

## STAFF REPORT

**DATE:** April 18, 2017

**TO:** City Council

**FROM:** Mike Webb, Assistant City Manager  
Katherine Hess, Community Development Administrator  
Eric Lee, Planner

**SUBJECT: Sterling 5<sup>th</sup> Street Apartment Project at 2100 5<sup>th</sup> Street:**  
Planning Application #15-49 for General Plan Amendment #2-15; Preliminary  
Planned Development #5-15; Final Planned Development #7-15, Tentative Map  
#4-15, Design Review #18-15, Demolition #2-15, Affordable Housing Plan #2-  
15, Development Agreement #3-15, Environmental Impact Report #3-15

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### Recommendation

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

1. Certify the attached Final Environmental Impact Report prepared for the project;
2. Approve the attached Resolution adopting the CEQA Findings of Fact with the Statement of Overriding Considerations and Mitigation Monitoring Plan;
3. Adopt the attached Resolution amending the General Plan to change the land use designation of the subject parcel from “Industrial” to “High Density Residential”;
4. Adopt the attached Ordinance amending Chapter 40 of the Municipal Code to rezone the subject parcel from PD 3-92 to PD 5-15;
5. Adopt the attached Ordinance approving a Development Agreement relating to the Sterling Fifth Street Apartments Project, including the Affordable Housing Plan; and
6. Approve Planning Application #15-49 for the Final Planned Development, Tentative Map, Demolition and Design Review for the project based on the findings and subject to the conditions of approval contained in this staff report.

This report is structured under the following major topic areas:

- A. Introduction
- B. Public Process and Comments
- C. Environmental Review
- D. General Project Issues
- E. Project Analysis
- F. Conclusion
- G. Attachments

## **A. INTRODUCTION**

The proposed Sterling Fifth Street Apartments Project has been undergoing an extensive City and public review process that included numerous public and commission meetings. There has been considerable interest in the project from the surrounding neighborhood and the community in general about the proposed changes to the site, potential impacts to the area, University relations, and City-wide issues that it raises. The project modifications in response to community concerns resulted in an approximately 25% reduction in the project scale and intensity compared to the original proposal. In response to these modifications, the Rancho Yolo Community Association Board has suspended its previous opposition to the project. Although the project modifications and other measures have addressed many project-related issues, public concerns persist.

At the same time, the project has also garnered support and provides community benefits. The project creates needed student housing on centrally-located, infill site in proximity to services and transit and bicycle facilities. It provides additional affordable housing on a separate site. Project requirements include sustainability features, such as LEED Gold buildings, PV for common area needs, and transportation-related measures, improvements, and contributions that benefit the project area and reduce vehicle trips. Overall, staff believes that the merits of the project are substantial and recommends approval.

### **Fiscal Impact**

The applicant has paid the required application fees to process the application. The project is revenue neutral according to a fiscal impact analysis conducted by staff. Due to the previous owner's non-profit status, the City did not receive property taxes for the site. The for-profit apartment complex will contribute property taxes to the City's General Fund based on the value of the property to help fund City services.

The development will also generate a one-time fiscal benefit to the City of \$3.2 -3.3 million in construction tax and development impact fees revenue. The impact fees include \$654,155 for roadways and \$596,301 for parks, with additional fees for storm sewer, open space, public safety, and general services. These are one-time fees for the particular categories. There are limited uses for these particular funds which are intended for the expansion of services.

The proposed Sterling Apartments Project consists of a mix of 1-bedroom, 2-bedroom, 4-bedroom, and 5-bedroom units. The larger bedroom units are charged that same rate as the smaller 2-bedroom units in the City's impact fee schedule. However, the fees are appropriate for the project even with the larger bedroom units. The project is limited to the equivalent of one person per bedroom with single-occupancy bedrooms which cap the total resident population. The project's impacts on City facilities would be similar to other apartment projects with fewer bedrooms where residents double up in bedrooms. Additionally, the Sterling Apartments Project is targeting a university student population who generally place less demand on City parks than a typical family. Student residents who may be away for parts of the year during school breaks may also place less demand on other services

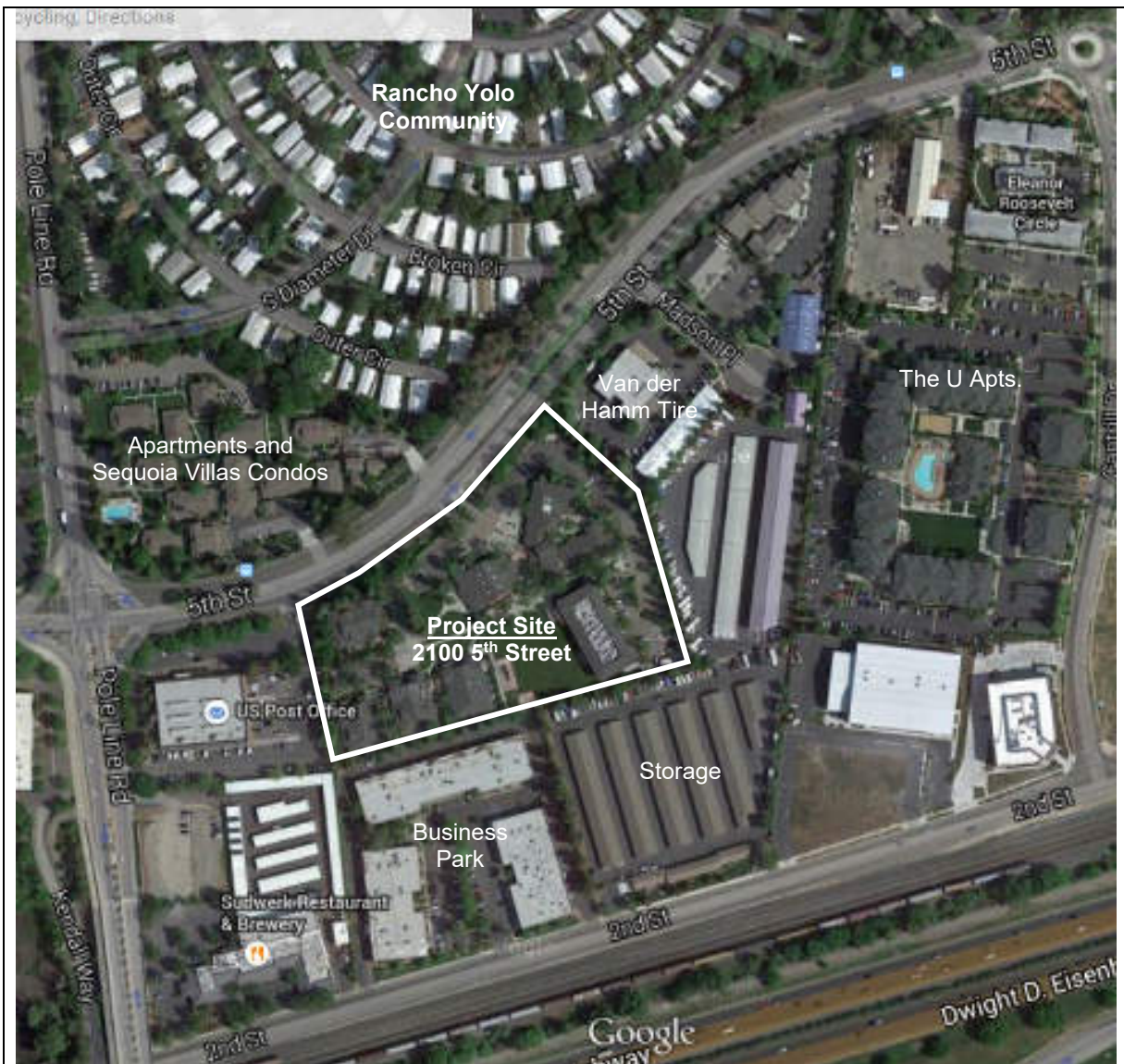


The Development Agreement calls for the project to contribute an additional \$100,000 for transportation enhancements in the general project area. Davis Joint Unified School District and County of Yolo will benefit financially from this project with approximately \$800,000 - 900,000 in one-time fees.

### **Council Goals and Objectives**

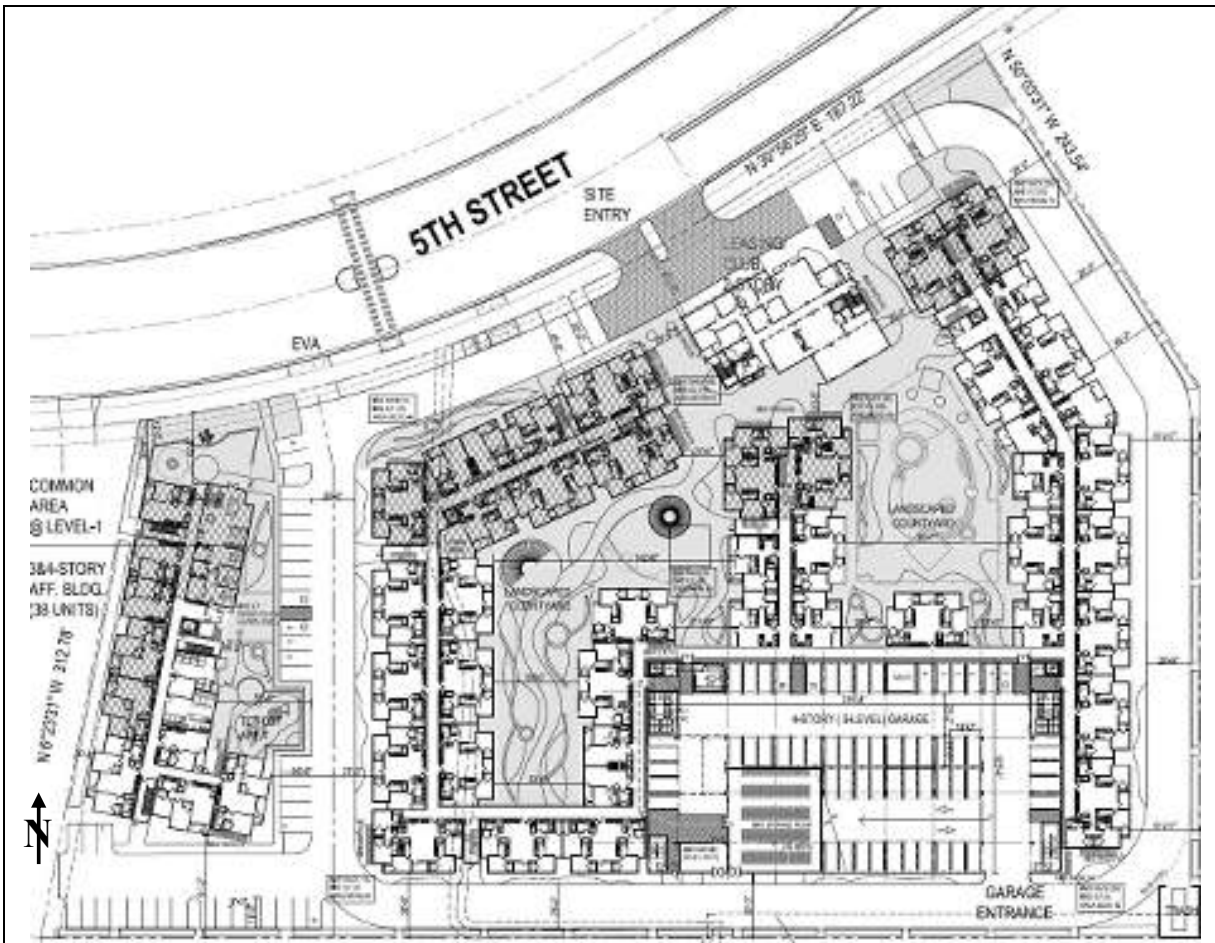
Applicable Council Goals for 2016-2018 that the proposed project implements include:

- Environmental Sustainability (Goal 3) which includes the objective to reduce the community's carbon footprint and achieve measurable greenhouse gas emission reductions, including reduction of Vehicle Miles Traveled.
- Promote Community (Goal 5) which includes the objective to increase, maintain and improve the supply of affordable housing and the task to increase affordable housing options for students.
- Fund, Maintain, and Improve Infrastructure (Goal 6) which includes the task to improve bicycling comfort and safety by completing infrastructure enhancements for the 5th Street Lane Reduction to add bike lanes from L Street to Pole Line Road.



**Figure 1. Project Vicinity Aerial Photo**

The existing facilities, improvements, and trees would be removed. The site would be redeveloped with a 160-unit, student-oriented apartment community (Sterling Apartments) and a separate parcel created for a 38-unit affordable apartment community to be developed by an affordable developer (Mutual Housing California) chosen by the applicant. The project would have a total of 198 units with 611 bedrooms between the two sites (Figure 2).



**Figure 2. Site Plan**

The 160 apartment units on the market-rate site for the Sterling Apartments are targeted for university students. It proposes a 3 and 4-story apartment building, a parking structure, a 2-story, 10,800 square-foot leasing office/clubhouse building, and site improvements. The apartments are a mix of 1-bedroom, 2-bedroom, 4-bedroom, and 5-bedroom units totaling 540 single-occupancy bedrooms which will be leased by the bedroom. Units range in size from 583 square feet to 1,759 square feet. The 4-story parking structure with 5-levels including the top deck would provide 343 parking spaces. An additional 5 spaces would be located next to the leasing office/clubhouse building, for 348 total parking spaces. 540 bicycle parking spaces are provided.

The 38-unit affordable site would be a 3 and 4-story building with a mix of 1-bedroom, 2-bedroom, and 3-bedroom units totaling 71 bedrooms, multi-purpose room, laundry facilities, offices, and a tot lot, 38 surface parking spaces, and 75 bicycle spaces. Units range in size from 641 square feet to 1,188 square feet. Table 1 provides a summary and comparison of the updated project data with the original proposal.

**Table 1. Project Data Summary**

<b>Market-Rate Site</b>	<b>Updated Project</b>	<b>Original Proposal</b>
Units	160 units	203 units
Lot Area	4.97 acres	5.16 acres
Density	32 units/acre	39 units/acre
Unit Breakdown and Bedroom Count	22 1-bedroom units 30 2-bedroom units 82 4-bedroom units <u>26 5-bedroom units</u> 160 total units 540 total bedrooms	10 1-bedroom units 48 2-bedroom units 104 4-bedroom units <u>41 5-bedroom units</u> 203 total units 727 total bedrooms
Building Stories	3-4 stories (56 feet)	4-5 stories (66 feet)
Garage	4 stories (5 levels)	6 stories (7 levels)
Vehicle Parking	348 spaces (0.64 per bedroom)	550 spaces (0.75 per bedroom)
<b>Affordable Site</b>	<b>Updated Project</b>	<b>Original Proposal</b>
Units	38 units	41 units
Lot Area	1.03 acres	0.84 acres
Density	38 units/acre	49 units/acre
Unit Breakdown and Bedroom Count	15 1-bedroom units 13 2-bedroom units <u>10 3-bedroom units</u> 38 total units 71 total bedrooms	18 1-bedroom units 12 2-bedroom units <u>11 3-bedroom units</u> 41 total units 74 total bedrooms
Building Stories	3-4 stories (54 feet)	4 stories (54 feet)
Vehicle Parking	38 spaces	41 spaces
<b>Total</b>	<b>Updated Project</b>	<b>Original Proposal</b>
Total Units	198 units	244 units
Total Lot Area	6.0 acres	6.0 acres
Total Density	33 units/acre	41 units/acre
Total Bedrooms	611 bedrooms	801 bedrooms

The project includes a General Plan Amendment to change the land use designation from Industrial to High Density Residential and a Rezone of the site to a new Planned Development for multi-family residential uses. Project information, plans, and materials are available online at: <http://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/sterling-5th-street-apartments>.

## B. PUBLIC PROCESS AND COMMENTS

The project has undergone an intensive public review process which included review and input by multiple City commissions as part of the project and environmental review as well as community outreach and meetings. Public meetings and project milestones include:

**Table 2. Project and CEQA Review Dates**

<b>Project/Policy Review</b>	<b>Date</b>	<b>CEQA Review</b>
PC Pre-application Input	06/10/15	--
CC Pre-application Input	07/07/15	--
Application Submitted	July 2015	--
SSC Review	01/25/16	--
--	02/04/16	Initial Study 30-day Comment Period
--	04/06/16	30-day EIR Scoping Period
SCC Review	04/14/16	--
--	04/18/16	Public Scoping Meeting
SCC Review	06/09/16	--
--	06/14/16	CC Input on Project Alternatives
--	September 2016	Draft EIR
	09/15/16	DEIR 45-Day Public Review Period
Community Meeting	09/29/16	--
--	10/12/16	PC DEIR Review
--	10/13/16	BTSSC DEIR Review
--	10/24/16	NRC DEIR Review
BTSSC Review	11/10/16	--
--	11/31/16	End of DEIR Review Period
NRC Review	12/05/16	--
--	January 2017	Final EIR
CC subcommittee meetings with applicant and Rancho Yolo Board	January/February 2017	--
PC Hearing	03/22/17	PC Hearing
CC Hearing	04/18/17	CC Hearing

### Council and Commissions

CC – City Council

PC – Planning Commission

SCC – Senior Citizen Commission

SSC – Social Services Commission

NRC – Natural Resources Commission

BTSSC – Bicycle, Transportation, and Street Safety Commission

## **Commission Review**

The project process included review by a City commissions on both the environmental document and relevant project components. Commission comments on the environmental impacts and analysis are included and addressed as part of the Final EIR document. Commission meeting minutes from their review of the project application and policy-related components, except for the recent Planning Commission meeting, are included as Attachment 11. The meetings and comments are summarized below.

### Planning Commission

On March 22, 2017, the Planning Commission held a public hearing to consider the modified project. Public testimony included comments both supportive of and opposed to or concerned about the project. This was also expressed in the Commission's deliberations. Commissioners' concerns included:

- Impacts on core area traffic from project vehicles and bicycles;
- Concern about the project's location for housing;
- Loss of the site for social services;
- Issues with the building design;
- Inflexibility of the unit design for non-students;
- Loss of trees and demolition of existing buildings;
- Comments about the University's responsibilities;
- Taking a piecemeal, reactive approach to planning for the City's needs.

The Commission also expressed support for the project including:

- Appreciation for project modifications and additional measures in response to neighborhood concerns;
- Provision of much needed housing in the community reducing pressure in the City's single-family neighborhoods and allowing more students to live in town;
- Location of the site on a major corridor and the proximity to shopping;
- Social benefits of the 4- and 5-bedroom units;
- Provision of affordable housing units.

The Planning Commission approved the following motions:

1. Voted 5-2 to recommend that the City Council certify the EIR prepared for the project and adopt the recommended CEQA findings and the statement of overriding considerations; and
2. Voted 4-3 to recommend that the City Council approve the planning entitlements for the proposed project with following changes and additions. The Planning Commission's recommendations are listed below followed by staff comments how they have been addressed.

A. Removal of Condition 122 related to on-street storage of garbage and green waste.

*The condition has been removed.*

- B. Addition of a condition to strive to preserve existing trees, particularly the canary island pines in the northwest corner of the site along 5<sup>th</sup> Street in front of the affordable site to the extent that it does not impair the site's ability to provide usable outdoor space, amenities, other site functions, or the approved project design.

*A condition (#87) has been incorporated encouraging efforts to preserve these trees.*

- C. Addition of a condition to explore ways to provide residents with information on their electricity usage to encourage conservation.

*A requirement for a Water and Energy Conservation Incentive Plan has been added to the Development Agreement and the conditions of approval. It is included as Exhibit G of the Development Agreement and reference in Condition #115. Each unit is already planned to be metered or submetered for water and electricity. The plan calls for a monthly summary of each unit's water and electricity usage to be provided and a \$50 gift card to be awarded monthly to each unit type (1-bed, 2-bed, 4-bed, and 5-bed) with the lowest water and energy usage*

The motion also included Planning Commission comments recommending that the City Council explore options in the Development Agreement for the following items:

- D. Options to address the financial impact to the City in the case of a master lease or sale of the property to the University of California.

*A provision has been added to the Development Agreement (Section 201-9) to record a covenant on the property for the market-rate student site regarding property taxes. It would include a permanent obligation for the property owner to make payments to the City for the City's share of property taxes in the event that the property is acquired or master leased by an entity exempt from payment of property taxes.*

- E. Consideration of a local hiring program and use of local vendors in the construction and operation of the site.

*A requirement for a local hiring program has been added to the Development Agreement (Section 201-8). The program is included as Exhibit I of the Development Agreement. It includes advertising and hiring policies targeting local residents and low income individuals for construction jobs.*

#### Social Services Commission (SSC)

The Social Services Commission reviewed the project's Affordable Housing Plan (AHP) Individualized Program which is included as an exhibit in the Development Agreement. The AHP outlines the general terms for development of the proposed affordable housing site. Based upon their review of the original proposal for 203 market-rate units, the SSC's recommendation supported creation of the separate parcel with development of the 41 affordable units and a contribution by the developer of \$2,025,000 to use in development of the affordable site. The

SSC did not comment on the selection of Mutual Housing California as the developer of the affordable housing site. The staff recommendation included additional requirements and details which continue to be recommended and are included in the attached AHP. It contains refinements and clarifications regarding the timing and conveyance of the land and contribution.

