch West” in substantial conformance to approved landscaping plan for front yard landscaping for “Chiles Ranch.”. Installation of landscaping shall occur prior to issuance of first Certificate of Occupancy.
- 33. TREE PROTECTION PLAN.** A Tree Protection plan shall be required for any existing trees on the property and any street trees adjacent to the project. The plan shall include a grading plan with the trees plotted on the plan. Compliance with the tree preservation plan is required before and during any site disturbance and construction activity and prior to issuance of building permits.
- 34. CITY STREET/GREENBELT TREES.** Pursuant to the applicable provisions of the City of Davis Tree Planting, Preservation and Protection Ordinance and the East Davis Specific Plan, in-lieu fees shall be paid for each single family lot that does not contain a street tree prior to issuance of Certificate of Occupancy for that unit. Section 37.10.020 of the Municipal defines a street tree, as “...any tree planted and/or maintained by the city, or recorded as a street tree, adjacent to a street or within a city easement or right-of-way on private property, within the street tree easement.”
- 35. REVISED PLANS.** Prior to issuance of building permits, revised plans incorporating all conditions of approval for this project shall be coordinated and submitted to the Community Development and Sustainability Department as one package in accordance with plan check requirements. The revised plans shall show any lot modified, herein. All plans including site, grading, landscape, irrigation, mechanical and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, encroachment, building, etc.) Any changes to the size, elevation, design or location of any structure on site, or other site or landscape improvements shall not be made without prior City approval.
- 36. STREET LIGHTING.** Final street lighting design, including location and number of fixtures, are subject to the review and approval of the City Engineer.
- 37. EXTERIOR LIGHTING.** Exterior lighting shall be directed so as to not adversely impact adjacent sites or traffic. A detailed on-site lighting plan, including a photometric diagram

and details of all exterior light fixtures shall be reviewed and approved by the Community Development and Sustainability Department prior to the issuance of permits.

- 38. SHADING.** South and West facing windows shall generally be shaded from the summer sun by using shade trees on the south and west building exposures. Landscaping shall be planted adjacent to a building face to the landscaping extent possible to help reduce heat and glare.
- 39. LANDSCAPE WATER CONSERVATION.** The project shall comply with the Landscape and Water Conservation requirements (Section 40.46.010 of the Davis Municipal Code), and local and state requirements. Verification of compliance with this ordinance shall be to the satisfaction of the Public Works Department and shown on the building permit plans set with the irrigation plan. The plant list shall incorporate native species whenever possible throughout the site.
- 40. LANDSCAPE ARCHITECT VERIFICATION OF WATER CONSERVATION.** The landscape architect for the approved plan shall submit a signed statement to the City upon installation confirming that the landscape irrigation and water conservation measures have been installed consistent with the approved plans and specifications.
- 41. CONSTRUCTION MANAGEMENT PLAN.** Prior to issuance of any permit or inception of any construction activity on the site, the developer shall submit a construction impact management plan including a project development schedule and “good neighbor” information for review and approval by the Community Development and Sustainability and Public Works Departments. The plan shall include, but is not limited to, public notice requirements for periods of significant impacts (noise/vibration/street or parking lot closures, etc.), special street posting, construction vehicle parking plan, hours of construction activity, noise limits, dust control measures, and security fencing and temporary walkways. Work and/or storage of material or equipment within a City right-of-way may require the separate receipt of an Encroachment Permit.
- 42. CONSTRUCTION WASTE RECYCLING.** The project shall comply with the city’s Construction and Demolition Ordinance.
- 43. GOOD NEIGHBOR RELATIONS.** The applicant shall provide e-mail and telephone listing for community concerns, names of persons who can be contacted report concerns and correct problems report concerns. A copy of the contact information shall be provided to the Community Development and Sustainability Department.
- 44. ENCROACHMENT PERMIT REQUIRED.** All work within the public right-of-way, including but not limited to utilities and grading, shall be explicitly noted with the subdivision plans. The applicant shall receive all necessary encroachment permits from the City of Davis Public Works Department prior to issuance of building permits for such structures or uses requiring to be permitted to encroach within or over the public right-of-way, including, but not limited to, patios, bike racks, water meters, backflow devices, signs and curb/gutter/sidewalk improvements.