The SSC requested staff and the applicant continue working on parking and traffic issues, reduction of demolition debris, reduction of potential conflicts between residents of the two sites, and providing adequate amenities for the affordable housing units. Staff believes that these issues which were raised as community concerns have been addressed by the modified project and in the plans and requirements outlined in the Sustainability Plan, Security Plan, and a coordination plan which would address common issues between the two sites.

#### Senior Citizen Commission

The Senior Citizen Commission reviewed the project relative to senior issues and project consistency with the City Guidelines for Housing that Serves Seniors and Persons with Disabilities for the affordable site. The Senior Commission found that while the affordable component of the project met the housing guidelines for seniors, the commission felt that it was not suitable for seniors due the student demographics, density, transit, and quality of life issues. The commissioner's comments also noted a lack of harmony with the surrounding neighborhood, potential lifestyle conflicts between students and senior communities in the area, and need for careful consideration by City Council.

Staff believes that the proximity of students in the Sterling Apartments site to seniors who might be living in the affordable site is not an incompatible situation. While there are reasonable concerns, it provides potential benefits as well. Comments from Mutual Housing California at the Senior Commission meeting noted opportunities to develop programs and mentoring that could increase interaction and benefit residents of both sites. Staff also notes that apartment complexes with student residents and affordable apartment sites are distributed throughout the city and include ones adjacent to senior housing as shown in a city-wide map of Senior Housing, Affordable Housing and Apartment Sites included as Attachment 13.

Neighborhood problems vary from site to site and rely on good management, but an inquiry to the Davis Police Department about complaints at nearby apartments revealed 14 noise/party complaints from 2014 to present for the Greystone Apartments and 22 noise/party complaints from 2015 to present for the U Apartments. According to the Police Department, these are "very reasonable" numbers compared to some sites which can have this many in one year. The Sterling Apartments site will be actively managed. Project modifications which substantially reduced the number of units on the Sterling Apartments site further address the issue.

#### Bicycle, Transportation, and Street Safety Commission (BTSSC)

The BTSSC reviewed transportation issues related to the project after preparation of the Draft EIR but before release of the Final EIR. The BTSSC concluded that they could not at that time find consistency with transportation policies because of unanswered traffic questions about student transportation patterns. Specific issues were safety of the left turn out of the site vis-a-vis the crosswalk, and impacts on non-peak vehicle congestion.



The Final EIR provides a response to comments received from the public and includes comments received from the BTSSC meeting. As discussed in the EIR, additional analysis of the 5<sup>th</sup> Street corridor and of the core area was not warranted as those segments and intersections were already addressed or determined to be adequate based on City standards. Student schedules vary throughout the day and throughout the year and City traffic counts have not historically revealed particular problems related to student trips at other times of the day when compared to the AM/PM peak periods. Staff finds that the project is consistent with City transportation policies for: higher intensity residential uses near activity centers and on corridors served by transit, level of service, limitations on travel lanes, development of bicycle and transit facilities, support for alternative transportation, promotion of EV vehicles and infrastructure. Additionally, these comments addressed the original proposal which proposed more units and more residents.

#### Natural Resources Commission

The Natural Resources Commission reviewed resource-related components of the project, specifically the Draft Sustainability Implementation Plan. The commission recommended that the applicant to upgrade the project's Draft Sustainability Implementation Plan to meet a minimum LEED Gold standard, use a combination of on-site PV and Community Choice Energy for electricity, reduce the parking, provide individual Smart water meters for each unit, and divert a minimum 75% of the project's solid waste from the landfill.

The applicant agreed to consider the Commission's comments and revised the plan which is included as an exhibit to the Development Agreement. The final Sustainability Implementation Plan reflects requested changes such as LEED Gold level, a reduction in the parking ratio from 0.75 spaces/bedroom to 0.64 spaces/bedroom with additional measures such as participation in a carsharing program, provision of Smart water meters, waste diversion commitments, among other additional measures. The plan committed to providing PV to off-set common area electricity demands, but did not commit to off-setting the residential demand or participating in the Community Choice Energy program. A condition of approval addresses the provision of PV and includes an optimization study on the system sizing for maximum benefit.

#### **Public Notice and Outreach**

The hearing for the project was publicly noticed in the Davis Enterprise and notices mailed out to nearby property owners and residents in accordance with City noticing requirements. Public comments received for the Planning Commission meeting are attached. It includes comments received prior to the reduction in the project size and density.

#### **Neighborhood/Community Issues**

There has been substantial public interest in this project with participation and input from members of the community occurring throughout the process. Residents of the nearby Rancho Yolo Senior Community have actively followed and commented on the project. Members of the community outside the immediate neighborhood have also expressed interest. The comments received throughout the process have covered a broad range of neighborhood and community-wide concerns related to the project, policy issues, city land use, university growth, student issues, and transportation. Major issues and areas of concerns include:

- Preservation of the site and alternative uses for social services and other public uses.
- Size, scale, height, and density of the project.

- Neighborhood compatibility and land use policies.
- Conflicts with student housing and residents (noise, parking, etc.).
- University growth policies and relations.
- Incompatibility of student residents with families on the affordable site.
- Visual and aesthetic issues.
- Traffic, access, and congestion issues.
- Impacts on the adjacent post office.
- Too much parking and too little parking.
- Bicycle parking, infrastructure, and congestion.
- Inadequate regional transit.
- Conservation and sustainability issues such water use, tree removal, demolition, energy, and strategies to reduce car use.
- Environmental impact-related comments as addressed in the Final EIR.

A summary of comments from the September 29, 2016 community meeting are included as Attachments 12. Public comments received for the opposed to or raising concerns are included as Attachment 13. Public comments received supportive of the project and applicant are included as Attachment 14.

### **Rancho Yolo Issues and Project Modifications**

In addition to the reduction in the project size and density noted in the Project Description above, additional modifications were made and measures were added to address other concerns raised by the Rancho Yolo Community Association. They include:

- Reduction of the building height from 66 feet (5 stories) to 56 feet (4 stories).
- Increase in the building setback from the front (5<sup>th</sup> Street) property line for the Sterling Apartments building from 41 feet to 45 feet and for the affordable building from 15 feet to 35 feet.
- Security measures and review for potential noise and disturbance issues.
- Management measures to monitor and report on occupancy.
- Elimination of balconies facing 5<sup>th</sup> Street for the 4- and 5-bedroom units.
- Elimination of a potential wall mural on the affordable building.
- \$100,000 contribution for neighborhood transportation enhancements.
- Improved sustainability measures with submetering, photovoltaics, LEED Gold.

These measures have been incorporated in the revised plans, the conditions of approval, the Planned Development, or the Development Agreement. As a result of the project changes and additional measures, the Rancho Yolo Community Association (RYCA) Board suspended their opposition to the project as outlined in the letter dated March 4, 2017 and included as Attachment 16.

### Additional Clarifications

Subsequent to the Planning Commission review, further clarifications were made to the approval documents in response to subsequent comments from the RYCA Board. It clarifies Development Agreement Exhibit D for the \$100,000 in enhancement funds to identify its use for traffic and

safety improvements in the general project area and to specify RYCA Board would be included in any neighborhood outreach related to use of the funds.

It also includes additional language in the Security Plan (Attachment 8), which is referenced in PD zoning document and in the conditions of approval, to specify provision of on-site evening security during the Fall (September) "move in" period and on weekends for one month following. Additional security would be provided as needed and based on semi-annual and quarterly review of any behavioral or noise issues.



**Figure 3. Visual Simulation Looking Southeast from 5th Street**

## C. ENVIRONMENTAL REVIEW

### **Environmental Impact Report**

An Environmental Impact Report (EIR) evaluating the environmental impacts of the Sterling Apartments Project was prepared in accordance with CEQA requirements. It included public scoping, preparation of a Draft EIR with a public comment period, and a Final EIR with the public comments received and responses. It also included public meetings for review of the Draft EIR by the Bicycle, Transportation, and Street Safety Commission (BTSSC), Natural Resources Commission (NRC), and Planning Commission.

The EIR identified significant and unavoidable impacts related to transportation under the Cumulative 2035 scenario for the 2<sup>nd</sup> Street and Cantrill Drive intersection and for the southbound segment of the Pole Line Road overcrossing between 5<sup>th</sup> Street and Cowell Boulevard. All other impacts were determined to be less than significant or less than significant with mitigation. Comments were received on the Draft EIR, but did not identify any new impacts or substantial issues that required additional analysis or recirculation of the document. The comments and responses to comments are provided in the Final EIR which also includes minor corrections and clarifications. In addition to responses to individual comments, master responses were provided on several issues that were a common theme in the comments received. The master responses address:

1. Concerns about number of residents in the Sterling Apartments site and the management and enforcement of the single-occupancy bedrooms restriction;
2. Concern about the City's earlier General Plan Amendment to the Land Use Element in June 2016 which created a new High Density Residential category with a higher density than previously allowed and its applicability to this project; and
3. Concern about potential traffic impacts in downtown Davis as a result of the project.

The EIR analysis addressed the environmental impacts related to the original project scope which consisted of a 4- and 5-story building on the market-rate site with 203 apartments with 727 bedrooms and 550 parking spaces and a 4-story building on the affordable site with 41 units and 74 bedrooms. The Sterling Apartments Project was since modified and reduced in size from the original project analyzed. The changes are within the scope of the project evaluated in the EIR. They are consistent with the analysis and conclusions of the EIR and do not result in any new or additional impacts or include any significant new information. The project modifications do not constitute significant changes that would trigger recirculation of the document pursuant to CEQA Guidelines Section 15088.5.

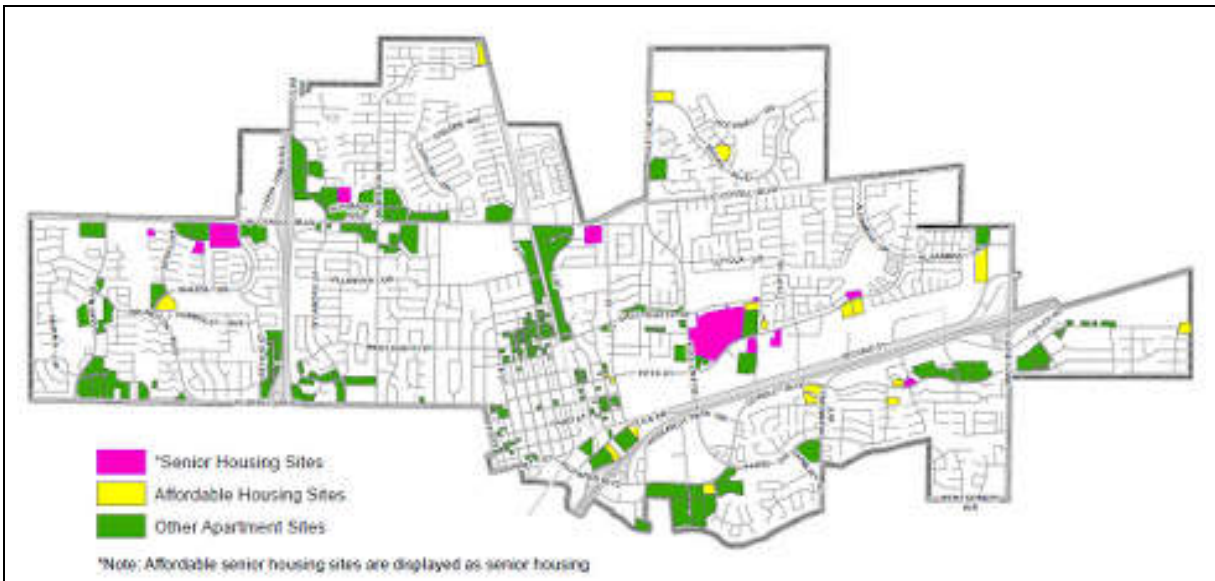
The modified project is similar to the Reduced Density Student Apartment Alternative, which is the Environmentally Superior Alternative identified in CEQA Findings of Fact and a Statement of Overriding Considerations with the Mitigation Monitoring and Reporting Plan, included as Attachment 1. This alternative was for a 150 unit market rate apartments and 39 affordable apartments in 3 and 4-story buildings. The affordable units were integrated with the market-rate units compared to the separate affordable site under the current proposal.

The Draft EIR was released for public comment and posted online in September 2017. The Final EIR was released and posted online in January 2017. The Final EIR includes the responses received on the Draft EIR during the public review period, a response to comments, clarifications, and a mitigation plan is provided as Attachment 6. The documents are available online at: <http://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/sterling-5th-street-apartments-eir>.

## D. GENERAL PROJECT ISSUES

### Proximity of Multi-Family to Senior Housing

An issue raised by numerous commenters is the potential conflict of multi-family housing or student housing in close proximity to senior housing. Concerns included density issues as well as lifestyle differences. The Ranch Yolo Senior Community consists of 262 homes on approximately 40 acres and is located directly across the street from the project site. Other senior developments in the general project area include Eleanor Roosevelt Apartments and Carlton Senior Living. The project area also includes several multi-family complexes including The U Apartments, Greystone Apartments, and Fifth Avenue Place Apartments. A city-wide map of showing senior housing and apartment sites in close proximity to each other is displayed in Figure 3 below. It shows that the situation is not uncommon and has not resulted in any obvious conflict between residential uses.



**Figure 4. Senior Housing, Affordable Housing, and other Apartment Sites**

### Infill Development

The City's vision for infill development is to encourage and maximize opportunities for infill development projects that are beneficial to the community, protective of existing neighborhoods, and well-designed. The benefits of infill include resource conservation, efficiency of facilities and services, promotion of alternative modes of transportation, and opportunities for diverse housing and mixed use options. The critical need for rental housing is evidenced by apartment vacancy rates in the City that have been near or below 1% in recent years (0.2% in 2016) according to the apartment vacancy surveys conducted annually by U.C. Davis. It has effects on the City's single-family residential neighborhoods which can be impacted by rental properties.

The conversion of commercially zoned land to a residential use on infill sites warrants additional consideration. The zoning and facilities for this former Families First site comprised a mix of residential and commercial uses. Initial marketing of the property which included consultation with City economic development staff was unsuccessful at attracting a viable non-profit user or

commercial development. Review of the project, including the pre-application review and environmental analysis, finds that the proposed residential use would provide a community benefit for needed rental housing and affordable housing, makes efficient use of the unused site, is well-served by facilities and services, is compatible with the noise environment and air quality, and would be compatible with surrounding mix of uses.

The City General Plan defines infill as “urban development or redevelopment on vacant or “underutilized” urban-designated land within a city’s boundaries, as an alternative to accommodating growth through expansions of city boundaries. Staff believes that the proposed development would be an appropriate project consistent with the General Plan policies for infill development. The project is consistent with the following Interim Infill Guidelines:

- The project contributes to the variety of housing types, densities, prices and rents, and designs in the neighborhood.
- The project design enhances and does not erode the existing neighborhood character.
- The project is designed to be compatible with adjacent uses. Compatibility includes project changes that increased privacy and protection from noise.
- The site, building and landscape design promote energy efficiency including an overall green building, water conservation measures; energy efficient lighting, heating, and cooling systems, and supports alternative transportation.
- The site is safe and convenient for pedestrians, cyclists and transit users.

### **City Growth Policies and Housing Issues**

#### **1% Growth Cap**

Resolution #08-019 of 2008 updated the 1% growth cap guideline established by City Council and was amended in Resolution #11-077 of 2011. A Residential Development Status Report An update was prepared by staff and provided to City Council on March 14, 2017 (<http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/CouncilMeetings/Agendas/20170314/06-Housing-Element-Progress-Report.pdf>). In addition to summarizing residential growth for calendar year 2016, the report also forecasted potential residential development to ensure that the 1% growth cap is not exceeded and to determine if different directions should be taken in terms of amount and types of housing. The report estimated that building permits may be issued for a total of approximately 1,098 potential residential units in the next five calendar years between 2017 and 2021. It includes approved and proposed projects being considered, including the subject Sterling Apartments proposal.

The estimate of 1,098 potential units over the five calendar years is equal to an annual average of 220 units or an annual average of 0.8% growth. After excluding units that are specifically exempted by the growth cap resolution (that is, affordable units, units in vertical mixed use buildings, and accessory dwelling units), the estimate is reduced to 833 units over the five calendar years which is equal to an annual average of 167 units or an annual average of approximately 0.6% growth. This amount of growth is well within the 1% growth cap.

It should be noted that the number of residential units may exceed the 1% growth cap in a given year due to the nature of the development, particularly apartment projects which are not able to phase construction over multiple years. However, the 1% growth cap resolution allows the City

Council to designate a portion of the yearly amount to multi-family rental units that can be rolled over and accumulated over several years as needed. Furthermore, the City Council may approve an infill project which provides for particular community needs with extraordinary community benefits, even if it would cause an exceedance of the annual growth guideline of 1%.

#### Mix of Housing Types

Resolution #11-077 also included general targets for the mix of housing types. The intent of the general housing type targets is to provide for the varied housing needs in the community. Table 3 below compares the housing type targets, the actual housing produced over the nine years from 2008 through 2016, and estimated housing types. The estimated housing types for 2017 through 2021 are based on the potential units identified in the Residential Development Status Report for 2016, but does not include potential units from non-specific sites. It should be noted that the estimated percentages are speculative and includes the proposed Sterling Apartments Project.

**Table 3. Comparison of Targeted, Actual, and Estimated Housing Types**

<b>Targeted types and actual types</b>	<b>Single family detached and attached types</b>	<b>Multi-family ownership (condominium) types</b>	<b>Multi-family rental types (ADUs are included here)</b>
General housing type targets in Resolution 11-077	40% to 60%	10% to 25%	30% to 40%
Actual housing types from 2008 through 2016	59%	4%	37%
Estimated housing types from 2017 through 2021	41%	13%	46%

Key conclusions from the Residential Development Status Report are:

- Residential growth in Davis continues to be consistent with the 1% growth cap;
- The City is seeing a healthy mix of unit types, including single-family homes, accessory dwelling units, condominiums (Cannery condominiums in for building permit at this time), and apartments; and
- There has been limited development of unrestricted rental housing over the past decade, as corroborated by very low vacancy rates and developer interest in apartment construction.

#### Student-Oriented Housing

The demand for university student housing affects all of the housing types listed above. To the extent that the demand for student rentals may have a negative effect on housing types and neighborhoods not originally intended for that use, the development of student-oriented housing is a necessary consideration. However it involves both pros and cons. On the downside is the concentration of student housing that results and the myriad of parking, noise, concerns about change, and other neighborhood issues that can follow. Without student-oriented housing, students are more likely to be dispersed throughout the City which may reduce the intensity of related problems, but also spreads it over a larger area of the City and in more neighborhoods.

The benefits of concentration include the ability to more easily identify problems and provide attention where it is needed as well as providing more active management by property owners. It allows for more deliberate planning in the location of the student-oriented housing with related



improvements and close to services or shopping. Student housing on bus lines facilitates travel to campus. With the City's low vacancy rate, it is evident that the market is able to absorb student-oriented apartments and the units can be expected to be occupied. It may even allow a shift of students out of single-family homes or out of "traditional" apartments, thereby freeing up those units for families and the general workforce.

#### 4 and 5-Bedroom Unit Issues

One issue raised by some members of the public is the project's provision of 4 and 5-bedroom units. It centers around the concern that the unit design and high bedroom count are not be suitable for family units and lack the flexibility to attract non-student residents. There is also the concern that it could lead to an overly high resident population whose impacts on City services and facilities are not adequately captured. Of the 160 total units (540 total bedrooms) on the market-rate student site, approximately two-thirds or 108 units (458 bedrooms) are 4 and 5-bedroom units. The rest are 1 and 2-bedroom units.

The impact fees for the higher bedroom units was previously discussed which noted that they are charged at that same rate as units with fewer (2 or 3) bedrooms. It was pointed out that the single-occupancy restriction limits the population to 540 residents. It averages out to 3.4 residents per unit which would be on par with, or possibly even lower than, other apartment complexes in the City comprised of 2, 3, and 4-bedroom units that lack the occupancy restriction. Although impact fees are assessed on the unit type, the actual impacts and demand for facilities and services is a function of the resident population. Individual bathrooms for each bedroom as proposed doesn't necessarily lead to greater water usage. Water and sewer impacts would be likely lower per capita in this new complex with modern water efficiency, individual metering features, LEED Gold features, and an incentive program for water conservation.

There is also the issue of the resident population and unit design. The Sterling Apartments site is targeted for university students who are expected to make up the majority of the residents. The units are not expected to appeal to a large number of family households or families with children, but they are not precluded from the site either. The units provide common living and dining spaces for a household like other apartment units. The changing demographics and household compositions call for a variety of housing options and unit types. The 2-bedroom units can accommodate a small family. The larger units with a separate bathroom for each bedroom could appeal to a multi-generational family.

Beyond the undergraduate student population or family households, the project may appeal to recent graduates, other young adults and young professionals, or even older singles attracted to the modern, furnished units, site amenities, social atmosphere, simple arrangements, and convenient location. The project provides options for greater interaction by sharing larger units or greater privacy and space in the 1 or 2-bedroom units.