Prior to the Final Map

- 45. TENTATIVE MAP.** The tentative map for “Chiles Ranch West” shall indicate the approved street names.
- 46. EASEMENTS.** The developer shall prepare the necessary easements and/or other documents such as CC&Rs) to provide reciprocal access and use for any portion of any lot to be used by another, including but not necessarily common access, drainage, landscaping, utilities, and shared driveway(s). The language of said easements shall and/or other documents shall be subject to the review and approval of the Community Development and Sustainability Director, City Engineer &/or City Attorney prior to recordation of the Final Map(s) and prior to issuance of building permits. All improvements other than public sidewalk, curb, gutter, street and designated street trees in the public right of way shall be the responsibility of the abutting property owner or Homeowner's Association to maintain (ie landscaping strips, landscaping, trees, bioswales, etc). Provisions for maintenance by abutting property owners and/Homeowner's Association shall be subject to the approval of Community Development and Sustainability Director City Engineer and/or City Attorney.
- 47. STORMWATER MANAGEMENT.** The proposed development and project applicant shall comply with the City’s Stormwater Management and Discharge Control Ordinance.
- 48. STORMWATER PREVENTION PLAN.** The developer shall submit an amended stormwater pollution prevention plan (SWPPP) from Phase I of the project that shall include the areas of the Phase II portion of the project. The SWPPP shall be subject to the review and approval of the Public Works Director prior to the disturbance of any soil. The SWPPP shall be amended by a State of California certified QSD. The SWPPP shall be submitted along with a completed NOI and WDID number.
- 49. STORMWATER QUALITY PLAN.** A complete stormwater quality plan shall be submitted with the building permit to include all of the following:
- a. Total site area.
 - b. The amount of pre-project vs. post project impervious surfacing.
 - c. The direction of all rainwater flow on site.
 - d. The boundaries of all drainage management areas clearly delineated on site.
 - e. All treatment control measures clearly identified.
 - f. All bioretention areas clearly identified.
 - g. Supporting calculations showing compliance of all treatment control measures and bioretention areas with Section E.12.e. and f. of the Phase II Small MS4 General Permit.
- 50. UTILITY IMPROVEMENT PLAN REVIEW** All sizes, locations and grades of the utilities to serve this project are subject to the review and approval of the City Engineer. Applicant shall submit improvement plans for the public and private common improvements subject to review and approval of the City Engineer.
- 51. UTILITIES MAINTENANCE.** Utilities located within common access areas shall be privately owned and maintained. Provisions shall be made for easements for common access, drainage,

utilities and provisions for maintenance and repair of any shared utilities, driveways, or walkways. These provisions shall be subject to the review and approval of the Public Works Director and/or the City Attorney.

If proposed utility services are installed within 5 years after City acceptance of the Ginkgo Circle frontage Improvements (completed with Chiles Ranch Phase 2A), the applicant shall provide full asphalt replacement of the roadway adjacent to Lots 89 thru 97.

- 52. UNDERGROUND UTILITIES.** Developer shall attempt to locate onsite underground utility lines away from permeable pavement bases. However, if they need to penetrate the base, consideration should be given to waterproofing (depending on the utility) or possible encasement using low-strength flowable concrete fill.
- 53. DRY UTILITIES.** Prior to approval of the improvement plans, Applicant shall submit locations of joint trench and other dry utilities. Details shall include but not be limited to the following: HVAC, gas meters, and electrical boxes for each unit and service points, conduit wire sizes, and poles numbers for street lights.
- 54. SEWER.** A sewer capacity study will be required at the time of construction documents for review and approval of the City Engineer.
- 55. CONNECTION FEES.** Water Connection and Sewer Connection fees shall be paid at the time of building permit, or as required by law.
- 56. PUBLIC / ROADWAY IMPROVEMENTS.** Streets, sidewalks and curb & gutter adjacent to the project shall meet current ADA standards and shall be in first class condition prior to certificate of occupancy. Applicant recognizes that it is the City's policy that first class condition prior to occupancy means that the improvements are free from cracks or other defects, other than transverse temperature cracks that normally occur, and that any repairs necessary to return the improvements to first class condition prior to occupancy are the responsibility of Applicant, or its successors in interest. Applicant agrees, prior to certificate of occupancy to cause to be repaired to the satisfaction of the City Engineer, any cracks or other damage deemed by the City Engineer to be in need of repair.
- 57. PROVISION OF RIGHT OF WAY IMPROVEMENTS.** The design and construction of all public improvements to serve the subdivision shall be subject to the review and approval of the City Engineer.