#### Relationship to U.C. Davis Growth

The U.C. Davis student population has always had a strong influence on City housing and can be source of contention between the University and the City. Impacts in the City's residential neighborhoods can be a contested issue. Plans for student growth can further strain the relationship. While the University has plans to increase its housing to accommodate growth,

there is currently a shortage of housing to meet the current needs of the City and University. Additional housing is needed. The City is actively engaged in encouraging additional on-campus housing beyond the amount currently being proposed by the University. The City Council has also clearly articulated a desire to consider housing proposals within the City and has given specific direction during the project's pre-application stage to bring Sterling Apartments Project forward for review.

#### RHNA Credit

The Regional Housing Needs Allocation (RHNA) from the Sacramento Area Council of Governments (SACOG) establishes the total number of housing units that each city and county must plan for within an eight-year planning period. Based on the adopted RHNA, each city and county must update the housing element of its general plan to demonstrate how the jurisdiction will meet the expected growth in housing need over this period of time. The City's Housing Element for the 2013-2021 period was adopted in 2015 and certified as adequate by the state Department of Housing and Community Development. The land inventory was based upon underutilized properties, vacant sites, and units that had received certificates of occupancy after January 31, 2013.

Based upon current statute, staff anticipates the next Housing Element to cover the period from August 1, 2021 through July 31, 2029. Our understanding is that the calculation of units receiving RHNA credit will be based on underutilized properties, vacant sites, and units which are under construction but have not received certificates of occupancy as of June 30, 2021. The Housing Element process will incorporate policy decisions made through the update to Core Area policies (anticipated 2017-20) and the General Plan update (2019-21) as well as SACOG's regional planning efforts and RHNA allocations. Staff is working with SACOG to schedule a City Council briefing on RHNA in the near future.

#### Phased Allocation

This project is exempt from phased allocation requirements pursuant to Municipal Code Section 18.01.030 under item (3) as a multifamily rental residential development and item (6) as permanently low and very low income housing units developed by nonprofit organizations for permanent affordability.

## **E. PROJECT ANALYSIS**

### **General Plan Amendment**

The project includes an amendment to the General Plan to change the land use designation for the site from Industrial (I) to Residential High Density (RHD) which allows a net density of 24-48 units/acre without density bonus or 30-60 units/acre with density bonus. The project proposes an overall net density of 33 units/acre. Net density of the individual parcels is 32 units/acre for the market-rate site and 38 units/acre for the affordable site. Each is consistent with the RHD designation. The resolution and exhibit to amend the General Plan designation of the site to Residential High Density is included as Attachment 2.

### High Density Land Use Category

This new high density category was established pursuant to Resolution #16-077 to allow for denser residential projects that would implement City policies and smart growth principles promoted in the Sacramento Area Regional Council of Governments (SACOG) Blueprint program. The project is consistent with the intent of this category and its location and design criteria. The project location is well-connected to walking, biking, and transit facilities; is near to community facilities and services, and adequately separated from low density residential uses.

The project site and architectural design create an attractive compact living environment, facilitate walking and biking, encourages interaction among residents, provides appropriate massing and adequate building setbacks with upper floors stepping back, and minimizes surface parking. A number of commenters questioned the process to apply the High Density Land Use category to this site. This is discussed extensively in Master Response 2 of the Final EIR which discusses the background and rationale for the new category and its applicability.

### Other GP Policies

The project conforms to other General Plan policies related to land use, urban design, mobility, and housing which include among others:

- Policy LU A.1 In infill projects, respect setback requirements, preserve existing greenbelts and greenstreets, and respect existing uses and privacy on adjacent parcels.
- Policy LU A.3 Require a mix of housing types, densities, prices and rents, and designs in each new development area.
- Policy UD 2.3 - Standard a. There should be a scale transition between intensified land uses and adjoining lower intensity land uses.
- Policy UD 2.4 Create affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers. Standard a. Multi-family buildings should provide easy pedestrian access to the nearest transit stop and/or neighborhood center. The project provides generous courtyard areas with outdoor and recreational amenities. It improves pedestrian and bicycle connections to the adjacent multi-use pathway and relocates and upgrades nearby transit stops.
- Policy HOUSING 1.1 Encourage a variety of housing types that meet the housing needs of an economically and socially diverse Davis.

- Policy HOUSING 1.2 Strive to maintain an adequate supply of rental housing in Davis to meet the needs of all renters, including students.
- Policy HOUSING 1.3 Encourage the construction of housing to meet the needs of single persons and households with children with extremely low, very low, and low incomes.
- Policy TRANS 1.3 (Goals 1, 2, 3, 4). Encourage higher intensity residential, commercial, and mixed-use development near existing activity centers and along corridors well served by non-motorized transportation infrastructure and public transportation.

General Plan UD Standard 2.4d states that multi-family projects should not exceed 150 units, not including density bonus. This policy provides guidance for general intent and is not an absolute standard. It has been cited in public comments concerned about the size of the original proposed project. Modifications to the Sterling Apartments Project reduced the number of market-rate units to 160 units with an additional 38 affordable units, but would still exceed the 150-unit size, not including the density bonus.

Staff's interpretation of the intent of this policy is to avoid excessively large-scale apartment complexes of buildings and surface parking that can be found in other cities and to promote architectural diversity. Most multi-family sites in the Davis are under or within this 150-unit range. However, there are numerous exceptions with sites in the same 160-unit range as the proposed project, as well as larger developments and include:

- 160 units at Alhambra Apartments at 4500 Alhambra Avenue.
- 160 units at Academy Lane at 1124 F Street.
- 160 units at J Street Apartments at 1111 J Street.
- 160 units at Willows Apartments at 1959 Lake Boulevard.
- 160 units at Greystone Apartments at 2505 5th Street.
- 177 units at Renaissance Apartments at 3000 Lillard Drive.
- 208 units at Parkside Apartments at 1420 F Street.
- 216 units at Cranbrook Apartments at 955 Cranbrook Court.
- 216 units at Tanglewood Apartments at 1880-2020 Cowell Boulevard.
- 238 units at University Retirement Community at 1515 Shasta Drive.
- 240 units at Anderson Place Apartments on 1850 Hanover Drive.

In the case of the proposed project, many of the units and the parking structure (avoiding surface parking) are in the rear of the site where they are less visible. Furthermore, conformity with every General Plan policy is not a requirement as statements of policy and direction rather than strict standards. It should be noted that there are no restrictions preventing an apartment complex from leasing by the bedroom and occurs at sites such as The U Apartments and Adobe Apartments. Additionally, no existing apartment complex currently has restrictions against doubling up in rooms. Staff finds that project conforms to the majority of applicable General Plan policies.

### **Affordable Housing**

The City's Affordable Housing Ordinance requires the provision of affordable housing to applicable projects. However, recent court decisions would exempt a multi-family development such as the Sterling Apartments Project from the City's Affordable Housing Ordinance. The

project entitlement for the General Plan Amendment is a legislative act on the part of the City Council and allows for an affordable requirement as a matter of policy.

The proposed affordable housing will be developed on a separate parcel from the market-rate units in the Sterling Apartments. Models of affordable housing include affordable units integrated with market-rate units as well as separate affordable housing sites, as in this case. Both models offer pros and cons depending on the intended goals and specific situation. For the subject project, staff believes that the separate site is appropriate. The separate site resolves concerns about compatibility between student residents in the market-rate units and non-student individuals or family units that may occupy the affordable units. It more easily allows for grant/tax credit financing and specialized programs that can serve special needs populations.

The proposed Affordable Housing Plan is contained in the Development Agreement. It requires provision of 38 affordable rental units and a \$2,025,000 contribution to help with development of the affordable project. No City subsidy is anticipated. The site will be developed by Mutual Housing California, an affordable housing developer chosen by the applicant for this project. Mutual Housing California owns and operates several other affordable housing sites within the City and has an established record in the community. However, in the event that they are unable to begin construction of the affordable site within a specified period of 5 years, the land and contribution would be turned over to the city for an affordable development at a time chosen by the City.

### **Rezone/Preliminary Planned Development**

The project includes a rezone of the site to a new Planned Development (PD #5-15) for both the market-rate Sterling Apartments site and the affordable site. The base zoning for the PD #5-15 is the Residential High Density Apartment (R-HD) District in Municipal Code Section 40.09. PD #5-15 is more specific to the proposed project allowing apartment units leased by the bedroom. It also addresses the occupancy issue and controls the number of bedrooms on the market-rate site and includes special conditions for occupancy management measures and a security plan. The ordinance establishing the new PD is included as Attachment 3. Specific development standards for the project are established in the Final Planned Development.

### ***Bedroom Leasing***

Leasing by the bedroom provides flexibility for residents to choose the unit size that would be most appropriate for their needs relative to cost and social interaction. The apartment management provides roommate matching services and encourages prospective roommates to interact on social media. Should an existing group wish to rent a unit, that can be accommodated but individuals are only responsible for their portion of the unit. This protects a resident from having to pay additional rent if a housemate leaves. Subletting is permitted to the extent that a resident may find someone to take over their lease, but it only occurs with management knowledge and participation in order to facilitate the process and minimize potential problems.

The applicant has worked with City staff to develop plans for management and operations of the site, security measures, and sustainability features. The plans and documents are incorporated as part of the project approvals and included as attachments to this staff report.

### Occupancy Management Measures

The occupancy management plan is required as part of the Development Agreement and in the PD zoning as special condition to prevent doubling up of rooms. The plan details the measures that will be implemented to track and manage occupancy of the 540-bedroom Sterling Apartments. The site will be leased by the bedroom for single occupancy. Units are furnished and include a single bed, a desk, and chair in each bedroom. Measures include leasing software to track leases and occupancy, electronic card keys to control access, regular monitoring of package deliveries, update to the security access system for keys, and regular unit inspections by staff. In the event that a bedroom is leased to a two individuals, a vacant bedroom would be placed as "out of service" in management software to ensure the population does not exceed 540 residents. The developer has apartment project at U.C. Riverside which has a similar measure in place. The management plan includes a quarterly occupancy report to the City. It is part of the Draft Development Agreement in Attachment 5.

### Security Plan

A security plan for the Sterling Apartments is required by the PD zoning as a special condition to address concerns about student resident activities, potential neighborhood issues, and management of the site. The security plan details measures for the safety of residents such as building access, lighting, landscape design, fencing, and surveillance cameras. It also addresses neighborhood concerns and specifies office and maintenance staffing, participation in the City's Crime Free Housing Program, and a commitment to semi-annual meetings between apartment management and City staff, including Police, to review the effectiveness regarding behavior and noise issues. Staffing includes a full-time employee living on-site and part-time community assistants as residents. The Security Plan is included as Attachment 8.

Independent of the applicant's measures, the Davis Police Department regularly reviews the record of complaints and calls to apartment complexes in town to identify ones that may need additional attention. Furthermore, both the Police Department and the Fire Department, as per the EIR analysis, have not raised any particular concerns about this proposal, the type of units, or the anticipated residents.

### Sustainability Implementation Plan

A Sustainability Implementation Plan was prepared for the project by Ascent Environmental, Inc. The document summarizes applicable sustainability goals and requirements and identifies the project's sustainability measures under the four general categories of transportation/land use, water, energy, and solid waste. Highlights of the plan include development of project to LEED Gold standard, a parking standard of 0.64 spaces per bedroom with a fee for parking as a disincentive for individual vehicles, bicycle facilities, provision of car share spaces, and transit improvements to encourage alternative transportation, smart water submeters, stormwater quality features, and PV for common area electrical needs. Another measure that may be further explored prior to the City Council meeting, but not discussed in the sustainability plan is the concept of an exit fee for vehicles leaving the parking garage as a way to discourage incidental vehicle trips. The sustainability plan was reviewed by the Natural Resources Commission. Their review is summarized in the staff report section on the City commissions. The Sustainability Implementation Plan is part of the Draft Development Agreement in Attachment 5.

## **Transportation Measures**

The project includes a number of transportation-related measures and improvements that implement City policies, reduce vehicle usage, and address neighborhood issues. The measures are referenced elsewhere in this report under other sections, but are also summarized here. They include:

- **Parking Fee.** Monthly fee for parking to discourage car ownership and use.
- **Carshare.** Participation in a carshare program and provision of parking spaces with subsequent review to determine effectiveness and need for expansion.
- **EV Facilities.** Provision of EV charging facilities and conduit for future facilities consistent with the City's EV charging facilities plan.
- **Transit Improvements.** Relocation of the Unitrans stops closer to the project site and upgrading of the transit facilities.
- **Bicycle Facilities.** Bicycle parking and bicycle repair room in the parking structure.
- **Pedestrian Improvements.** Construction of a mid-block pedestrian crossing on 5th Street.
- **Transportation Enhancements.** \$100,000 contribution to be used for transportation-related enhancements in the project area.
- **Pole Line Road Restriping.** Payment for restriping of Pole Line Road between 5th Street and 8th Street for bike lanes to improve left turn movements from South Diameter Drive.
- **5th Street Improvements.** Contribution for 5th Street improvements between Pole Line Road and L Street to extend the 5th Street road diet. A westbound bike lane on the north side of 5th Street to be striped prior to occupancy of the Sterling Apartments. See below for additional discussion.

### 5<sup>th</sup> Street Road Diet Improvements

The City is developing plans to extend the 5th Street road diet improvements to the segment of 5<sup>th</sup> Street between Pole Line Road and L Street. The plan would upgrade the bicycle facility and improve this connection in the bicycle network, but also offer an opportunity for other corridor improvements. However, developing the plans, securing the funding, and constructing the improvements requires a more extensive timeframe.

The Sterling Apartments Project will be contributing \$50,000 for the 5<sup>th</sup> Street improvements. Completion of the Sterling Apartments Project is planned for Fall 2019 at the earliest, but could get pushed back to Fall 2020. The full improvements are not currently expected to be done before construction of the Sterling Apartments Project. In order to provide this important bicycle connection in time for occupancy of the new units, the 5<sup>th</sup> Street improvements would be split into two parts.

The first part would be a simple striping project for a westbound bicycle lane on the north side of 5<sup>th</sup> Street. It would be completed as part the City's annual striping project either this summer or the following summer depending on when the developer contribution is provided. It is not anticipated to require any lane reductions. The City has committed in the Development Agreement to completing this striping project prior to Fall 2019 or occupancy of the project, whichever comes later. It should be noted that this bike lane striping is a temporary project and would need to be redone when the second part of the improvements are constructed, therefore the contribution from the developer would only cover the interim striping.

The second part would be the more extensive and comprehensive improvements to 5<sup>th</sup> Street. However, the schedule for these improvements is unknown due to uncertainties in the timing of the roadway rehab project, the need for funding beyond the paving work, and sewer lift station work that will need to be completed prior to the paving project work and permanent road diet improvements. If the timing of the various projects - the Sterling Apartments, sewer lift station, and road diet - works out so that they can be coordinated, it may allow for more efficient use of resources and funds and avoid redundant work.

#### Shuttle Service

City staff discussed the idea of providing a shuttle service, such as the Greystone Apartments shuttle, for the project residents. The applicant explored the idea of a shuttle, but found the ongoing service to be cost prohibitive due to the vehicle cost, drivers, maintenance, insurance and liability. The project site is slightly closer to campus than the Greystone Apartments. Transit service will be available directly in front of the project site via the 'A' and 'Z' lines. The Perimeter line also stops nearby on the west side of the Pole Line intersection. The Sterling Apartments Project is also providing the transportation measures and improvements listed above which exceed what other apartment complexes provide.

#### **Final Planned Development**

A Final Planned Development is required for the project and addresses basic site planning and design, the relationship of the buildings, landscaping, parking, and other site improvements. The project meets or exceeds the development standards setbacks, lot coverage, floor area ratio, usable open space, height, and parking that would apply under the base R-HD District. The specific development standards for the project are established in the Final Planned Development and included in the conditions of approval and summarized in Table 4 below with the R-HD standards provided for comparison.

**Table 4. Final Planned Development Standards with R-HD Standards Comparison**

<b>Standard</b>	<b><u>Market-Rate Site</u> Provided/Proposed FPD Standard</b>	<b><u>Affordable Site</u> Provided/Proposed FPD Standard</b>	<b>Requirement under R-HD District Standards (40.09)</b>
<b>Building Setbacks:</b> Front (5 <sup>th</sup> St.) Rear (South) Side (West) Side (East)	45 feet 38 feet 23 feet 38 feet	35feet 61feet 10 feet 36 feet	10 feet 10 feet 5 feet 5 feet
<b>Vehicle Parking</b>	348 spaces	38 spaces	291(market-rate site) 58 (affordable site)
<b>Bicycle Parking</b> (1 per bedroom)	540 spaces	75 spaces	540 (market-rate site) 71 (affordable site)



<b>Maximum Building Height</b>	56 feet	54 feet	100 feet
<b>Maximum Floor Area Ratio</b>	1.2 (without garage)*	1.1	2.0
<b>Maximum Lot Coverage</b>	49% (with garage)	33%	50%
<b>Open Space</b>	24% (53,312 sq. ft.)	28% (12,481 sq. ft.)	51,000 sf (market-rate) 9,250 sf (affordable site)

\*FAR excludes parking structures in multi-family developments per PC Resolution No. 1-2010.

Staff believes the Final Planned Development standards are appropriate for the project and site. It provides for generous setbacks, including 45 feet from 5th Street for the Sterling Apartments building and 35 feet for the affordable apartment building. There is extensive landscaping, outdoor open spaces and amenities, private balconies, and common areas. At one bicycle space per bedroom, a total of 540 bicycle spaces are provided for the Sterling Apartments with a mix of indoor and outdoor bicycle parking spaces including a bicycle parking and repair room in the garage and indoor bicycle parking distributed on the residential floors. The project balances parking needs with City goals to reduce car use by providing a relatively low ratio of 0.64 spaces per bedroom for the Sterling Apartments site, which is similar to the parking ratio for West Village at U.C. Davis. It is able to do so by taking advantage of and improving on the site's access to bicycle and transit facilities and taking into consideration the anticipated student residents.

The affordable site provides similar standards with setbacks, height, open space, bicycle and vehicle parking. Parking on the affordable site is provided as 1 space per unit, which staff believes is adequate based on parking usage at similar affordable sites and transportation options available at this site. A condition has been included for the Sterling Apartments developer to provide several spaces in the parking garage for affordable housing staff or deliveries. Recommended findings and conditions of approval are included as Attachment 4.

### **Demolition and Design Review**

The project would demolish the existing structures, improvements, trees, and landscaping related to the former Families First facility which was first developed in the 1990's. Existing uses and buildings in the surrounding area provide an eclectic mix with of residential, commercial, industrial, and public buildings. It includes older single-story structures including residences, the post office building, warehouses, and light industrial buildings, 2-story residences and commercial buildings, and more recent and taller apartment developments that are 3 and 4-stories in height.

The proposed project consists of 3 and 4-story buildings for the Sterling Apartments (253,613 square feet) and the affordable apartment building (47,126 square feet), a 2-story clubhouse/leasing building 10,862 square feet), and a 4-story (5 levels) parking structure

(144,439 square feet). The mix of units includes: 22 one-bedroom/studio units, 30 two-bedroom units, 82 four-bedroom units, and 26 five-bedroom units for the Sterling Apartments; and 15 one-bedroom units, 13 two-bedroom units, and 10 three-bedroom units for the affordable apartment building. Study areas are scattered in the corridors of the market-rate apartments as secondary gathering spaces.

#### Site Amenities and Facilities

The apartment buildings are designed around common outdoor spaces and landscaped courtyards that include a pool, spa, cabana, barbeque areas, hammock garden, exercise/yoga area, and extensive landscaping on the Sterling Apartments site. The clubhouse/leasing building provides space for recreational, social, and academic activities with study rooms, yoga and fitness rooms, lounge, as well as management offices.

In addition to the apartment units, the affordable building provides commons areas for laundry facilities, a multi-purpose room, mail, and management offices. Outdoor space includes a courtyard, tot lot and landscaping. Further programming of the outdoor areas on the affordable site will occur with development of the construction documents and available financing.

#### *Pool Access*

Staff has discussed with the applicant providing access to the pool on the Sterling Apartments site to residents of the affordable site as a component of the Development Agreement. However, the applicant has cited liability and management concerns that would prevent it.

#### Access and Circulation

A driveway for vehicle and bicycle circulation runs around the perimeter of the site. Access at the secondary driveway is limited to emergency vehicles and bicycles. A new mid-block pedestrian crossing on 5th Street with a rapid flashing beacon and refuge island will provide a safe and nearby crossing for pedestrians and bicyclists. Transit stops will be relocated closer to the project site on both sides of 5th Street and improved with new bus shelters and real-time electronic bus signage.

#### Building Design

Even though the Sterling Apartments and the affordable apartments will be located on separate sites under separate management, their buildings share a similar contemporary style architecture and design to create a cohesive appearance. They have a similar massing, height, articulation, orientation, and details. Building use a mix of materials include stucco plaster accented with vertical siding or metal panels. Building colors between the two sites relate to each other, but provides a differentiation. The Sterling Apartments building uses gray and white tones while the affordable building incorporates more brown and tan theme.