Prior to Issuance of Grading

- 58. BIOLOGICAL SURVEY REQUIRED.** Prior to issuance of a grading, or disking, or any ground disturbance, or building permit or other improvement activities on the site, the applicant/developer shall obtain approval from the City regarding biological survey commissioned by the applicant, which has a 30-day expiration. The study shall be consistent with City Ordinance and shall address whether there are endangered and/or protected species on the site. This study will be a follow up to the study recently conducted for the entitlement applications hearing.

- 59. GRADING PLAN.** Prior to issuance of a grading, or disking, or any ground disturbance, or building permit or other improvement activities on the site a grading plan of the project shall be prepared by a registered Civil Engineer, for the review and approval of the City Engineer.
- 60. BUILDING PERMIT GRADING PLAN.** Prior to issuance of a grading, or disking, or any ground disturbance, or building permit or other improvement activities on the site the applicant shall submit a final grading plan concurrent with the initial building plan check submittal to the Community Development and Sustainability Department. All accessibility features and bicycle access routes are to be clearly shown on the site plan and grading plan. (DR)
- 61. DRAINAGE PLAN.** Prior to determination that an application is complete for the Final Map, issuance of building permit, or the commencement of any grading activity, whichever occurs first, applicant shall submit a grading and drainage plan for review and approval by the City Engineer. The grading plan shall be prepared by a registered Civil Engineer. The grading plan shall provide existing topography and where all proposed grading cuts/fills will occur including those within the canopy of any existing trees to remain. All accessibility features are to be clearly delineated on the site. Prior to approval of grading plans for this subdivision, Subdivider shall satisfy the City Engineer that the proposed grading will not adversely affect adjacent properties. In addition, retaining walls shall be provided by the Subdivider wherever the grade differential between adjacent lots is 0.5 feet or greater. Masonry retaining walls shall be provided when such grade differential is 1.0 feet or greater.
- 62. UTILITY PLAN.** Prior to issuance of a grading, or disking, or any ground disturbance, or building permit or other improvement activities on the site A utility plan shall be approved by all applicable utility providers. This plan, with an approval stamp from the City of Davis Community Development and Sustainability Department, shall be submitted by the applicant to the utility provider for review. Any necessary changes or deviations from the approved utility location and/or screening shall be reviewed by the Community Development and Sustainability Department prior to installation and may be subject to discretionary Design Review processing and fees by the Community Development and Sustainability Department.
- 63. ENCROACHMENT PERMIT REQUIRED.** All work within the public right-of-way, including but not limited to utilities and grading, shall be explicitly noted with the building plans. The applicant shall obtain all necessary encroachment permits from the City of Davis Public Works Department prior to issuance of building permits for all work and construction that encroach within or over the public right-of-way, including, but not limited to, balconies, fire ladders, water meters, backflow devices, signs and curb/gutter/sidewalk improvements.

Prior to Construction

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

During Construction Activities

- 65. UNDEVELOPED SITE MAINTENANCE.** The applicant shall be responsible for the ongoing maintenance and upkeep of undeveloped portions of the project site in accordance with the City of Davis Municipal Code. All building pads shall be seeded and irrigated for erosion control.
- 66. SIDEWALK MAINTENANCE.** Owners shall maintain the sidewalk in clean condition free of litter, spilled food and stains. The sidewalk shall be pressure washed by the owners on a regular basis.
- 67. TRASH MAINTENANCE.** The entire site shall be kept free of trash or debris at all times.
- 68. BACKFLOW EQUIPMENT.** Backflow prevent valve wheels and stems shall be maintained in a manner which enables inspection in order to determine whether or not the valve is open.
- 69. SOILS.** Prior to the issuance of permits, the applicant shall have a soils investigation report prepared and the applicant shall comply with all recommendations contained within the report.
- 70. CONSTRUCTION TIMES AND NOISE IMPACTS/MITIGATION MEASURES.** The developer/applicant shall be responsible for informing all subcontractors and construction crews about construction start and finish times including appropriate ambient noise impacts consistent with city code and of all applicable mitigation measures.
- 71. AIR QUALITY DURING CONSTRUCTION.** The following actions shall be taken during construction to minimize temporary air quality impacts (dust):
- a. An effective dust control program should be implemented whenever earth-moving
 - b. activities occur on the project site. In addition, all dirt loads exiting a construction site within the project area should be well watered and/or covered after loading.
 - c. Apply water or dust palliatives on exposed earth surfaces as necessary to control dust emissions. Construction contracts shall include dust control treatment in late morning and at the end of the day, of all earth surfaces during clearing, grading, earth moving, and other site preparation activities. Non-potable water shall be used, where feasible. Existing wells shall be used for all construction purposes where feasible. Excessive watering will be avoided to minimize tracking of mud from the project onto streets.
 - d. Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour).
 - e. Outdoor storage of fine particulate matter on construction sites shall be prohibited.
 - f. Contractors shall cover any stockpiles of soil, sand and similar materials.
 - g. Construction-related trucks shall be covered and installed with liners and on the project site shall be swept at the end of the day.
 - h. Revegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the project.
 - i. Vehicle speeds shall not exceed 15 miles per hour on unpaved surfaces.