**Figure 5. Sterling Apts. 5<sup>th</sup> Street Elevation (partial)**



**Figure 6. Affordable Apts. Elevations**

Building heights are stepped back along 5th Street with the 3-story portions aligned with the street rising to 4 stories beyond. The design provides building articulation and mixes the colors, materials, textures, and plane breaks to create visual interest and break up the building mass. Large window areas provide building transparency and helps to create an engagement with the building. The separate 2-story clubhouse/leasing building is situated near the driveway entrance and provides a further break in the building heights and massing. The clubhouse/leasing building shares a similar building architecture.

#### Landscaping and Trees

The site will be extensively landscaped with trees and landscaping along the perimeter of the property and buildings that provide shade and screening and in the internal courtyards and walkways. It incorporates a mix of tree species and landscape functions including practical water quality features, ornamental and recreational areas, parking lot and driveway shading, and screening purposes. Street trees will be added in the parkway strip along 5th Street to help soften the site and provide shade trees. The project includes removal of the existing 153 trees on site and the planting of approximately 171 trees. An Arborist Report was prepared for the project inventorying and evaluating the trees and is available online at:

<http://38.106.5.235/home/showdocument?id=5302>.

While existing trees include the London plane, hackberry, and pistache trees that are common in the City, they also include a number of species that are considered undesirable or less suitable for the Davis area, such as the callery pear and coast redwood. Proposed trees include species more suited for this climate such as the trident maple, live oak, valley oak, arbutus, ash and zelkova, as well as some ornamental trees. The Arborist Report notes that many of the trees are of low vigor with others having multiple trunks and being overthinned.

The project is subject to tree mitigation in accordance with the City ordinance with the total appraised value of the trees to be removed in the amount of \$295,460, not including credit for the

cost of the new trees to be planted. However, a condition has been added for efforts to preserve a cluster of existing trees in the northwest corner of the site along 5th Street in front of the affordable site. Preservation would be contingent upon being able to accommodate utilities and the site design, but would help preserve some of the existing tree canopy and soften views of the site. Structural soil is also required under the multi-use pathway and driveway entry to allow for better root growth for newly planted trees.



**Figure 7. Conceptual Landscape Plan**

Staff believes the site layout, building design, and landscaping are well-thought out and present an attractive project that will appropriate for the site and compatible with the neighborhood.

### **Tentative Map**

The project includes a tentative parcel map to divide the existing 6.0-acre site into two parcels, a 4.97-acre site for the Sterling Apartments and a 1.03-acre affordable site. The two sites would have a shared driveway and access. A second driveway is provided for emergency vehicle access only. Utilities and services are or will be provided to the two parcels. The tentative map has been reviewed by applicable agencies and no significant issues have been identified.

### **Development Agreement**

The project includes a Development Agreement (DA) between the developer and the City that lays out additional obligations related to the development of the site. Planning Commission review included the draft DA. The Planning Commission's recommendation included comments to explore financial payment in the event of lost property taxes and a local hiring program. These items along with an incentive plan to promote water and energy conservation have been added to the Development Agreement, which is included as part of Attachment 5. Major agreement items in the DA include:

1. Community Enhancements and Transportation Improvements, which include:
  - a. Payment up to \$30,000 for the restriping of Pole Line Road between 5<sup>th</sup> Street and 8<sup>th</sup> Street including safety improvements at the intersection of South Diameter Drive and Pole Line Road;
  - b. A fair-share contribution for signalization at 2<sup>nd</sup> and Cantrill intersection and \$50,000 for 5<sup>th</sup> Street striping and bike lane improvements between L Street and Pole Line Road;
  - c. \$100,000 contribution for transportation enhancements to the neighborhood. Specific projects to be determined by City staff with public input;
  - d. Construction of a mid-block pedestrian crossing;
  - e. Relocation of transit stops with new bus shelters and real time bus signage.
  - f. City completion of Pole Line Road restriping improvements and completion of bike lane striping on the north side of 5<sup>th</sup> Street between Pole Line Road and L Street prior to occupancy of the student site.
2. Recordation of a covenant on the market-rate student apartment property for payment to the City equivalent to property taxes that would be lost if the site is master leased or sold to an entity exempt from property tax payments.
3. Occupancy Management Plan with measures to monitor and control occupancy of the student site to ensure single-occupancy of the bedrooms and reporting requirements.
4. Water and Energy Conservation Incentive Plan for residents.
5. Local Hiring Program to encourage hiring of local residents and low income individuals for construction.
6. Affordable Housing Plan Individualized Program, which includes:
  - a. Preparation of the affordable site for development;
  - b. Provision of 38 permanently affordable rental units;
  - c. Contribution of \$2,025,000 for use in development of the affordable site;
  - d. 50% of the units (19 units) affordable to 50% Area Median Income (AMI) with 10 of the units affordable to 35%-40% AMI;
  - e. Remaining units (19 units) affordable to households at 60% AMI or below;
  - f. Provision of programs with local service providers to serve special needs populations to the extent possible.
7. Sustainability Plan, including development of the project to LEED Gold standards; car-share spaces, EV charging facilities, PV for common area needs, water submetering.

### Economic Analysis

The Community Development Department contracted with A. Plescia & Co. / Gruen Gruen + Associates to evaluate the real estate economics of the proposed project and its financial ability

to make infrastructure or Development Agreement contributions. The analysis indicated that the majority of the potential community enhancement financial capacity of the project is devoted to providing for the projected land payment and the financial contribution to the affordable housing component of the overall proposed project. Additional community enhancements are provided in the Development Agreement, including the contribution to roadway improvements. Although real estate economic analysis is more an art than a science, and the City was not provided information on the land purchase price, staff is comfortable that the proposed Development Agreement terms reflect significant benefits to the City within a reasonable expectation for development feasibility.

#### **F. CONCLUSION**

Staff believes that the proposed project is consistent with the applicable plans, policies and regulations and that the use would be appropriate for the site and compatible with surrounding uses. Therefore, staff recommends that the City Council certify the EIR prepared for the project, adopt the CEQA findings of fact and statement of overriding considerations, and approve the project, including the Amendment to the General Plan land use map, the Rezone/Preliminary Planned Development, the Development Agreement, Final Planned Development, Design Review, Demolition, and Tentative Map, based on the attached resolutions, ordinances, and findings and conditions.

## **G. ATTACHMENTS**

### **Project Documents**

1. Resolution adopting CEQA Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan
2. Resolution Amending the General Plan Land Use Designation for the Sterling 5<sup>th</sup> Street Apartments Project
3. Ordinance Establishing PD 5-15 Zoning District for the Sterling 5<sup>th</sup> Street Apartments Project
4. Findings and Conditions of Approval
5. Ordinance Approving the Development Agreement, including:
  - a. Development Agreement
  - b. Occupancy Management Measures
  - c. Water and Energy Conservation Information and Incentive Plan
  - d. Affordable Housing Plan
  - e. Local Hiring Plan
  - f. Sustainability Implementation Plan
6. Final Environmental Impact Report

### **Project Materials**

7. Project Narrative
8. Security Plan
9. Project Data Tables Summary
10. Project Plans

### **Public and Commission Comments**

11. Commission Minutes (Senior Commission, SSC, BTSSC, NRC)
12. Public Comments from September 29, 2016 Community Meeting
13. Public Comments – Letter of Opposition and Concern
14. Public Comments – Letters of Support
15. Valley Climate Action Center Comment Letter
16. Rancho Yolo Community Association Board Letter Suspending Opposition

## ATTACHMENT 1

### RESOLUTION NO. 17-\_\_\_\_, SERIES 2017

#### **RESOLUTION ADOPTING CEQA FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTING A MITIGATION MONITORING PLAN; AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE STERLING 5<sup>th</sup> STREET APARTMENTS PROJECT**

**WHEREAS**, the subject project known as the "The Sterling 5<sup>th</sup> Street Apartments Project" is located on approximately 6.0 acres of land located at 2100 5<sup>th</sup> Street, within the incorporated boundary of the City of Davis (APN: 071-405-018 ); and

**WHEREAS**, an Environmental Impact Report (EIR) was prepared evaluating the proposal for a high density residential project consisting of a market-rate site with up to 203 student-oriented apartment units with up to 727 bedrooms, a parking structure with 545 spaces, and leasing office/clubhouse building, a separate affordable site with up to 41 affordable apartment units with 74 bedrooms, and site improvements; and

**WHEREAS**, subsequent revisions reduced the project to 160 market-rate units with 540 bedrooms, 343 garage parking spaces, 38 affordable units with 71 bedrooms on the affordable site, and lowered the building heights; and

**WHEREAS**, the Final Environmental Impact Report (SCH #2016022005) consisting of the Draft EIR and responses to comments and errata has been prepared pursuant to the California Environmental Quality Act (CEQA; Public Resources Code § 21000 et seq.) to analyze the environmental effects of the project; and

**WHEREAS**, an Initial Study was prepared and a Notice of Preparation was circulated for a 30-day public review and comment period commencing on April 7, 2016; and

**WHEREAS**, a public scoping meeting was held April 18, 2016 to receive comments on the appropriate scope of the EIR; and

**WHEREAS**, the Draft EIR was circulated for a 45-day public review and comment period commencing September 15, 2016 and concluding October 31, 2016; and

**WHEREAS**, Section 21000 et. seq. of the Public Resources Code and Section 15000 et. seq. of Title 14 of the California Code of Regulations (CEQA Guidelines) which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR; and

**WHEREAS**, SB 375 provides for CEQA streamlining for projects consistent with a regional Sustainable Communities Strategy (SCS) adopted by a Metropolitan Planning Organization; and

**WHEREAS**, the Final EIR (Response to Comments) documents were released January 27, 2017 including notification to all public agencies that commented on the Draft EIR in satisfaction of CEQA Guidelines Section 15088(b); and



**WHEREAS**, between the public scoping meeting and date of final action over 8 officially noticed public meetings and hearings of various City commissions and the City Council were held to deliberate the merits of the proposed project and make recommendations regarding components of or a final action on the project; and

**WHEREAS**, on March 22, 2017, the Planning Commission held a public hearing to receive comments on the adequacy of the EIR and merits of the project and voted 5-2 to recommend that the City Council certify the Final EIR and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program and voted 4-3 to recommend approval of the project with conditions; and

**WHEREAS**, on April 18, 2017, the City Council held a public hearing and reviewed the Final EIR prepared for the project, the staff reports pertaining to the Final EIR, the Planning Commission hearing minutes and reports, and all evidence received by the Planning Commission and at the City Council hearings, all of which documents and evidence are hereby incorporated by reference into this Resolution; and

**WHEREAS**, the Final EIR identified certain significant and potentially significant adverse effects on the environment caused by the project; and

**WHEREAS**, the City Council specifically finds that where more than one reason for approving the project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the Council would have made its decision on the basis of any one of those reasons; and

**WHEREAS**, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the project that the Council believes justify the occurrence of those impacts; and

**WHEREAS**, the City Council is required pursuant to CEQA (Guidelines Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives; and

**WHEREAS**, CEQA (Guidelines Section 15043) affirms the City Council's authority to approve this project even though it may cause significant effects on the environment so long as the Council makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effects (Guidelines Section 15091) and that there are specifically identified expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project (Guidelines Section 15093).

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Davis does hereby approve as follows:

1. Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the project. The City Council hereby adopts these various findings of fact, attached hereto as Exhibits A and B.
2. Exhibit A of this Resolution provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the project due to overriding considerations. The City Council has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The City Council, therefore, finds the adverse environmental effects of the project to be "acceptable". The City Council hereby adopts the Statement of Overriding Considerations contained within Exhibit A.
3. The City Council has determined that the project is consistent with the Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) pursuant to SB 375, complies with the requirements of Section 21159.28 of CEQA Guidelines and is eligible for CEQA streamlining benefits as a qualifying "residential or mixed-use residential project."
4. After considering the EIR and in conjunction with making these findings, the City Council hereby finds that pursuant to Section 15092 of the CEQA Guidelines that approval of the project will result in significant effects on the environment, however, the City eliminated or substantially lessened these significant effects where feasible, and has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093.
5. The City Council has considered alternatives to the Project and finds based on substantial evidence in the record that the Project is the best alternative that can be feasibly implemented in light of relevant economic, legal, social, technological, and other reasons, as discussed herein. The City Council hereby rejects all other alternatives, and combinations and variations, thereof.
6. Responses to comments received on the Draft EIR adequately addressed the comments and minor additions and clarifications were provided, but did not result in any significant new information requiring recirculation of the EIR pursuant to Section 15088.5.
7. Modifications to the project reduced the number of units and building heights, but the project remains consistent with scope of the project evaluated in the EIR. The modifications do not result in any new or increased impacts or alter the analysis or conclusions of the EIR and the modifications do not constitute significant changes that would trigger recirculation of the document pursuant to Section 15088.5.

8. These findings made by the City Council are supported by substantial evidence in the record, which is summarized herein.
9. The Mitigation Monitoring and Reporting Plan, attached hereto as Exhibit B, is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City Council finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.
10. The City Council finds that the project is consistent with the General Plan (including all elements), and that approval of the project is in the public interest and is necessary for the public health, safety, and welfare.
11. The City Council hereby certifies the Final EIR in accordance with the requirements of CEQA.
12. A Notice of Determination shall be filed immediately after final approval of the project.
13. Pursuant to CEQA Guidelines Section 15095, staff is directed as follows:
  - a) A copy of the Final EIR and CEQA Findings of Fact shall be retained in the project files with the City of Davis Department of Community Development and Sustainability;
  - b) A copy of the Final EIR and CEQA Findings of Fact shall be provided to the project applicant who is responsible for providing a copy of same to all CEQA "responsible" agencies.

**PASSED AND ADOPTED** by the City Council for the City of Davis on this 18th day of April 2017, by the following vote:

AYES:  
NOES:  
ABSENT:

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Robb Davis, Mayor

ATTEST:


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Zoe Mirabile, CMC  
City Clerk

**EXHIBIT A**  
**Findings of Fact and**  
**Statement of Overriding Considerations**

**AND**

**EXHIBIT B**  
**Mitigation Monitoring and Reporting Plan**



## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

### STERLING 5<sup>TH</sup> STREET APARTMENTS PROJECT (SCH: 2016022005)

MARCH 2017

*Prepared for:*

City of Davis  
23 Russell Boulevard  
Davis, CA 95616  
(530) 757-5610

*Prepared by:*

De Novo Planning Group  
1020 Suncast Lane, Suite 106  
El Dorado Hills, CA 95762  
(916) 580-9818

D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm





FINDINGS OF FACT AND STATEMENT  
OF OVERRIDING CONSIDERATIONS

FOR THE

STERLING 5<sup>TH</sup> STREET APARTMENTS PROJECT  
(SCH: 2016022005)

MARCH 2017

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## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

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# FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

### FOR THE

### STERLING 5<sup>TH</sup> STREET APARTMENTS PROJECT

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(Public Resources Code, Section 21000 et seq)

#### I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires the City of Davis (City), as the CEQA lead agency to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR.

These findings explain how the City, as the lead agency, approached the significant and potentially significant impacts identified in the EIR prepared for the Sterling 5<sup>th</sup> Street Apartments Project (project). The statement of overriding considerations identifies economic, social, technological, and other benefits of the project that override any significant environmental impacts that would result from the project.

As required under CEQA, the Final EIR describes the project, adverse environmental impacts of the project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment regarding the potential adverse environmental impacts of the project.

The Final EIR (which includes the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, and revisions to the Draft EIR) for the project, examined several alternatives to the project that were not chosen as part of the approved project (the No Project Alternative, the Existing Zoning Non-Residential Redevelopment Alternative, the Conventional Apartment Alternative, the Reduced Density Student Apartment Alternative, the Aggressive Transportation and Parking Demand Management Alternative, the Off-Site City [3820 Chiles Road] Alternative, and the Off-Site Woodland Alternative).

The Findings of Fact and Statement of Overriding Considerations set forth below ("Findings") are presented for adoption by the City Council (Council) as the City's findings under CEQA (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the project. The Findings provide the written analysis and conclusions of this Council regarding the project's environmental impacts, mitigation measures, alternatives to

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

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the project, and the overriding considerations, which in this Council's view, justify approval of the project, despite its environmental effects.

## II. GENERAL FINDINGS AND OVERVIEW

### **Procedural Background**

The City of Davis circulated a Notice of Preparation (NOP) of an EIR for the proposed project and an Initial Study on April 7, 2016 to trustee agencies, the State Clearinghouse (SCH# 2016022005), and the public. A scoping meeting was held on April 18, 2016 in the City of Davis. Those present at the scoping meeting included representatives from the following: the City of Davis, De Novo Planning Group, and the project applicant team. The NOP and comments received during the NOP comment period are presented in Appendix A of the Draft EIR.

The City of Davis published a public Notice of Availability (NOA) for the Draft EIR on September 15, 2016 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2016022005) and the County Clerk, and was published in a local newspaper and mailed to surrounding properties pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from September 15, 2016 through October 31, 2016.

The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

The City received 37 comment letters regarding the Draft EIR from public agencies, organizations and members of the public during the public comment period. In accordance with CEQA Guidelines Section 15088, a Final EIR was prepared that responded to the written comments received, as required by CEQA. The Final EIR document and the Draft EIR, as amended by the Final EIR, constitute the Final EIR.

### **Project Revisions**

After completion of the Final EIR, project revisions were made that reduced the size and intensity of the project by reducing the number of units from of 244 total units (203 market-rate units and 41 affordable units) to 198 total units (160 market-rate units and 38 affordable units), reducing the height of the market-rate student apartment building and parking structure, and reducing the number of parking spaces. The affordable component of the project remains a separate multi-family housing site.

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

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The revised project is similar to the Reduced Density Student Apartment Alternative that was analyzed in the EIR and was determined to be the next environmentally superior alternative after the No Project Alternative. However, the revised project differs from the Reduced Density Student Apartment Alternative in that the unit reduction is somewhat less, 160 market-rate and 38 affordable units for the revised project versus 150 market-rate and 39 affordable units in the alternative. Additionally, the affordable units for revised project remain on a separate parcel versus being integrated units in the alternative.

The revised project remains consistent with the scope of the project evaluated in the EIR and does not result in any new or increased impacts. It does not alter the analysis or conclusions of the EIR and does not require recirculation pursuant to CEQA Guidelines Section 15088.5.

### **Record of Proceedings and Custodian of Record**

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, NOA, and all other public notices issued by the City in relation to the Sterling 5<sup>th</sup> Street Apartments Project Draft EIR.
- The Sterling 5<sup>th</sup> Street Apartments Project Final EIR, including comment letters and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Davis and consultants in relation to the EIR.
- Minutes of the discussions regarding the project and/or project components at public hearings held by the City.
- Staff reports associated with Planning Commission and City Council meetings on the project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Davis Office of the City Clerk at: 23 Russell Boulevard, Suite 1, Davis, CA 95616.

### **Consideration of the Environmental Impact Report**

In adopting these Findings, this Council finds that the Final EIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Sterling 5<sup>th</sup> Street Apartments Project. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

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completed in compliance with the California Environmental Quality Act. The Final EIR represents the independent judgment and analysis of the City.

### SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Sterling 5<sup>th</sup> Street Apartments Project, shall continue in full force and effect unless amended or modified by the City.

### III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

#### A. TRANSPORTATION AND CIRCULATION

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1. PROJECT IMPLEMENTATION MAY RESULT IN A SIGNIFICANT IMPACT AT THE UNSIGNALIZED 2<sup>ND</sup> STREET/CANTRILL DRIVE INTERSECTION (#9) UNDER THE CUMULATIVE YEAR 2035 CONDITION (EIR IMPACT 3.13-6)
  - (a) Potential Impact. The potential for the project to cause a significant impact at the unsignalized 2<sup>nd</sup> Street / Cantrill Drive intersection (#9) is discussed on pages 3.13-28 through 3.13-29 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.13-1.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
    - (1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.13-1 would require the payment of the Project's fair share fee towards installation of a traffic signal at the 2<sup>nd</sup> Street / Cantrill Drive intersection. However, this improvement is not included in the City's Capital Improvement Program (CIP). This mitigation measures is infeasible because construction of this improvement cannot be guaranteed. The project cannot be designed to avoid or reduce impacts at the 2<sup>nd</sup> Street / Cantrill Drive intersection to a level that is less than significant. This would represent a significant and unavoidable impact of the project.
    - (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

2. PROJECT IMPLEMENTATION MAY RESULT IN A SIGNIFICANT IMPACT TO POLE LINE ROAD BETWEEN 5<sup>TH</sup> STREET AND COWELL BOULEVARD UNDER THE CUMULATIVE YEAR 2035 PLUS MRIC AND NISHI PROJECTS CONDITION (EIR IMPACT 3.13-7)
  - (a) Potential Impact. The potential for the project to cause a significant impact to Pole Line Road between 5<sup>th</sup> Street and Cowell Boulevard under the Cumulative Year 2035 Plus Mace Ranch Innovation Center (MRIC) and Nishi Projects Condition is discussed on pages 3.13-31 through 3.13-32 of the Draft EIR.
  - (b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
    - (1) Effects of Mitigation and Remaining Impacts. No feasible mitigation measures have been adopted for this impact. Under the Cumulative Year 2035 with MRIC and Nishi Plus Project conditions, all roadway segments, except Pole Line Road south of 5<sup>th</sup> Street, will continue to operate above the City's LOS threshold of LOS E or better. The Cumulative Year 2035 with MRIC and Nishi Projects No Project condition is within 20 vph of the LOS F threshold. In the Cumulative Year 2035 with MRIC and Nishi Projects Plus Project condition, Pole Line Road between 5th Street and Cowell Boulevard (Pole Line Road Overcrossing) will decline to LOS F. The project's contribution on this segment constitutes 37% of the additional cumulative trips over the Cumulative Year 2035 condition, but represents only 2.3% of the total trips. Roadway widening of the Pole Line Road Overcrossing segment is infeasible due to high costs, as well as right-of-way and existing development constraints. The project cannot be designed to avoid or reduce impacts related to cumulative transportation and circulation to a level that is less than significant. This would represent a significant and unavoidable impact of the project.
    - (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
3. THE PROJECT MAY CONTRIBUTE TO CUMULATIVE IMPACTS RELATED TO TRANSPORTATION AND CIRCULATION (EIR IMPACT 4.14)
  - (a) Potential Impact. The potential for the project to contribute to cumulative impacts related to transportation and circulation is discussed on pages 4.10-12 through 4.10-13 of the Draft EIR.

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

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(b) Mitigation Measures. No feasible mitigation measures have been adopted for this impact.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. No feasible mitigation measures have been adopted for the cumulative impacts to the 2<sup>nd</sup> Street/Cantrill Drive intersection. Implementation of Mitigation Measure 3.13-1 would require the payment of the Project's fair share fee towards installation of a traffic signal at the 2<sup>nd</sup> Street / Cantrill Drive intersection. However, this improvement is not included in the City's Capital Improvement Program (CIP). This mitigation measures is infeasible because construction of this improvement cannot be guaranteed. The project cannot be designed to avoid or reduce the impacts at the 2<sup>nd</sup> Street / Cantrill Drive intersection to a level that is less than significant. This would represent a significant and unavoidable impact of the project.

Additionally, no feasible mitigation measures have been adopted for the cumulative impacts to Pole Line Road between 5<sup>th</sup> Street and Cowell Boulevard (Pole Line Road Overcrossing) under the Cumulative 2035 with MRIC and Nishi Projects Plus Projects Condition. The MRIC Draft EIR evaluated impacts to road segments and included Mitigation Measure 5-22 to implement travel route management strategies in order to reduce the impacts to the extent feasible. Roadway widening of the Pole Line Road Overcrossing segment is infeasible due to high costs, as well as right-of-way and existing development constraints. The MRIC Draft EIR concluded that although a mitigation measure may reduce the impacts to the extent feasible, the effectiveness of the measure cannot be assured of reducing the projected volumes on the affected roadways to a level that reduces volumes at or below the affected roadways' capacities. Additionally, project's contribution on this segment constitutes only 2.3% of the total trips under the Cumulative Year 2035 condition. The MRIC Draft EIR Mitigation Measure 5-22 is not feasible for the project for the reasons noted above (high costs and existing development constraints). Feasible mitigation beyond Mitigation Measure 5-22 of the MRIC Draft EIR does not exist. The project cannot be designed to avoid or reduce impacts related to cumulative transportation and circulation to a level that is less than significant. This would represent a significant and unavoidable impact of the project.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project associated with impacts related to transportation and circulation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.



## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

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### IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

#### A. AESTHETICS AND VISUAL RESOURCES

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1. PROJECT IMPLEMENTATION MAY RESULT IN LIGHT AND GLARE IMPACTS (EIR IMPACT 3.1-2)
  - (a) Potential Impact. The potential for the project implementation to result in light and glare impacts is discussed on pages 3.1-8 through 3.1-9 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.1-1.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that implementation of Mitigation Measure 3.1-1 would require the project to show that the use of reflective building materials that have the potential to result in glare that would be visible from sensitive receptors located in the vicinity of the project site would not be used. Mitigation Measure 3.1-1 would reduce light and glare impacts from project operation to a less than significant level. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

#### B. AIR QUALITY

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1. PROJECT OPERATIONS HAVE THE POTENTIAL TO CAUSE A VIOLATION OF ANY AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION (EIR IMPACT 3.2-1)
  - (a) Potential Impact. The potential for the project operations to cause a violation of any air quality standard or contribute substantially to an existing or projected air quality violation is discussed on pages 3.2-17 through 3.2-19 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-1.

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

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(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that implementation of Mitigation Measure 3.2-1 would require the project applicant to ensure that the use of low VOC paint is used for all exterior and interior areas. Mitigation Measure 3.2-1 would reduce air quality impacts from project operation to a less than significant level. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

2. PROJECT CONSTRUCTION HAS THE POTENTIAL TO CAUSE A VIOLATION OF AN AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION (EIR IMPACT 3.2-2)

(a) Potential Impact. The potential for the project construction to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation is discussed on pages 3.2-19 through 3.2-22 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-2.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that implementation of Mitigation Measure 3.2-2 would require the project applicant to implement several dust control measures during all construction activities. Mitigation Measure 3.2-2 would reduce air quality impacts from project construction to a less than significant level. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

### C. BIOLOGICAL RESOURCES

1. PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS BIRD SPECIES (EIR IMPACT 3.3-4)
  - (a) Potential Impact. The potential for the project to have a direct or indirect impact on special-status bird species is discussed on pages 3.3-14 through 3.3-17 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-1.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to special-status bird species will be mitigated to a less than significant level as Mitigation Measure 3.3-1 would first require the project to retain a qualified biologist to perform a preconstruction survey to ensure that there are no occupied nests if construction occurs during the nesting season. If it is determined from the preconstruction survey that there are occupied nests, then the project proponent shall seek consultation with the California Department of Fish and Wildlife (CDFW) and obtain an incidental take permit from the CDFW pursuant to section 2081(b) of the Fish and Game Code, and construction activities that may disturb active nests shall not occur until all young have successfully fledged. Any remaining impacts related to special-status bird species after implementation of Mitigation Measure 3.3-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

### D. CULTURAL RESOURCES

1. PROJECT IMPLEMENTATION MAY CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT ARCHAEOLOGICAL RESOURCE, OR DIRECTLY OR INDIRECTLY DESTROY OR DISTURB A UNIQUE PALEONTOLOGICAL RESOURCE OR HUMAN REMAINS (EIR IMPACT 3.4-1)
  - (a) Potential Impact. The potential for the project to cause a substantial adverse change to a significant archaeological resource, or directly or indirectly destroy or disturb a unique paleontological resource or human remains, is discussed on page 3.4-12 through 3.4-13 of the Draft EIR.

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- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to significant archaeological resource, or directly or indirectly destroy or disturb a unique paleontological resource or human remains, will be mitigated to a less than significant level as Mitigation Measure 3.4-1 would require that if any prehistoric or historic artifacts, or other indications of archaeological resources are found during grading and construction activities, construction of the area will stop, and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures. Any remaining impacts related to archaeological resources, unique paleontological resources, or human remains after implementation of Mitigation Measure 3.4-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

### E. GEOLOGY, SOILS AND MINERAL RESOURCES

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- 1. IMPLEMENTATION AND CONSTRUCTION OF THE PROPOSED PROJECT MAY RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL (EIR IMPACT 3.5-2)
  - (a) Potential Impact. The potential for the project to result in substantial soil erosion or the loss of topsoil is discussed on page 3.5-14 through 3.5-16 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.5-1 and 3.5-2.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts resulting in substantial soil erosion or the loss of topsoil will be mitigated to a less than significant level as Mitigation Measures 3.5-1 and 3.5-2 will ensure that project plans adequately address grading, erosion, sediment, and pollution control requirements of the Regional Water Quality Control Board (RWQCB), and through employing BMPs and technology to reduce erosion and sediments. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater runoff from the project site. Measures shall include temporary erosion control measures

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(such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) that will be employed to control erosion from disturbed areas. Additionally, the stormwater runoff from the site shall be treated per the standards in the California Stormwater Best Management Practice New Development and Redevelopment Handbook and Section E.12 of the Phase II Small MS4 General Permit. Any remaining impacts related to erosion or loss of topsoil after implementation of Mitigation Measures 3.5-1 and 3.5-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

2. THE PROPOSED PROJECT WOULD BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF PROJECT IMPLEMENTATION, AND POTENTIALLY RESULT IN LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE (EIR IMPACT 3.5-3)
  - (a) Potential Impact. The potential for the project to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse is discussed on page 3.5-16 through 3.5-17 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-3.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to unstable soils will be mitigated to a less than significant level as Mitigation Measure 3.5-3 will ensure that existing on-site fill is removed and re-compacted in accordance with the recommendations provided in the plan-level geotechnical investigation. Any remaining impacts related to unstable soils after implementation of Mitigation Measure 3.5-3 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of

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project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

3. THE PROPOSED PROJECT WOULD BE LOCATED ON EXPANSIVE SOIL CREATING SUBSTANTIAL RISKS TO LIFE OR PROPERTY (EIR IMPACT 3.5-4)
  - (a) Potential Impact. The potential for the project to be located on expansive soil creating substantial risks to life or property is discussed on page 3.5-18 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-4.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts related to expansive soils will be mitigated to a less than significant level as Mitigation Measure 3.5-4 will ensure that site preparation and development are completed in accordance with the recommendations provided in the plan-level geotechnical investigation. Any remaining impacts related to expansive soils after implementation of Mitigation Measure 3.5-4 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

## F. GREENHOUSE GASSES, CLIMATE CHANGE, AND ENERGY

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1. THE PROPOSED PROJECT MAY GENERATE GHGS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT (EIR IMPACT 3.6-1)
  - (a) Potential Impact. The potential for the project to result in increased greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment is discussed on page 3.6-22 through 3.6-25 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that implementation of Mitigation Measure 3.6-1 will ensure a final Greenhouse Gas Reduction Plan is submitted, approved, and implemented in order to result in a reduction of at least 455.5 MTCO<sub>2</sub>e. Any remaining impacts related to direct

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or indirect generation of greenhouse gas emissions after implementation of Mitigation Measure 3.6-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

### G. HAZARDS AND HAZARDOUS MATERIALS

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1. THE PROJECT MAY HAVE THE POTENTIAL TO CREATE A SIGNIFICANT HAZARD THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS OR THROUGH THE REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT (EIR IMPACT 3.7-1)
  - (a) Potential Impact. The potential for the project to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is discussed on pages 3.7-12 through 3.7-13 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.7-1 and 3.7-2.
  - (c) Findings. Based upon the EIR and the potential for the project to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, will be mitigated to a less than significant level as Mitigation Measures 3.7-1 and 3.7-2 require submittal and approval of a Soil Management Plan and a demolition plan. The Soil Management Plan shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction to reduce the potential for spills and to direct the safe handling of these materials if encountered. The demolition plan shall include an assessment and conclusion regarding any potentially hazardous building materials within the existing structures, including but not limited to asbestos and lead-based paint. Any remaining impacts related to hazardous materials routine transport, use, disposal, or through accident conditions involving the release of hazardous materials into the environment after implementation of Mitigation Measures 3.7-1 and 3.7-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section

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15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

### H. HYDROLOGY AND WATER QUALITY

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1. THE PROJECT MAY VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS DURING CONSTRUCTION (EIR IMPACT 3.8-1)

- (a) Potential Impact. The potential for the project to violate water quality standards or waste discharge requirements during construction is discussed on pages 3.8-13 through 3.8-14 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.8-1 and 3.8-2.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts associated with the potential to violate water quality standards or waste discharge requirements during construction will be mitigated to a less than significant level as Mitigation Measures 3.8-1 and 3.8-2 require the preparation of a detailed storm water pollution prevention plan (SWPPP), implementation of BMPs, and submittal and approval of a Spill Prevention Countermeasure and Control Plan which will specify measures and procedures to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during all construction activities. Any remaining impacts related to water quality standards or waste discharge requirements during construction after implementation of Mitigation Measures 3.8-1 and 3.8-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.



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2. THE PROJECT MAY VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS POST-CONSTRUCTION (EIR IMPACT 3.8-2)
- (a) Potential Impact. The potential for the project to impact water quality standards or waste discharge requirements post-construction is discussed on pages 3.8-14 through 3.8-18 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.8-3.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts associated with violations of water quality standards or waste discharge requirements post-construction will be mitigated to a less than significant level as Mitigation Measure 3.8-3 requires submittal of a final plan identifying permanent stormwater control measures to be implemented by the project to the City. The plan shall include measures consistent with the Preliminary Drainage Study prepared for the project and shall be subject to review and approval by the Public Works Department. Any remaining impacts related to water quality, and waste discharge after implementation of Mitigation Measure 3.8-3 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

### I. TRANSPORTATION AND CIRCULATION

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1. THE PROJECT MAY CONFLICT WITH EXISTING / PLANNED BICYCLE AND PEDESTRIAN FACILITIES (EIR IMPACT 3.13-9)
- (a) Potential Impact. The potential for the project to conflict with existing / planned bicycle and pedestrian facilities is discussed on pages 3.13-33 through 3.13-35 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.13-2 and 3.13-3.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that impacts to existing / planned bicycle and pedestrian facilities will be

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mitigated to a less than significant level as Mitigation Measures 3.13-2 and 3.13-3 require the Improvement Plans to indicate that a mid-block pedestrian crossing will be constructed along the project frontage to facilitate pedestrian crossings of 5<sup>th</sup> Street, which will include a signed and marked crosswalk, center refuge island, and a pedestrian-actuated rectangular rapid flashing beacon (RRFB) to alert approaching motorists of impending pedestrian traffic. Additionally, the Landscape Plan shall indicate that the sight distance for all transportation modes at the site access is adequate. Any remaining impacts to existing / planned bicycle and pedestrian facilities after implementation of Mitigation Measures 3.13-2 and 3.13-3 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the FEIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

### V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR and Final EIR.

**Aesthetics and Visual Resources:** The following specific impacts were found to be less than significant: 3.1-1.

**Air Quality:** The following specific impacts were found to be less than significant: 3.2-3, 3.2-4, and 3.2-5.

**Biological Resources:** The following specific impacts were found to be less than significant: 3.3-1, 3.3-2, 3.3-3, 3.3-5, 3.3-6, 3.3-7, 3.3-8, and 3.3-9.

**Geology and Soils:** The following specific impacts were found to be less than significant: 3.5-1.

**Greenhouse Gases and Climate Change:** The following specific impacts were found to be less than significant: 3.6-2, and 3.6-3.

**Hazards and Hazardous Materials:** The following specific impacts were found to be less than significant: 3.7-2, 3.7-3, and 3.7-4.

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**Hydrology and Water Quality:** The following specific impacts were found to be less than significant: 3.8-3, 3.8-4, 3.8-5, 3.8-6, and 3.8-7.

**Land Use:** The following specific impacts were found to be less than significant: 3.9-1 and 3.9-2.

**Noise:** The following specific impacts were found to be less than significant: 3.10-1, 3.10-2, 3.10-3, 3.10-4, 3.10-5, 3.10-6, 3.10-7, and 3.10-8.

**Population and Housing:** The following specific impacts were found to be less than significant: 3.11-1, 3.11-2.

**Public Services and Recreation:** The following specific impacts were found to be less than significant: 3.12-1, 3.12-2, 3.12-3, 3.12-4, 3.12-5, and 3.12-6.

**Traffic and Circulation:** The following specific impacts were found to be less than significant: 3.13-1, 3.13-2, 3.13-3, 3.13-4, 3.13-5, 3.13-8, 3.13-10, and 3.13-11.

**Utilities:** The following specific impacts were found to be less than significant: 3.14-1, 3.14-2, and 3.14-3.

The project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

**Aesthetics:** The following specific impact was found to be less than cumulatively considerable: 4.1.

**Air Quality:** The following specific impact was found to be less than cumulatively considerable: 4.2.

**Biological Resources:** The following specific impact was found to be less than cumulatively considerable: 4.3.

**Cultural Resources:** The following specific impact was found to be less than cumulatively considerable: 4.4.

**Geology and Soils:** The following specific impact was found to be less than cumulatively considerable: 4.5.

**Greenhouse Gases and Climate Change:** The following specific impact was found to be less than cumulatively considerable: 4.6.

**Hazards and Hazardous Materials:** The following specific impact was found to be less than cumulatively considerable: 4.7.

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**Hydrology and Water Quality:** The following specific impacts were found to be less than cumulatively considerable: 4.8, and 4.9.

**Land Use:** The following specific impact was found to be less than cumulatively considerable: 4.10.

**Noise:** The following specific impacts were found to be less than cumulatively considerable: 4.11.

**Population and Housing:** The following specific impact was found to be less than cumulatively considerable: 4.12.

**Public Services and Recreation:** The following specific impact was found to be less than cumulatively considerable: 4.13.

**Utilities:** The following specific impact was found to be less than cumulatively considerable: 4.15.

The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the impact is less than significant for the project.
- The EIR determined that the project would have a less than cumulatively considerable contribution to the cumulative impact.
- The EIR determined that the impact is beneficial (would be reduced) for the project.
- The EIR determined that the cumulative impact was fully addressed in the General Plan EIR and that the project would not result in new or expanded cumulative impacts.

## VI. REVIEW AND REJECTION OF PROJECT ALTERNATIVES

The State CEQA Guidelines Section 15126.6 mandates that every EIR evaluate a no-project alternative, plus a feasible and reasonable range of alternatives to the project or its location. Seven alternatives to the proposed project were developed based on City of Davis staff and City Council input, input from the public during the NOP review period, and the technical analysis performed to identify the environmental effects of the proposed project. Alternatives provide a basis of comparison to the project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of a project.

Typically, where a project causes significant impacts and an EIR is prepared, the findings must discuss not only how mitigation can address the potentially significant impacts but whether project alternatives can address potentially significant impacts. But where all significant impacts can be substantially lessened, in this case to a less-than-significant level, solely by adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility that project alternatives might reduce an impact, even if the alternative would mitigate the impact to a

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greater degree than the proposed project, as mitigated (Public Resources Code Section 21002; Laurel Hills Homeowners Association v. City Council (1978 83 Cal.App.3d 515, 521. Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 730-733; Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 400-403).

Because not all significant effects can be substantially reduced to a less-than-significant level either by adoption of mitigation measures or by standard conditions of approval, the following section considers the feasibility of the project alternatives as compared to the proposed project.

As explained below, these findings describe and reject, for reasons documented in the FEIR and summarized below, each one of the project alternatives, and the City finds that approval and implementation of the proposed Sterling 5<sup>th</sup> Street Apartments Project is appropriate. The evidence supporting these findings is presented in Section 5.0 of the Draft EIR.

### A. IDENTIFICATION OF PROJECT OBJECTIVES

As described above, an EIR is required to identify a “range of potential alternatives to the project [which] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects.” Chapter 2.0 and Chapter 5.0 of the Draft EIR identify the project’s goals and objectives. The project objectives include:

1. Provide additional diverse housing options and contribute toward an adequate supply of rental housing in the City of Davis to help meet existing housing needs, including student rentals and affordable units, consistent with City Housing Policies.
2. Provide for increased residential density on an infill site with accessible infrastructure, proximity to services, and along corridors well-served by transit service and non-motorized transportation infrastructure, in furtherance of growth policies identified in the Blueprint for Regional Growth prepared and adopted by the Sacramento Area Council of Governments (SACOG) and City Transportation Policies.
3. Increase the supply of affordable housing for varying income levels and needs in a post-Redevelopment environment.
4. Provide for the adaptive reuse and redevelopment of an urban infill site that strengthens the City’s compact urban form, and supports community and neighborhood compatibility.
5. Create and maintain a built environment that promotes safety and well-being for its residents and for surrounding neighborhoods, provides amenities and services for a healthy lifestyle, connects to and enhances the City’s bike, pedestrian, and transit network, and reduces the need for off-site vehicle trips.
6. Promote environmental sustainability and reduce the community’s carbon footprint and vehicle miles traveled, in accordance with the City’s Climate Action Plan.

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### B. ALTERNATIVES ANALYSIS IN EIR

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#### 1. NO PROJECT ALTERNATIVE:

The No Project Alternative is discussed on pages 5.0-3, and 5.0-7 through 5.0-11 of the Draft EIR. The No Project Alternative assumes that the project site would remain in its current condition and that the existing structures would become occupied by a new tenant. No site development or significant housing would occur under this alternative. This alternative assumes that the new tenant would be a similar use to the former occupant, Families First. The use would be either a low-density residential treatment facility, a similar non-profit institution, or a group of institutions.

Findings: The No Project Alternative is rejected as an alternative because it would not fully achieve four of the six identified objectives. The No Project Alternative is the environmentally superior alternative.

Explanation: This alternative would not realize the benefits of the project nor achieve all of the project objectives. The City of Davis has identified the need for diverse housing options to serve local residents and students to help meet existing housing needs, including student rentals and affordable units, consistent with City Housing Policies. Under the No Project Alternative, no new student or affordable housing opportunities would be allowed and no site redevelopment would occur. The No Project Alternative would result in fewer significant environmental impacts than the proposed project, but would fail to fully meet most project objectives identified by the City.