- 72. OZONE PRECURSORS DURING CONSTRUCTION.** In order to minimize the release of ozone precursors associated with construction, the following standard requirements developed by the Yolo/Solano APCD shall be implemented:
- a. Construction equipment and engines shall be properly-maintained.
 - b. Vehicle idling shall be kept below ten minutes.
 - c. Construction activities shall utilize new technologies to control ozone precursor emissions, as they become available and feasible.
 - d. During smog season (May through October), the construction period shall be lengthened so as to minimize the number of vehicles and equipment operating at the same time.
- 73. EXCAVATION.** If subsurface paleontological, archaeological or historical resources or remains, including unusual amount of bones, stones, shells or pottery shards are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further measures to reduce any cultural resource impact before construction continues.
- 74. NOISE REDUCTION PRACTICES.** The applicant shall employ noise-reducing construction practices. The following measures shall be incorporated into contract specifications to reduce the impact of construction noise.
- a. All equipment shall have sound-control devices no less effective than those provided on the original equipment. No equipment shall have an un-muffled exhaust.
 - b. As directed by the City, the developer shall implement appropriate additional noise mitigation measures including, but no limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, or installing acoustic barriers around stationary construction noise sources.
- 75. HOURS OF CONSTRUCTION.** During all project construction, hours of construction shall be as follows:
- a. Monday through Friday 7:00a.m. to 5:00 p.m.
 - b. Saturday 8:00 a.m. to 3:00 p.m.
 - c. Construction activities shall not be permitted Sunday
 - d. Construction activities shall not be permitted on Federal Holidays
 - e. Construction activities shall not be permitted after 12:00 noon on December 24

Prior to Certificate of Occupancy

- 76. FINAL INSPECTION.** An on-site final inspection of the photometric standards shall be conducted by the electrical engineering consultant to confirm that all lights were correctly installed according to the approved photometric plan. There should be an evening inspection to confirm proper installation.
- 77. COMPLIANCE WITH CONDITIONS.** Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction

of the City of Davis Community Development and Sustainability Department. The site and buildings shall be inspected for compliance prior to the issuance of a certificate of occupancy.

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

Conditions of Approval Specific to “Chiles Ranch”

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

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

- a. Prior to the issuance of the first Certificate of Occupancy in Phase I, a secondary emergency vehicle access, a minimum of 20 feet in width, shall be installed in the northeast portion of the development through the existing easement located off Wellesley Avenue and shall meet the following specific requirements:
 - i. The vehicle access shall support a two axle, 40,000-pound vehicle and shall be surfaced to provide all weather driving capabilities.
 - ii. Final specifications shall subject to review and approval of the Fire Chief, City Engineer, and Community Development Director. The access road shall be all weather surface maintained by Homeowner's Association, except for the portion located in the city greenbelt.
 - iii. It shall be the obligation of the developer/applicant to acquire all necessary access rights of way and/or easements to affect the emergency vehicle access. In the event that the applicant/developer is not able to acquire this right-of-way through negotiation, and upon demonstrating to the City's satisfaction that all reasonable efforts have been made to do so, the applicant may request that the City acquire the right-of-way through eminent domain. If the latter is pursued, the applicant/developer shall be responsible to reimburse the City for all costs of acquisition, including but not limited to all staff, legal, engineering, and appraisal fees.
- b. Vehicle access shall be sufficient to accommodate fire department equipment as follows:
 - i. The minimum public street in the subdivision will be 20 feet.
 - ii. A clear driving width a minimum of 16 feet shall be provided and maintained on all private drives for emergency vehicle access.
 - iii. Parking will be limited to one side of the street only, except for section of street located east of lots 21-24, and west of Lots 15, Lot J, and Lot 20, as shown in the