For these reasons, the project is deemed superior to the No Project Alternative.

#### 2. EXISTING ZONING NON-RESIDENTIAL REDEVELOPMENT ALTERNATIVE:

The Existing Zoning Non-Residential Redevelopment Alternative is discussed on pages 5.0-4 and 5.0-12 through 5.0-16 of the Draft EIR. Under this alternative, the project site would be redeveloped under the current zoning but at a more intense level than the existing on-site development. This Existing Zoning Non-Residential Redevelopment Alternative is similar to the No Project Alternative, but would include demolition of some, if not all, of the existing facilities and buildings for the new user.

Findings: The Existing Zoning Non-Residential Redevelopment Alternative is rejected as an alternative because it fails to provide additional diverse housing options in the City of Davis, provide for increased residential density on an infill site with accessible infrastructure, and increase the supply of affordable housing. The Existing Zoning Non-Residential Redevelopment Alternative is the next environmentally superior alternative to the Reduced Density Student Apartment Alternative.

Explanation: This alternative would fully meet two of the objectives of the project as it would provide for the adaptive reuse and redevelopment of the infill site and could also promote environmental sustainability and reduce the community's carbon

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footprint and vehicle miles traveled. However, this alternative would not provide any opportunities for residential land use opportunities to serve local residents and students to strengthen Davis's housing supply when compared to the proposed project. The Existing Zoning Non-Residential Redevelopment Alternative would reduce impacts in five resource areas as compared to the proposed Project, but would also result in greater impacts in five resource areas. Further, this alternative would not be as effective as the proposed project at meeting the project objectives identified in the EIR.

For these reasons, the project is deemed superior to the Existing Zoning Non-Residential Redevelopment Alternative.

### 3. CONVENTIONAL APARTMENT ALTERNATIVE:

The Conventional Apartment Alternative is discussed on pages 5.0-4 and 5.0-16 through 5.0-21 of the Draft EIR. Under this alternative, the project site would be redeveloped at a residential intensity similar to the proposed project, but with conventional apartments leased by unit. Unlike the proposed project, the residential units under this alternative would be designed for conventional households and the density would be slightly greater at 45 units per acre. This would most likely result in fewer students on-site, and a larger mixture of ages for the on-site residents and more family and working households.

Findings: The Conventional Apartment Alternative is rejected because it would result in greater impacts to eight resources areas. Additionally, although this alternative would meet all of the project objectives, the total population resulting from this alternative may be greater with students doubling up in rooms or from families with children.

Explanation: This alternative results in greater impacts in the following eight resources areas: air quality, geology and soils, greenhouse gases, noise and vibration, population and housing, public services and recreation, transportation and circulation, and utilities. The increased impacts are largely due to the potential increase in total population resulting from this alternative when compared to the proposed project. For these reasons, the project is deemed superior to the Conventional Apartment Alternative.

### 4. REDUCED DENSITY STUDENT APARTMENT ALTERNATIVE:

The Reduced Density Student Apartment Alternative is discussed on pages 5.0-4, 5.0-5, and 5.0-21 through 5.0-25 of the Draft EIR. Under this alternative, the project would be maintained as student-oriented apartments, but with a reduced number of units, 150 market-rate units. This alternative would also include 39 affordable apartment units, but the affordable units would be integrated with the market-rate units instead of provided as a separate building and site.

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**Findings:** The Reduced Density Student Apartment Alternative is rejected because it would fail to fully meet Objectives 1, 2, 3, and 6 of the project in that it would not create as many residential units as the project; and it would not increase residential density as much as the project. The Reduced Intensity Alternative is the next environmentally superior alternative to the proposed project.

**Explanation:** This alternative would meet the basic objectives of the project in so much that it would provide for the same type land uses as the proposed project. Project revisions have since reduced the project to 160 market-rate units and 38 affordable units, which is similar to this alternative. However, the proposed project as revised still provides a greater number of units than this alternative. It also maintains a separate site and building for the affordable units which allows the affordable project to provide a range of services and to serve wider array of individuals and families. Consequently, this alternative would provide fewer opportunities for residential development to serve local residents and students to strengthen Davis's supply of rental housing when compared to the proposed project. Additionally, this alternative would provide market-rate and affordable apartments at a density consistent with the SACOG Blueprint for Regional Growth. However, it would not increase residential density as much as the proposed project. The Reduced Density Student Apartment Alternative would result in fewer significant environmental impacts than the proposed project, but would not be as effective as the proposed project at meeting the project objectives identified in the EIR.

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As discussed in Chapter 5 of the Draft EIR and summarized in Table 5.0-2 of the Draft EIR, the No Project Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Reduced Density Student Apartment Alternative is the next environmentally superior alternative to the proposed project. This alternative would reduce impacts in the following 10 resources areas: aesthetics and visual resources, air quality, geology and soils, greenhouse gases, land use, noise and vibration, population and housing, public services and recreation, transportation and circulation, and utilities. However, as noted above, the Reduced Density Student Apartment Alternative would be less effective than the proposed project with respect to providing housing opportunities within Davis.



## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

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For these reasons, the project is deemed superior to the Reduced Density Student Apartment Alternative.

### 5. AGGRESSIVE TRANSPORTATION AND PARKING DEMAND MANAGEMENT ALTERNATIVE:

The Aggressive Transportation and Parking Demand Management Alternative is discussed on pages 5.0-5 and 5.0-25 through 5.0-29 of the Draft EIR. Under this alternative, the project site would be developed with the same number of student and affordable housing units as the proposed project, but with fewer parking spaces. This Aggressive Transportation and Parking Demand Management Alternative would maintain a similar number of units, layout, and building design as the proposed project. The alternative assumes no changes to the affordable housing component of the project with the same units, parking, and other requirements as the proposed project. For the student market rate component, the alternative assumes the same number of units and same residential building footprint with restrictions or requirements to aggressively discourage car use and vehicle trips by residents.

Findings: The Aggressive Transportation and Parking Demand Management Alternative is rejected because it would result in greater impacts to one resources area (land use and planning). Additionally, although this alternative would meet all of the project objectives, this alternative would increase demand on the City's bike, pedestrian, and transit facilities due to the reduction in parking. This alternative would satisfy one project objective to a lesser extent than the proposed project.

Explanation: This alternative results in greater impacts related to land use. The increased impacts are largely due to the large reduction in the amount of on-site parking spaces compared to the proposed project. The reduction in parking may result in some residents parking their cars off-site at nearby residences or businesses, or may result in renting out nearby driveways from students who have extra parking elsewhere. Additionally, this alternative would reduce the need for off-site vehicle trips, and promote a healthy lifestyle, pursuant to Objective 5. However, due to the increased demand this alternative would place on the City's bike, pedestrian, and transit facilities resulting from the reduction in parking and the car-sharing services provided under this alternative, this alternative would satisfy this objective to a lesser extent than the proposed project.

For these reasons, the project is deemed superior to the Aggressive Transportation and Parking Demand Management Alternative.

### 6. OFF-SITE CITY (3820 CHILES ROAD) ALTERNATIVE:

The Off-Site City (3820 Chiles Road) Alternative is discussed on pages 5.0-5, 5.0-6, and 5.0-29 through 5.0-34 of the Draft EIR. Under this alternative, the project would be developed with an increase in both market-rate and affordable units at an off-site location. No parcels of similar size zoned for multi-family uses are currently available within the City for development. For the

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

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purposes of evaluating an off-site alternative location in the City, City staff has identified a 7.4-acre property at 3820 Chiles Road. The property contains an existing UC Davis office building and parking area. Surrounding uses include commercial properties, and multi-family and single-family areas. The site faces Interstate 80 directly to the north.

Findings: The Off-Site City (3820 Chiles Road) Alternative is rejected because it would result in greater impacts to nine resources areas. Additionally, although this alternative would meet all of the project objectives, this alternative would satisfy three objectives to a lesser extent than the proposed project.

Explanation: This alternative results in greater impacts in the following nine resources areas: air quality, geology and soils, greenhouse gases, hazards and hazardous materials, noise and vibration, population and housing, public services and recreation, transportation and circulation, and utilities. The increased impacts are largely due to the increase in dwelling units and vehicle trips resulting from this alternative when compared to the proposed project.

For these reasons, the project is deemed superior to the Off-Site City (3820 Chiles Road) Alternative.

### 7. OFF-SITE WOODLAND ALTERNATIVE:

The Off-Site Woodland Alternative is discussed on pages 5.0-6 and 5.0-34 through 5.0-38 of the Draft EIR. Under this alternative, an equal number of student and affordable housing units would be developed as the project, but at an off-site location in the City of Woodland. An equal number of parking spaces would also be provided. Additionally, the proposed amenities, bicycle and pedestrian improvements, and landscaping would be constructed at an off-site location. This off-site location in Woodland would have similar characteristics and size as the proposed project site.

Findings: The Off-Site Woodland Alternative is rejected because it would result in greater impacts to three resources areas. Additionally, although this alternative would meet some of the project objectives, this alternative would not satisfy Objectives 1, 4, 5, or 6.

Explanation: This alternative result in greater impacts in the following three resources areas: air quality, greenhouse gases, and transportation and circulation. The increased impacts are largely due to the increase in vehicle trips and vehicle miles travelled resulting from this alternative when compared to the proposed project. It is assumed that residents at this off-site location would consist primarily of UC Davis students, and as such, commute times and commute distances to campus would be significantly higher when compared to the proposed project.

For these reasons, the project is deemed superior to the Off-Site Woodland Alternative.

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### VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE STERLING 5<sup>TH</sup> STREET APARTMENTS PROJECT FINDINGS

As described in Section III of these Findings, the following significant and unavoidable impacts could occur with implementation of the project:

- Project implementation may result in a significant impact at the unsignalized 2<sup>nd</sup> Street/Cantrill Drive Intersection (#9) under the Cumulative Year 2035 Condition (EIR Impact 3.13-6);
- Project implementation may result in a significant impact to Pole Line Road between 5th Street and Cowell Boulevard under the Cumulative Year 2035 Plus MRIC and Nishi Projects Condition (EIR Impact 3.13-7); and
- The project may contribute to cumulative impacts related to transportation and circulation (EIR Impact 4.14).

The adverse effects identified above are substantive issues of concern to the City of Davis. The development of student housing is called for and contemplated in the 2025 Davis General Plan. Action HOUSING 1.5(e) aims to consider the proximity to campus, transit routes, and bike paths when siting student housing projects. The proposed project is consistent with this Action as proximity to campus, transit routes, and bike paths were considered in the Draft EIR and within this document. The project site is located approximately 1.25 miles from campus. Additionally, there are three Unitrans routes that pass the project site: the 'A' line, the 'O' line, and the 'Z' line. Further, marked bicycle lanes exist along the project frontage on 5<sup>th</sup> Street, facilitating bicycle transportation from the site to the UC Davis campus. Approval and development of the proposed project will provide local residents and students with housing located in close proximity to campus, with access to transit routes and bicycle paths.

Additionally, General Plan Policy UD 2.4 aims to create affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers, and transit stops. The project is proposed to be built as a LEED for Homes Silver certified project and would provide both affordable and market rate student housing. The project includes on-site open space amenities, including but not limited to, a tot lot, swimming pool, large courtyard areas, and barbeque areas. As required by Mitigation Measure 3.13-2 of the Draft EIR, a mid-block pedestrian crossing will be constructed along the project frontage to facilitate pedestrian crossings of 5<sup>th</sup> Street. This would help link the project site to the existing 5<sup>th</sup> Street and Pole Line Road bus stop. Further, the project site is located in close proximity to neighborhood centers and services, such as the DMV and Post Office.

General Plan Policy TRANSPORTION 1.3 aims to locate higher intensity residential development near existing centers and along corridors well served by non-motorized transportation infrastructure and public transportation. The project meets this policy as already described.

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

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The City Council has balanced the benefits of the project against its unavoidable environmental risks in determining whether to approve the project, and has determined that the benefits of the Project outweigh the unavoidable adverse environmental effects. The reasons set forth below are based on the EIR and other information in the record. As set forth in the preceding sections, approving the project will result in significant adverse environmental effects that cannot be reduced to a less-than-significant level, even with the adoption of all feasible mitigation measures. As determined above, however, there are no additional feasible mitigation measures, nor are there feasible alternatives, that would mitigate or substantially lessen the impacts to a less-than-significant level. Therefore, despite these significant environmental effects, the City Council, in accordance with Public Resources Code Sections 21001, 21002.1(c), 21081(b) and CEQA Guidelines Section 15093, chooses to approve the Project because, in its judgment, the following economic, social, and other benefits that the Project will produce will render the significant effects acceptable.

Substantial evidence supporting the benefits cited in this Statement of Overriding Considerations can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the record of proceedings, as defined in section II, above. Any one of the following reasons is sufficient to demonstrate that the benefits of the project outweigh its unavoidable adverse environmental effects, thereby justifying approval of the project.

1. Development of Student Housing. The project would provide additional student housing options and contribute toward an adequate supply of rental housing in the City of Davis to help meet existing student housing needs, consistent with City housing policies. Davis General Plan Action HOUSING 1.5(b) aims to support the provisions in the Memorandum of Understanding entered into by and between the City of Davis and UC Davis in 1989, including but not limited to the following: The goal and intention of UC Davis to provide on-campus housing for 25% of the current (1988-89) base student population of 21,000 and for 35% of the new student population; and, The agreement that UC Davis' maximum and optimum three-term student population on the Davis campus is 26,000. The project would be consistent with this policy.
2. Development of Affordable Housing. The project would increase the supply of affordable housing for varying income levels and needs in a post-redevelopment environment. The 41 low and very-low income affordable apartment units would be developed adjacent to the Student Site in order to meet the City's Affordable Housing requirements. The project would also advance City Council Goals for 2016-1018 that includes Objective 6 to increase the supply of affordable housing.
3. Full Beneficial Use of an Infill Site. The project represents infill development within an area of the City that is currently urbanized. The project site is currently accessible to infrastructure, in close proximity to neighborhood services, and along a corridor that is well-served by transit service and non-motorized transportation infrastructure. Increasing the residential density of this infill site is consistent with the growth policies

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

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identified in the Blueprint for Regional Growth prepared and adopted by SACOG and City transportation and land use policies to support infill development and reduce pressure for peripheral growth.

4. **Quality Design and the Integration of On-Site Amenities.** The project is proposed to be built as a LEED for Homes Silver certified project. LEED, or Leadership in Energy & Environmental Design, is a third party green building certification program that identifies innovative building and design strategies. LEED seeks to recognize buildings of excellence based on sustainable design practices and is an internationally distinguished mark of achievement in green building. In addition to quality design, the proposed project includes several on-site amenities. Site amenities would include a tot lot, club/fitness center, large interconnected courtyards between the residential buildings, a swimming pool, pool deck, hammock garden, cabanas, beach area, and barbeque areas.
5. **Consistency with the 2025 Davis General Plan.** The 2025 Davis General Plan designates the project site as Industrial (I). The project includes a General Plan Amendment to change the designation to Residential High Density. The intent of the “Residential High Density” category is to implement smart growth principles, including but not limited to compact development, avoidance of sprawl, and a reduction of vehicle miles travelled. Additionally, the “Residential High Density” category includes the criteria that this project would comply with. The location criteria include proximity to walking, biking, and public transit opportunities; proximity to shopping and employment centers; and separated or adequately buffered from low density residential uses. Additional criteria include quality site and architectural design.

The Proposed Project is consistent with all of the following General Plan policies, goals, and actions:

Policy LU A.1:	In infill projects, respect setback requirements, preserve existing greenbelts and greenstreets, and respect existing uses and privacy on adjacent parcels.
Policy LU A.3:	Require a mix of housing types, densities, prices and rents, and designs in each new development area.
Policy UD 2.4:	Create affordable and multi-family residential areas that include innovative designs and on-site open space amenities that are linked with public bicycle/pedestrian ways, neighborhood centers.
Goal HOUSING 1:	Promote an adequate supply of housing for people of all ages, income, lifestyles and types of households consistent with General Plan policies and goals.

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Policy HOUSING 1.2: Strive to maintain an adequate supply of rental housing in Davis to meet the needs of all renters, including students.

Action HOUSING 1.5(e): Consider the proximity to campus, transit routes, and bike paths when siting student housing project.

Policy TRANS 1.3: Encourage higher intensity residential, commercial, and mixed-use development near existing activity centers and along corridors well served by non-motorized transportation infrastructure and public transportation.

Consistency with SACOG's Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and the Davis Climate Action and Adaptation Plan (D-CAAP). SB 375 establishes CEQA streamlining incentives to assist and encourage residential and mixed-use housing projects consistent with the SCS, and in particular, projects within Transit Priority Areas (TPAs). The CEQA streamlining benefits available under SB 375 are for residential and residential mixed-use projects that are consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the SCS. Under SB 375, an EIR prepared for a project that is consistent with the SCS is not required to reference, describe, or discuss (1) growth-inducing impacts; or (2) project specific or cumulative impacts from cars and light-duty truck trips on global climate change or the regional transportation network if the project incorporates the mitigation measures required by an applicable prior environmental document. In addition, an EIR prepared for an SCS-consistent project is not required to reference, describe, or discuss a reduced residential density alternative to address the effects of car and light-duty truck trips generated by the project, as described under Public Resources Code Section 21159.28. The proposed project is consistent with SACOG's SCS, and as such, the EIR does not include an analysis of potential impacts from cars and light-duty trucks on global climate change.

As required by SB 375, the adopted MTP/SCS promotes and encourages development in areas defined by SACOG as TPAs. The proposed project is within an area of the City of Davis designated as a TPA by the MTP/SCS, and the residential development proposed by the project would advance the goals of the MTP/SCS to develop these uses within or near TPAs. Additionally, the proposed project is consistent with the D-CAAP, which lays the framework for the City of Davis to achieve its target reduction goals of GHG emissions, and is consistent with the City's GHG standards for new residential projects. Based upon the above, the proposed project is consistent with the MTP/SCS and D-CAAP, and thus would assist the City and SACOG in achieving their adopted GHG reduction targets.

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

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### VIII. CONCLUSION

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Council finds that the unavoidable adverse environmental impacts identified may be considered “acceptable” due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the proposed project.

The Davis City Council has considered information contained in the EIR prepared for the proposed Sterling 5<sup>th</sup> Street Apartments Project as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable transportation and circulation impacts may result from implementation of the proposed project, the Council finds that the benefits of the project and overriding considerations outweigh the adverse effects of the project. Having included all feasible mitigation measures in the Mitigation Monitoring and Reporting Program, and recognized all unavoidable significant impacts, the Council hereby finds that each of the separate benefits of the proposed Sterling 5<sup>th</sup> Street Apartments Project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants adoption of the proposed project and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption of the proposed Sterling 5<sup>th</sup> Street Apartments Project.

Based on the foregoing findings and the information contained in the record, the Council hereby determines that:

1. All significant effects on the environment due to implementation of the proposed Sterling 5<sup>th</sup> Street Apartments Project have been eliminated or substantially lessened where feasible;
2. There are no feasible alternatives to the proposed Sterling 5<sup>th</sup> Street Apartments Project which would mitigate or substantially lessen the impacts; and
3. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

FINDINGS OF FACT AND STATEMENT OF OVERRIDING  
CONSIDERATION

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This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the Sterling 5<sup>th</sup> Street Apartments Project (project). This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A FMMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR.

### 4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Davis will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification:** This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

## 4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

**TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM**

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<b>AESTHETICS</b>				
Impact 3.1-3: Project implementation may result in light and glare impacts	<b>Mitigation Measure 3.1-1:</b> In order to reduce the potential for glare from buildings and structures within the project site, the Improvement Plans developed for the project shall show that the use of reflective building materials that have the potential to result in glare that would be visible from sensitive receptors located in the vicinity of the project site shall be prohibited. The City of Davis Department of Community Development and Sustainability shall ensure that the approved project uses appropriate building materials with low reflectivity to minimize potential glare nuisance to off-site receptors.	City of Davis Department of Community Development and Sustainability	Prior to issuance of each building permit.	
<b>AIR QUALITY</b>				
Impact 3.2-1: Project operations have the potential to cause a violation of any air quality standard or contribute substantially to an existing or projected air quality violation	<b>Mitigation Measure 3.2-1:</b> Prior to the issuance of each building permit, the project applicant shall ensure that the project incorporates the following mitigation: <ul style="list-style-type: none"> <li>Require the use of low VOC paint (for all exterior and interior areas; an EF of no greater than 150 g/L for all applied paints)</li> </ul>	City of Davis Department of Community Development and Sustainability	Prior to issuance of each building permit.	
Impact 3.2-2: Project construction has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation	<b>Mitigation Measure 3.2-2:</b> The project applicant shall implement the following dust control measures during all construction activities. These measures shall be incorporated as part of the building and grading plans. <ul style="list-style-type: none"> <li>Water all active construction sites at least three times daily. Frequency should be based on the type of operation, soil, and wind exposure.</li> <li>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</li> </ul>	City of Davis Department of Community Development and Sustainability (for review and approval of each building permit) and City of Davis Department of Public Works (for monitoring during all site	Prior to issuance of grading permits and during all site construction activities.	

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## FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>avoided to minimize tracking of mud from the project onto streets as determined by Public Works.</i></p> <ul style="list-style-type: none"> <li><i>Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour).</i></li> <li><i>Outdoor storage of fine particulate matter on construction sites shall be prohibited.</i></li> <li><i>Contractors shall cover any stockpiles of soil, sand and similar materials. There shall be no storage of uncovered construction debris for more than one week.</i></li> <li><i>Re-vegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the project. Cover all trucks hauling dirt, sand, or loose materials.</i></li> <li><i>Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area.</i></li> <li><i>Sweep streets if visible soil material is carried out from the construction site.</i></li> <li><i>Treat accesses to a distance of 100 feet from the paved road with a 6-inch layer of gravel.</i></li> <li><i>Reduce speed on unpaved roads to less than 5 miles per hour.</i></li> </ul>	construction activities)		
BIOLOGICAL RESOURCES				
Impact 3.3-4: Project implementation may result in direct or indirect effects on special-status bird species	<p><b>Mitigation Measure 3.3-1:</b> <i>If site work begins during nesting season (February-September), a preconstruction survey is required. No more than thirty days prior to the commencement of construction, the project proponent shall retain a qualified biologist to perform preconstruction surveys for nesting raptors. The results of this survey shall be submitted to the City of Davis Community Development and Sustainability Department. In the event that nesting raptors are found on the project site, or the immediate vicinity, the project proponent shall consult with the CDFW and obtain an</i></p>	City of Davis Department of Community Development and Sustainability (for review and approval of the	No more than 30 days prior to the commencement of any site grading, demolition, or construction	

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## 4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	incidental take permit from the CDFW pursuant to section 2081(b) of the Fish and Game Code, and construction activities that may disturb active nests shall not occur until all young have successfully fledged.	pre-construction surveys) and California Department of Fish and Wildlife (for approval of an incidental take permit, if nesting raptors be found on the project site or immediate vicinity)	activities, if site work begins during the nesting season (February-September).	
CULTURAL RESOURCES				
Impact 3.4-1: Project implementation may cause a substantial adverse change to a significant archaeological resource, or directly or indirectly destroy or disturb a unique paleontological resource or human remains	<p><b>Mitigation Measure 3.4-1:</b> If any prehistoric or historic artifacts, or other indications of archaeological resources are found during grading and construction activities, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures.</p> <ul style="list-style-type: none"> <li>If cultural resources or Native American resources are identified, every effort shall be made to avoid significant cultural resources, with preservation an important goal. If significant sites cannot feasibly be avoided, appropriate mitigation measures, such as data recovery excavations or photographic documentation of buildings, shall be undertaken consistent with applicable state and federal regulations.</li> <li>If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's</li> </ul>	City of Davis Department of Community Development and Sustainability	Throughout all ground disturbing activities.	

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## FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.</p> <ul style="list-style-type: none"> <li>If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.</li> </ul>			
GEOLOGY, SOILS AND MINERAL RESOURCES				
Impact 3.5-2: Implementation and construction of the proposed project may result in substantial soil erosion or the loss of topsoil	<p><b>Mitigation Measure 3.5-1:</b> Prior to any site disturbance, the project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB in accordance with the NPDES General Construction Permit requirements. The SWPPP shall be designed to control pollutant discharges utilizing Best Management Practices (BMPs) and technology to reduce erosion and sediments. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater runoff from the project site. Measures shall include temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) that will be employed to control erosion from disturbed areas. Final selection of BMPs will be subject to approval by the City of Davis and the RWQCB. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB.</p> <p><b>Mitigation Measure 3.5-2:</b> Prior to the issuance of first building permit or site development permit, the project proponent shall provide development plans that document to the satisfaction of the City of Davis that stormwater runoff from the project site is treated per the standards in the California Stormwater Best Management Practice New Development and Redevelopment Handbook and Section E.12 of the Phase II Small MS4 General Permit. Drainage from all paved surfaces, including streets, parking lots, driveways, and roofs shall be routed either through swales, buffer strips, or sand filters or treated with a filtering system prior to discharge to the storm drain system. Landscaping shall be designed to provide water quality</p>	<p>City of Davis Department of Community Development and Sustainability, City of Davis Department of Public Works, and the Regional Water Quality Control Board.</p> <p>City of Davis Department of Community Development and Sustainability and Public Works Department</p>	<p>Prior to any site disturbance.</p> <p>Prior to issuance of first building permit or site development permit.</p>	

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## 4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<i>treatment, along with the use of a Stormwater Management filter to permanently sequester hydrocarbons, if necessary. Roofs shall be designed with down spouting into landscaped areas, bubbleups, or trenches. Driveways should be curbed into landscaping so runoff drains first into the landscaping.</i>			
Impact 3.5-3: The proposed project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse	<b>Mitigation Measure 3.5-3:</b> During site grading, the project applicant shall remove and re-compact the existing on-site fill, in accordance with the recommendations provided in the plan-level geotechnical investigation.	City of Davis Department of Community Development and Sustainability and Public Works Department	During site grading.	
Impact 3.5-4: The proposed project would be located on expansive soil creating substantial risks to life or property	<b>Mitigation Measure 3.5-4:</b> Prior to building construction, the project applicant shall (as described in the project-level geotechnical investigation): <ul style="list-style-type: none"> <li>• Apply a layer of low-expansive material (import or chemically treated onsite soils) below prior to building construction, to reduce the potential for slab distress;</li> <li>• Install conventional footings that extend below the zone of seasonal moisture fluctuation; and</li> <li>• Underlay project concrete flatwork and any other exterior slabs with low-expansive fill.</li> </ul>	City of Davis Department of Community Development and Sustainability	Prior to building construction.	
GREENHOUSE GASES, CLIMATE CHANGE, AND ENERGY				
Impact 3.6-1: The proposed project may generate GHGs, either directly or indirectly, that may have a significant effect on the environment	<b>Mitigation Measure 3.6-1:</b> Prior to issuance of building or grading permits, the applicant shall submit a final Greenhouse Gas Reduction (GHG) Plan for review and approval of the Director of Community Development and Sustainability. The GHG Reduction Plan shall demonstrate how the project reduces a minimum of 455.5 MTCO <sub>2e</sub> . The project shall implement the measures identified in the GHG Reduction Plan, which are anticipated to include the following requirements, or equivalent measures:	City of Davis Director of Community Development and Sustainability (for review and approval of the	Prior to the issuance of building or grading permits (for submittal of the final Greenhouse	

### 4.0-6 Final Environmental Impact Report – Sterling 5<sup>th</sup> St. Apartments

## FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<ul style="list-style-type: none"> <li>All residential units shall be constructed to achieve a minimum of 15% better than 2013 Title-24 Energy Efficiency requirements.</li> <li>All residential units shall be equipped exclusively with certified ENERGY STAR Appliances.</li> <li>The onsite parking garage shall be equipped with LED lighting with occurrence controls.</li> </ul> <p>Compliance with these measures, and a reduction of at least 455.5 MTCO<sub>2</sub>e, shall be demonstrated by a qualified professional to the satisfaction of the Department of Community Development and Sustainability prior to issuance of Certificates of Occupancy.</p>	final Greenhouse Gas Reduction Plan) and City of Davis Department of Community Development and Sustainability (for compliance monitoring).	Gas Reduction Plan) and prior to issuance of Certificates of Occupancy (for compliance monitoring).	
HAZARDS AND HAZARDOUS MATERIALS				
Impact 3.7-1: The project may have the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	<p><b>Mitigation Measure 3.7-1:</b> Prior to commencement of grading, the applicant shall submit a Soil Management Plan (SMP) for review and approval by the City. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction to reduce the potential for spills and to direct the safe handling of these materials if encountered. The city will approve the SMP prior to any earth moving.</p> <p><b>Mitigation Measure 3.7-2:</b> Prior to the demolition and removal of any onsite structures, foundations, or hardscapes, the applicant shall prepare and submit a demolition plan for review and approval by the City. The demolition plan shall include an assessment and conclusion regarding any potentially hazardous building materials within the existing structures, including but not limited to asbestos and lead-based paint. If such materials are present, the demolition plan shall specify standards and procedures to be implemented during all phases of site demolition, removal, and disposal to ensure that hazardous materials are not released. If asbestos is determined to be present in the existing structures, the demolition plan shall conform to all requirements established by Yolo-Solano Air Quality Management District Rule 9.9.</p>	City of Davis Department of Community Development and Sustainability  City of Davis Department of Community Development and Sustainability (for review and approval of the demolition plan), and the Yolo-Solano Air Quality Management	Prior to grading activities.  Prior to the demolition and removal of any onsite structures, foundations, or hardscapes.	

Final Environmental Impact Report – Sterling 5<sup>th</sup> St. Apartments

4.0-7

## 4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
		District (should asbestos be determined to be present on the existing structures)		
HYDROLOGY AND WATER QUALITY				
Impact 3.8-1: The project may violate water quality standards or waste discharge requirements during construction	<p><b>Mitigation Measure 3.8-1:</b> Prior to the commencement of demolition activities, the project proponent shall submit, and obtain approval of, an NOI and SWPPP to the RWQCB in accordance with the NPDES General Construction Permit requirements. The SWPPP shall utilize BMPs and technology to reduce erosion and sediments to meet water quality standards. Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation. The SWPPP shall be kept on site and implemented during construction activities and shall be made available upon request to representatives of the City of Davis and/or RWQCB.</p> <p><b>Mitigation Measure 3.8-2:</b> Prior to the commencement of demolition activities, the project proponent shall submit, and obtain approval of, a Spill Prevention Countermeasure and Control Plan (SPCC) to the Yolo County Health Department. The SPCC shall specify measures and procedures to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during all construction activities, and shall meet the requirements specified in the Code of Federal Regulations, title 40, part 112.</p>	Regional Water Quality Control Board	Prior to the commencement of demolition activities.	
Impact 3.8-2: The project may violate water quality standards or waste discharge requirements post-construction	<p><b>Mitigation Measure 3.8-3:</b> Prior to issuance of building or grading permits, the applicant shall submit a final plan identifying permanent stormwater control measures to be implemented by the project to the City. The plan shall include measures consistent with the Preliminary Drainage Study prepared for the project and shall be subject to review and approval by the Public Works Department.</p>	Yolo County Health Department	Prior to the commencement of demolition activities.	
		City of Davis Department of Public Works	Prior to issuance of building or grading permits.	

## 4.0-8 Final Environmental Impact Report – Sterling 5<sup>th</sup> St. Apartments



## FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
TRANSPORTATION AND CIRCULATION				
Impact 3.13-6: Project implementation may result in a significant impact at the unsignalized 2 <sup>nd</sup> Street/Cantrill Drive Intersection (#9) under the Cumulative Year 2035 Condition	<p><b>Mitigation Measure 3.13-1:</b> The project applicant(s) shall contribute fair share funding to cover their proportionate cost of the following intersection improvement:</p> <ul style="list-style-type: none"> <li>2<sup>nd</sup> Street / Cantrill Drive – The project applicant shall contribute fair share funding to cover their proportionate cost of signalization of the 2<sup>nd</sup> Street / Cantrill Drive intersection. Operations would improve to LOS B with the signal in place. The City of Davis shall monitor the intersection of 2<sup>nd</sup> Street/Cantrill Drive to determine when and if a signal should be installed based on a full warrant analysis.</li> </ul>	City of Davis Department of Public Works	Prior to issuance of Certificates of Occupancy.	
Impact 3.13-9: The project may conflict with existing / planned bicycle and pedestrian facilities	<p><b>Mitigation Measure 3.13-2:</b> Prior to approval of Improvement Plans, the Improvement Plans shall indicate that a mid-block pedestrian crossing will be constructed along the project frontage to facilitate pedestrian crossings of 5<sup>th</sup> Street. The crossing should include a signed and marked crosswalk, center refuge island, and a pedestrian-actuated rectangular rapid flashing beacon (RRFB) to alert approaching motorists of impending pedestrian traffic. The Improvement Plans shall be subject to review and approval by the City Engineer.</p> <p><b>Mitigation Measure 3.13-3:</b> Prior to approval of the Landscape Plan, the Landscape Plan shall indicate that the sight distance for all transportation modes at the site access is adequate. The Landscape Plan shall be subject to review and approval by the City's Building Division.</p>	City of Davis Engineer  City of Davis Building Division	Prior to approval of Improvement Plans.  Prior to approval of the Landscape Plan.	

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## ATTACHMENT 2

### RESOLUTION NO. 17-\_\_\_\_, SERIES 2017

#### **RESOLUTION OF INTENT TO AMEND THE GENERAL PLAN OF THE CITY OF DAVIS TO CHANGE THE LAND USE DESIGNATION FOR THE PROPERTY AT 2100 FIFTH STREET, CONSISTING OF 6.0 ACRES, FROM “INDUSTRIAL” TO “RESIDENTIAL HIGH DENSITY”**

**WHEREAS**, the property (Assessor’s Parcel Number: 071-405-018) consisting of 6.0 acres located at 2100 Fifth Street, as shown in Exhibit A, is currently designated “Industrial” on the General Plan Land Use Map; and

**WHEREAS**, amending the General Plan land use designation for the subject parcel to “Residential High Density” will be consistent with new zoning, and applicable policies and plans; and

**WHEREAS**, amending the General Plan land use designation for the subject parcel to “Residential High Density” enables a development that reflects General Plan policies promoting a variety of housing including multifamily, student, and affordable housing; is consistent with smart-growth principles promoted in the Sacramento Area Regional Council of Governments (SACOG) Blueprint program to bring a mix of uses near each other to create active, vital neighborhoods; provide for residential development that would conserve energy, reduce carbon footprint, and promote alternative transportation use; reduces the number of vehicle miles travelled, also reducing the emission of greenhouse gases and other pollutants; and promotes infill development and densification rather than suburban sprawl along the periphery of the city; and

**WHEREAS**, the Residential High Density designation will provide for a suitable multi-family residential site to meet housing demand and is located along an arterial street with connections to bicycle and transit facilities and convenient to services; and

**WHEREAS**, the General Plan Amendment is appropriate in that it is compatible and consistent with existing and adjacent uses; and

**WHEREAS**, the General Plan Amendment will not adversely impact the general welfare of residents or businesses within the area; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on March 22, 2017 to receive comments and consider the amendment to the General Plan and voted 4-3 to recommend adoption of the amendment; and

**WHEREAS**, the City Council held a duly noticed public hearing on April 18, 2017 and based on oral testimony and documentary evidence reviewed during the public hearing, determined that the Environmental Impact Report (SCH: 2016022005) prepared for the project adequately addresses the potential environmental impacts of the project and the appropriate findings were made.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Davis does hereby declare its intent as follows:

Section 1. The General Plan Land Use Map of the City of Davis is hereby amended to redesignate the land use for the subject property from “Industrial” to “High Density Residential,” as shown in Exhibit A.

PASSED AND ADOPTED by the City Council for the City of Davis on this 18<sup>th</sup> day of April 2017, by the following vote:

AYES:

NOES:

ABSENT:

Robb Davis  
Mayor

ATTEST:

Zoe Mirabile, CMC  
City Clerk

**STERLING 5TH STREET APARTMENTS**  
**GENERAL PLAN AMENDMENT EXHIBIT**  
 CITY OF DAVIS, CALIFORNIA

**PROPOSED**  
 071-405-19  
 RESIDENTIAL - HIGH DENSITY  
 6.000 AC

**EXISTING**  
 071-405-18  
 INDUSTRIAL  
 6.000 AC

**VICINITY MAP**

**GENERAL PLAN SUMMARY**

EXISTING		PROPOSED	
INDUSTRIAL	ACRES	ACRES	ACRES
6.000	6.000	6.000	6.000

**GRAPHIC SCALE: 1" = 200'**

## ATTACHMENT 3

### ORDINANCE NO. \_\_\_\_\_ REZONING/PRELIMINARY PLANNED DEVELOPMENT ZONING ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 40 OF THE CITY OF DAVIS MUNICIPAL CODE REZONING THE PARCEL LOCATED AT 2100 FIFTH STREET (APN #071-405-018), CONSISTING OF 6.0 ACRES, FROM PLANNED DEVELOPMENT (PD) #3-92 TO PLANNED DEVELOPMENT (PD) #5-15 (STERLING FIFTH STREET APARTMENTS)**

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

#### **SECTION 1. ZONING MAP CHANGE.**

Section 40.01.090 (Zoning Map) of Chapter 40 of the Municipal Code of the City of Davis, as amended, is hereby amended by changing the land use designation of the parcel located at 2100 Fifth Street (APN #071-405-018), consisting of approximately 6.0 acres to Planned Development #5-15, Sterling Fifth Street Apartments, as shown on Exhibit A.

#### **SECTION 2. PURPOSE.**

The purpose of this planned development is to provide a high density residential district in a suitable environment for multi-family residential development including student-oriented and affordable housing, that is compatible with existing adjacent neighborhoods, supports reduced vehicle trips and automobile use; and promotes energy and resource conservation. The planned development consists of a market-rate housing site, approximately 5.0 acres, and a separate affordable housing site, approximately 1.0 acres in size.

#### **SECTION 3. USES.**

The principal permitted, accessory, and conditional uses of this planned development shall be consistent with Section 40.09 (Residential High Density Apartment District), as amended from time to time, with the following additions.

- A. Permitted Uses.
  - a) Student-oriented housing with multi-bedroom units leased by the bedroom.
  - b) Similar uses as determined by the Community Development and Sustainability Director.
- B. Accessory Uses.
  - a) Resident-serving retail uses in the Clubhouse Building.
  - b) Ancillary office and similar uses supporting the primary use.
  - c) Similar uses as determined by the Community Development and Sustainability Director.
- C. Conditional Uses.
  - a) Similar uses which the planning commission finds to be consistent with the purposes of this article and which will not impair the present or potential use of adjacent properties.

#### **SECTION 4. DEVELOPMENT STANDARDS.**

The zoning standards for the development under Preliminary Planned Development #5-15 shall be as established in the Final Planned Development.

#### **SECTION 5. SPECIAL CONDITIONS.**

The following special requirements are placed on the uses in this PD district:

1. Number of Units/Bedrooms. The market-rate apartment site is limited to a maximum of 160 units with a maximum of 540 bedrooms for single-occupancy use. Apartment management shall implement tracking and reporting measures in the Occupancy Management Plan, or as updated, subject to review and approval of the Director of Community Development and Sustainability.
2. Security Plan. Comply with the Security Plan for the market-rate apartment site, as updated and approved by the Director of Community Development and Sustainability, with security measures including minimum staffing levels, review and updates of the measures as needed, and participation in the City's Crime Free Housing Program so long as it is offered by the City.

#### **SECTION 6. MITIGATION MEASURES.**

The Planned Development District is subject to the mitigation measures in Environmental Impact Report #3-15 (SCH#2016022005) prepared for this project.

#### **SECTION 7. FINDINGS.**

The City Council of the City of Davis hereby finds:

1. The proposed project is in conformance with the General Plan and would be consistent with the General Plan amendment that is designating the site Residential High Density amendment.
2. The property is suitable for the proposed development and the proposed project constitutes a multi-family development of sustained desirability and stability in harmony with the character of the surrounding neighborhood.
3. Public necessity, convenience and general welfare require the adoption of the proposed amendment, given that the Residential High Density designation provides for areas to meet City housing needs.
4. The proposed project with the adoption of the rezone will be consistent with the Zoning Ordinance, as the purpose of the PD District is to provide a suitable residential environment for a mix of housing types and cost including multi-family residential and student-oriented housing, and to promote creative approach and variety in the physical development pattern of the city.
5. The proposed project includes multi-bedroom units which may be leased by the bedroom is not limited to student residents and is consistent as a multiple dwelling unit.

6. The proposed project incorporates sustainability features consistent with General Plan and city policies to ensure long-term stability of the project, reduce energy consumption, and promote reduction in automobile trips.
7. The Planning Commission held a public hearing on March 22, 2017 to receive comments and consider the rezone and voted 4-3 to recommend adoption of the rezone.
8. The City Council held a duly noticed public hearing on April 18, 2017 and based on oral testimony and documentary evidence reviewed during the public hearing, certified the Environmental Impact Report (SCH#2016022005) prepared for the project and included adoption of a Mitigation Monitoring Plan. A Draft EIR was prepared and circulated for public review in accordance with CEQA requirements and addressed CEQA streamlining in regards to project consistency with the Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). The EIR adequately analyzed the significant and potentially significant environmental impacts of the project, identified appropriate mitigation, project alternatives, and significant and unavoidable cumulative impacts related to transportation and circulation. Public comments were received and a response to comments was included in the Final EIR. Additional text and information was provided to clarify discussion but the modifications do not alter the conclusions of the EIR. A statement of overriding considerations for significant and unavoidable impacts was adopted. The EIR represents the independent judgment of the lead agency.

#### **SECTION 8. EFFECTIVE DATE.**

The ordinance shall become effective on and after the thirtieth (30<sup>th</sup>) day following its adoption.