- Parking Exhibit submitted to the Community Development Department and date stamped November 21, 2008.
- iv. Streets or segments of streets that do not provide provisions for parking shall have "No Parking" signs posted in accordance with vehicle code.
 - v. On street parking shall not encroach into the required minimum width required for emergency vehicle access.
 - vi. Parking shall not be permitted on private drives. Enforcement shall be the responsibility of the Homeowner's Association.
 - vii. Maintaining clear access on fire apparatus roads is essential to the emergency operations. It shall be the responsibility the Homeowner's Association to provide a mechanism to enforce parking, 24 hours a day, 7 days a week on private drives. A parking enforcement plan must be provided to the Fire Department for approval to demonstrate how this will be achieved.
- c. Residential sprinklers shall be required on Lot 14.
 - d. On building plans that indicate a fence with a gate between the street and front door. The gate must be operable at all times and not removed. The gate must be distinguishable from the fence. If addresses are not visible from the street additional addressing shall be required to be posted on the gate.

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

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

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

Conditions of Approval Applicable to Entire Project ("Chiles Ranch" and "Chiles Ranch West")

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

- 85. VISITABILITY / ACCESSIBILITY.** The project shall comply with the City's Universal Access Ordinance.
- 86. CLIMATE CHANGE AND SUSTAINABILITY.** The project shall comply with the city's Green Building Ordinance and the city's Renewable Energy Ordinance.
- 87. POSTSTORM WATER QUALITY TREATMENT CONTROL MEASURES.** The landscape plans shall show all supporting plantings and supporting supplementary irrigation for all post construction stormwater quality treatment control measures and bioretention areas subject to review and approval of the Public Works Director prior to the issuance of building permits. No plant species identified on the California Invasive Plant Inventory Database shall be permitted on site. The landscaping installed in the post construction stormwater treatment controls measures and the measures themselves shall be required to maintained into perpetuity by the Homeowners Association.
- 88. ELECTRIC VEHICLE RECHARGE.** All garages shall be pre-wired for EV recharge stations.
- 89. AFFORDABLE HOUSING UNITS.** Twelve 3-bedroom for-sale affordable income units shall be provided on-site by the project. All units will be developed concurrently with the project's market rate units. Certificates of occupancy will not be provided until on the last twenty market rate units in the project until all affordable units have been issued a certificate of occupancy.
- 90. AFFORDABLE UNIT SALE PRICES.** The affordable ownership units shall be sold at prices affordable to low/moderate income households, as defined in Article 18.05.020 and 18.06.060 of the City of Davis Municipal Code. All low/moderate income units shall be advertised and sold in accordance with the City's Buyer Selection Guidelines. A marketing and buyer selection plan shall be submitted to the City's housing staff for review and approval. All low/moderate income units shall have their prices adjusted downward from the City's standard pricing in order to account for the project's monthly Homeowner's Association fees.
- 91. INCOME ELIGIBILITY ON AFFORDABLE FOR-SALE UNITS.** Households purchasing the low/moderate income units shall have a gross annual income that is at or below 120% of Area Median Income for Yolo County, adjusted for household size, at the time of purchasing a low-moderate income unit.
- 92. AFFORDABILITY REQUIREMENTS.** Required affordable low/moderate income units shall remain affordable over time and continue to ensure affordable housing opportunities for future income eligible households. The following requirements shall be established in a City-provided deed restriction recorded to the low/moderate income units and shall be subject to review and approval by the City Manager's Office prior to sale of the unit:
- a. Owner-Occupancy Requirement, the Project developer agrees to record this requirement to each affordable unit, using the City's standard deed in accordance with Section 18.04 of Davis Municipal Code.

- b. Resale of the low/moderate income units shall be administered under the City's Right of First Refusal Program. The Right of First Refusal, including the 1% administrative fee for carrying out this right allows the City of Davis the opportunity to either purchase the unit upon resale or present a buyer for the unit within 90 days of a notice from the seller indicating their intent to sell, closing escrow on the unit within 120 days of notice or as agreed upon by buyer and seller. In cases where the city gives up its right or does not provide a buyer in 90 days, the owner of the unit shall also have a 90 day deadline to sell the unit before the Right of First Refusal goes back into effect. Sustained Affordability, in accordance with Section 18.05.050 of the Davis Municipal Code, which should specifically include an appreciation cap through a restriction recorded to the deeds of the affordable units.
- c. Resale Report requirement will be recorded to the deed for each affordable unit, as part of the City's standard deed to be used that all future owners of the affordable units clear the City of Davis resale report prior to the close of escrow in future sells of the unit, in all circumstances where the unit is not exempt from the city's resale inspection. No findings in the city's resale report shall be transferred to the subsequent buyer of the unit.

93. AFFORDABLE HOUSING DISCLOSURE. Developer shall provide written notice to all purchasers of lots or homes within the subdivision of the location and zoning for the affordable housing units until construction on these units is complete. The disclosure shall explicitly note that the affordable housing units are to be developed for low and moderate income households. Wording is subject to review and approval by the Community Development and Sustainability Department prior to occupancy.

94. RESALE RESTRICTION. Project developer agrees to record the City's required resale restriction to the deed of each low/moderate income unit upon its initial sale.

95. AFFORDABLE HOUSING DISTRIBUTION. Prior to issuance of building permits, the developer shall submit a plan for marketing the affordable units and selecting and qualifying the buyers, subject to review and approval by the City Manager's Office and the City Attorney. Developer shall recognize that any commitments for sale of the units without City approval are invalid and are counter to this affordable housing plan approval. This plan shall be in compliance with the City of Davis Buyer/Tenant Selection Guidelines and the city's "workforce" preference system.

III. ENVIRONMENTAL:

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

MITIGATED NEGATIVE DECLARATION #1-08

MITIGATION MEASURES:

BIOLOGICAL:

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

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

- a) If avoidance of project activity (demolition of existing structures, grading or new construction) during the breeding season is not feasible, a qualified biologist shall conduct a pre-construction survey to determine the nesting status of Swainson's hawk on site and within one-quarter mile of the project site. This shall be a condition of any grading permit. The survey shall be conducted no less than 14 days and no more than 20 days before the beginning of construction (including equipment and materials staging) between the months of April and early September. If no active nests are found during the survey, no further mitigation for nesting Swainson's hawk shall be required.
- b) If during the focused survey active Swainson's hawk nests are identified on-site or within one-quarter mile of the proposed, no construction shall be allowed until a qualified biologist determines that the young have fledged (able to forage independently from adults), or that the nest has failed and becomes inactive. Any trees containing nests that must be removed as a result of the proposed project shall only be removed during the non-breeding season (September to March). Additional mitigation measures may be necessary in this instance as dictated by the California Department of Fish and Game.

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

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

- i. The Yolo County HCP/NCCP Joint Power Association (JPA) entered into agreement with the California Department of Fish and Game regarding mitigation for impacts to Swainson's hawk foraging habitat. The agreement requires that 1 acre of habitat

management lands be acquired for each 1 acre of Swainson's hawk foraging habitat lost. Prior to the issuance of grading permits, the project applicant shall pay the appropriate fee for 11.9 acres of foraging habitat affected; or

- ii. Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, the project proponent shall place and record one or more Conservation Easements that meet the foraging habitat mitigation acreage requirement. The conservation easement(s) shall be executed by the project proponent and a Conservation operator. The conservation easement(s) shall be reviewed and approved in writing by California Department of Fish and Game prior to recordation for the purpose of confirming consistency. The purpose of the conservation easement(s) shall be to preserve the value of the land as foraging habitat for the Swainson's hawk. The proponent shall provide the City with a copy of the DFG consistency finding, and a receipt of conservation easement acquisition prior to the start of construction.

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

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

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

If you have any questions regarding this action or the process please contact me at ccamacho@cityofdavis.org, (530) 757-5610, ext. 7235.

Sincerely,

Cathy Camacho

Cathy Camacho
Planner

c: Greg Mahoney, Building Official
Tim Annis, Fire
Robert Cain, Community Services
Dianna Jensen, Public Works