INTRODUCED on the 18<sup>th</sup> day of April, 2017 and PASSED on the \_\_\_\_\_ day of \_\_\_\_\_, 2017 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Robb Davis, Mayor

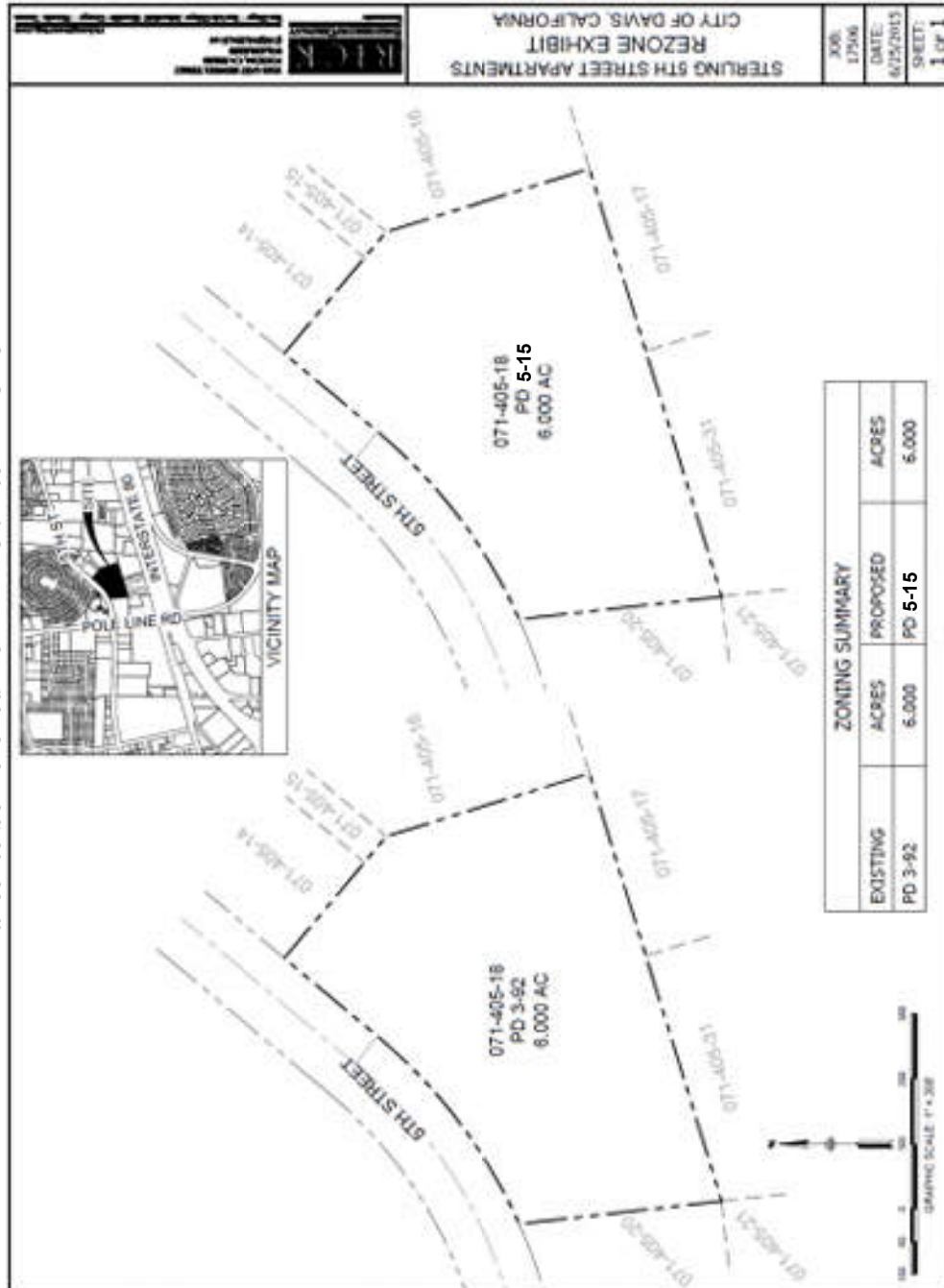
ATTEST:

\_\_\_\_\_  
Zoe S. Mirabile, CMC  
City Clerk



# EXHIBIT A

2100 Fifth Street  
Parcel to be Rezoned from PD #3-92 to PD #5-15



## ATTACHMENT 4

### FINDINGS

**Sterling 5<sup>th</sup> Street Apartments – 2100 5<sup>th</sup> Street  
Planning Application #15-49 for Final Planned Development #7-15,  
Tentative Map #4-15, Demolition #2-15, Design Review #18-15**

1. **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. (FPD)
2. **Conformance.** The proposed development conforms to the General Plan in that it implements the General Plan land use designation for a high-density residential use development and contributes to infill housing within the city limits. (FPD)
3. **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 and the design and development standards create an environment of sustained desirability and stability with the character of the surrounding neighborhood and such development shall meet performance standards established by the Planned Development and the Zoning Ordinance. Public facilities and open space are adequate. No industrial, research, institutional, recreational, or non-residential uses are proposed as part of the project or require consideration. (FPD)
4. **Traffic and Access.** The auto, bicycle, and pedestrian traffic system is adequately designed to meet anticipated traffic in that the affected roadway segments and will operate in the future within city standards for level of service. Vehicular access on the site is available and is adequate to serve the project. An adequate number, configuration and location of parking spaces have been provided. The project incorporates adequate facilities and connections and access to serve bicycles and pedestrians. (FPD)
5. **CEQA.** The City Council held a duly noticed public hearing on April 18, 2017 and based on oral testimony and documentary evidence reviewed during the public hearing, certified the Environmental Impact Report (SCH#2016022005) prepared for the project and included adoption of a Mitigation Monitoring Plan and a Statement of Overriding Considerations. A Draft EIR was prepared and circulated for public review in accordance with CEQA requirements and addressed CEQA streamlining in regards to project consistency with the Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). The EIR adequately analyzed the significant and potentially significant environmental impacts of the project, identified appropriate mitigation, project alternatives, and significant and unavoidable cumulative impacts related to transportation and circulation. Public comments were received and a response to comments was included in the Final EIR. Additional text and information was provided to clarify discussion but do not alter the conclusions of the EIR. A statement of overriding considerations for significant and unavoidable impacts was adopted. The EIR represents the independent judgment of the lead agency. (FPD, TM, DEMO, DR)
6. **SCS Consistency.** The project is consistent with the Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy

(MTP/SCS) pursuant to SB 375, complies with the requirements of Section 21159.28 of CEQA Guidelines and is eligible for CEQA streamlining benefits as a qualifying “residential or mixed-use residential project.” (FPD, TM, DEMO, DR)

7. **Consistency.** The project, as proposed and conditioned, is consistent with the General Plan, Subdivision Ordinance, City Zoning Ordinance and any adopted design guidelines for the district within which the project is located, in that the project is a residential development in a residential area, is consistent with the General Plan designation of High Density Residential, and the Planned Development zoning, and it meets all applicable General Plan policies, subdivision requirements, and zoning and standards. (FPD, TM, DEMO, DR)
8. **Subdivision Map Act.** The project, as proposed and conditioned, meets all applicable requirements of the Subdivision Map Act, in that none of the findings that would require disapproval of the map apply. (TM)
9. **Site Suitability.** The division of land is suitable for the site in that the project has adequately considered floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, public health issues, site suitability, the requirements of the Subdivision Map Act, the City of Davis Municipal Code, and the General Plan. (TM)
10. **Demolition.** The proposed demolition is consistent with and supportive of identified goals and policies of the General Plan and the proposed action will not have a significant effect on the goals and purposes of zoning provisions addressing historical resources and historic districts, in that there are no nearby historical resources or historical districts that would be adversely affected by the demolition of the existing structure and the replacement project is consistent with City goals and policies for infill development, urban design, and land use. (DEMO)
11. **Neighborhood Character.** 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, in that the project uses creative and unique design to accommodate the residential development in an energy and resource efficient manner while minimizing impacts, providing extensive landscaping and adequate buffers, and maintaining the character of the neighborhood. (DR)
12. **Compatibility.** The architectural design of the proposed project is compatible with the existing properties and anticipated future developments within the neighborhood in terms of such elements as height, mass, scale and proportion, in that the size, scale and mass of the buildings are appropriate for the site and in relation to the surrounding buildings, steps back the height of the upper floors, and incorporates a mix of materials, varied rooflines, and building recesses. (DR)
13. **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. (DR)

14. **Appropriate Materials/Methods.** The location, climate, and environmental conditions of the site are adequately considered in determining the use of appropriate construction materials and methods, in that the project incorporates materials appropriate for the climate and site. (DR)
15. **Infill Guidelines.** The proposed development complies with the General Interim Infill Guidelines. The public necessity, convenience and general welfare require adoption of the proposed amendment, given that the proposed project is an infill project (FPD, DR)
16. **1% Percent Growth Consistency.** The project is consistent with City Council Resolution No. 08-019 which established a target of 1% percent as an annual growth cap for residential development. The resolution exempts permanently affordable units and also allows the City Council to designate a portion of the yearly amount to multi-family rental units that can be rolled over and accumulated over several years as needed. City Council may approve an infill project which provides for particular community needs with extraordinary community benefits, even if it would cause an exceedance of the annual growth guideline of 1%. The project consists of 160 student-oriented apartment units and 38 permanently affordable apartment units which provide benefits to the community with needed affordable and rental housing. It is estimated that buildout of approved and potential residential projects over the next five years will result in average annual residential unit growth of 0.6% percent, as detailed in City Council staff report dated 03/14/17, which is well within the 1% annual growth cap target. (FPD, TM, DR)

**CONDITIONS OF APPROVAL**  
**Sterling 5<sup>th</sup> Street Apartments – 2100 5<sup>th</sup> Street**  
**Planning Application #15-49 for Final Planned Development #7-15,**  
**Tentative Map #4-15, Demolition #2-15, Design Review #18-15**

**I. GENERAL CONDITIONS, FEES, AND TIME LIMITS**

1. **Approval.** This approval allows Demolition of the existing facilities and tree removal on the property located at 2100 5<sup>th</sup> Street (APN: 071-405-018) and Design Review for construction of a multi-family residential development consisting of a 160-unit market-rate, student-oriented apartment site and a separate 38-unit affordable apartment site. The market-rate site includes a 3 and 4-story, apartment building intended for student with a maximum of 540 single occupancy bedrooms in 1- to 5-bedroom units, a 4-story (5-level) parking structure with 343 parking spaces, an additional 5 surface parking spaces, bicycle parking, landscaping, outdoor areas, site amenities and a 2-story clubhouse/leasing office building. The affordable site includes a 3 and 4-story apartment building with 38 affordable units with 1- to 3-bedroom units, common areas, 38 parking spaces, an outdoor play area, and landscaping. The project includes a tentative map to divide the existing 6.0-acre lot into two lots, a 5-acre parcel for the market-rate site, student-oriented apartment site and a 1-acre parcel for the affordable apartment site. The final development standards are as prescribed herein. The Tentative Parcel Map, being a subdivision of existing parcel, is conditioned upon full compliance with Final Planned Development conditions as applicable.
2. **Substantial Conformance.** The project shall be completed in substantial conformance to the approved project plans, date stamp received by the Community Development and Sustainability on March 15, 2017, except as modified herein. Site changes that substantially affect development standards or site design shall require a Revised Final Planned Development. Design changes that require modifications to elevations or site features shall be submitted for review and approval through the planning review process as a Design Review. Minor changes may be approved through the minor improvement application process. Prior to issuance of Certificate of Occupancy, all conditions of approval and required improvements shall be completed to the satisfaction of the Community Development Department.
3. **Development Agreement.** The project is also subject to that certain Development Agreement between the City of Davis and Din/Cal 3, Inc., as approved by the City Council.
4. **Permit Expiration.** The approval period for this Final Planned Development, Demolition, and Design Review shall become null and void upon expiration of the Development Agreement if substantial construction in good faith reliance on the approval has not commenced.
5. **Time Limit.** The approval for this tentative map is for the term of the Development Agreement, in accordance with Government Code Section 66452.6(a) of the Subdivision Map Act.

6. **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.
7. **Conflicts.** When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail. In the event of a conflict between the provisions of these conditions of approval and the Development Agreement, the terms of the Development Agreement shall prevail.
8. **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 Planning Commission or City Council. 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.
9. **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.
10. **Revocation.** In the event of a violation of any of the provisions of zoning regulations, or in the event of a failure to comply with any prescribed conditions of approval, the Planning Commission may, after public notice and hearing, revoke any final planned development, subject to the provisions of the Development Agreement. The determination of the Planning Commission shall become final fifteen days after the date of decision unless appealed to the City Council.
11. **Other Applicable Requirements.** The project approval is subject to all applicable requirements of the Federal, State, City of Davis and any other affected governmental agencies. Unless otherwise provided in the Development Agreement, approval of this request shall not waive compliance with all sections of the Municipal Code, all other applicable Federal, State and City Ordinances, and applicable Community or Specific Plans or Design Guidelines in effect at the time of building permit application. The duty of inquiry as to such requirements shall be upon the applicant.
12. **Fees.** The developer shall obtain all appropriate permits, if any, and pay all required fees and fees as specified in the Development Agreement.
13. **Development Impact Fees.** The developer shall pay the appropriate fees established in the Major Projects Financing Plan pursuant to the General Plan, except as specified in the Development Agreement. 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, except as specified in the Development Agreement.

14. **School Impact Fees.** The owner shall pay school facilities fees to the Davis Joint Unified School District (DJUSD), in the current amount adopted by the DJUSD at the time building permits are issued.
15. **Sewer and Water Connection Fees.** Water Connection and Sewer Connection fees shall be paid as specified in the Development Agreement, or otherwise at the time of recordation of the Parcel Map or as required by law.
16. **Signage.** Project signage shall be reviewed under a separate application. All signage shall comply with the requirements of Zoning Ordinance Section 40.26.020 for signs and shall require review and approval by the Department of Community Development and Sustainability. Signage consistent with an approved sign program or the citywide sign design guidelines may be processed as a Minor Improvement.
17. **Fire Safety Requirements.** Plans shall be submitted to the Fire Department for review and approval prior to issuance of building permits. All new development shall comply with the fire safety requirements of the California Fire Code and California Building Code as adopted by the City of Davis.
18. **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, prior to issuance of building permits.
19. **Sustainability Plan.** The project shall comply with all commitments of the Sustainability Plan, as set forth in the Development Agreement.
20. **Mitigation Measures.** The applicant shall comply with and satisfy the mitigation measures, which are part of Environmental Impact Report (SCH#2016022005) prepared for the project.
21. **Contingencies.** This project is contingent upon the approval of General Plan Amendment #02-15 and Rezoning and Preliminary Planned Development #05-15 for the project.
22. **Compliance with Conditions of Approval.** These conditions shall apply to both the market-rate site and the affordable site, except as specified. Prior to issuance of Certificate of Occupancy, conditions of approval and required improvements deemed necessary for a Certificate of Occupancy shall be completed or secured by the applicant to the satisfaction of the Community Development & Sustainability Department.

## II. FINAL PLANNED DEVELOPMENT

23. **Final Planned Development Standards.** Development standards of the Residential High Density (R-HD) District (Municipal Code Section 40.09), or as amended, shall apply unless

superseded by this or subsequent Final Planned Developments. Any changes or modification to elevations or site features not in substantial compliance with the approved plans shall be submitted for review and approval through the planning review process as a Revised Planned Development/Design Review. Minor changes in substantial compliance with standards and approved project may be approved by staff as an administrative Design Review or Minor Improvement. Final Planned Development Standards as provided on the approved plans are as follows:

<b>Standard</b>	<b><u>Market-Rate Site</u> FPD Standard</b>	<b><u>Affordable Site</u> FPD Standard</b>
<b>Building Setbacks:</b> Front (5 <sup>th</sup> St.) Rear (South) Side (West) Side (East)	45 feet 38 feet 23 feet 38 feet	35feet 61feet 10 feet 36 feet
<b>Vehicle Parking</b>	348 spaces	38 spaces
<b>Bicycle Parking</b> (1 per bedroom)	540 spaces	71 spaces
<b>Maximum Building Height</b>	56 feet	54 feet
<b>Maximum Floor Area Ratio</b>	1.2 (without garage)	1.1
<b>Maximum Lot Coverage</b>	49% (with garage)	33%
<b>Usable Open Space</b>	24%	28%

24. **Amphitheater and Outdoor Entertainment.** An outdoor amphitheater is prohibited. Outdoor amplified music or sound shall comply with the City's Noise Regulations, Municipal Code Chapter 24.
25. **Occupancy Management Plan.** Property management/owner of the market-rate site shall implement the measures consistent with the Occupancy Management Plan, as set forth in the Development Agreement.



26. **Coordination Plan.** Prior to final or occupancy, applicant shall submit a coordination plan with on-going measures addressing common areas of interest between the affordable site and the market-rate student site. The intent of the plan is to reduce potential conflicts and facilitate interaction among the residents of the two sites as well as to address any arrangements for parking, access to amenities, among other issues.
27. **Security Plan.** Prior to final or occupancy of the market-rate site, applicant shall submit a final security plan for review by the Police Department and Community Development and Sustainability Department. Additionally, both housing sites shall participate in the City's Crime Free Housing Program administered by the Police Department so long as it is offered.
28. **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.
29. **Landscape Maintenance.** The property owner shall be responsible for the installation and maintenance of all landscaping, including street trees, from the back of the curb to their project. All utility lines (water lines) which are currently operated by the City shall be disconnected and patched into the developments irrigation system.
30. **Trash Maintenance.** The entire site shall be kept free of trash or debris at all times.

### III. DEMOLITION, GRADING, SITE DEVELOPMENT, AND SITE PLAN

#### *Prior to Demolition, Grading, or Site Disturbance*

31. **Biological Clearance Application.** Prior to issuance of a demolition, grading, building permit or other improvement activities on the site, a biological clearance application shall be submitted by the applicant for review by the City and may include a preconstruction survey as established in the Mitigation Monitoring Plan. The applicant shall implement all mitigation measures that are identified as required as a result of the survey.
32. **Building Materials Reuse Plan.** Develop and implement a plan to salvage and offer for reuse existing building materials to reduce demolition waste. Plan shall be submitted for review and approval by the Community Development and Sustainability Director prior to issuance of demolition or building permits.
33. **Construction Waste Recycling.** Project shall comply with the City's Construction and Demolition Ordinance for diversion of construction and demolition waste from the landfill, through recycling, reuse and or waste reduction. Compliance shall be demonstrated as set forth in section 32.04.080 of the Davis Municipal Code. Prior to issuance of building permit, 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 work, such as shipping boxes and packing materials, beverage containers, metal scraps, etc.

34. **Construction Management Plan.** Prior to issuance of any permit or inception of any construction activity on the site, the developer shall submit a construction impact management plan including a project development schedule and “good neighbor” information for review and approval by the Community Development and Public Works Departments. The plan shall include, but is not limited to, public notice requirements for periods of significant impacts (noise/vibration/street or parking lot closures, etc.), special street posting, construction vehicle parking plan, 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 shall be reviewed on a case-by-case basis and is subject to review and approval of the City Engineer. Such use of the right-of-way may require a separate Encroachment Permit.
35. **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 improvements. This plan shall incorporate the following requirements:
- 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.
  - 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.
  - 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.
  - All sediments generated by construction activities shall be contained by the use of sediment traps, such as silt fences, settling basins, perimeter ditches, etc.
  - When building construction will be delayed beyond the next rainy season, the developer shall provide erosion control measures on each individual lot.
36. **Grading Plan.** The Applicant shall submit a final grading plan for the project prepared by a registered Civil Engineer, concurrent with the subdivision improvement plans for review and approval of the City Engineer. The Applicant shall provide information showing where all proposed grading cuts/fills will occur within the canopy of any existing trees to remain to the Urban Forest Manager. All accessibility features and bicycle access routes are to be clearly delineated on the site.

37. **Pre-Construction Meeting.** Prior to the start of any work on-site, the applicant shall request and attend a preconstruction meeting to include project general contractor, owner representative, as well as City representatives including Community Development and Public Works.

***Plan Check Review***

38. **Parking Lot Shading.** Plans and construction shall comply with the City's Parking Lot Shading and Master Parking Lot Tree list guides. A separate parking lot shading diagram shall be reviewed and approved by the Community Development & Sustainability Department prior to issuance of building permits. The parking lot shading diagram shall include all light poles and utility boxes. Parking lot trees shall be located so as to not interfere with parking lot light poles.
39. **Exterior Lighting.** All exterior residential 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 & Sustainability Department and Police Department prior to the issuance of permits.
40. **Property Maintenance.** The following statement shall be included on the site plan: "Applicant is responsible for maintaining all buildings, yards, structures, signs, parking areas 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."
41. **Cultural Resources.** The following statement shall be included on all construction documents: "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."
42. **Trash Enclosures.** Trash enclosures shall comply with the City's Stormwater Management and Discharge Control Ordinance (Ordinance) as amended over time. In addition, all required trash enclosure areas shall be constructed with a minimum 6' high wall and shall have a self-closing gate constructed of solid metal materials and attached to posts embedded in concrete. Details of trash enclosure design shall be submitted for review and approval by the Community Development & Sustainability Department and Public Works 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.

43. **Davis Waste Removal.** Documentation of approval from Davis Waste Removal for the quantity, location and size of proposed project trash and recycling enclosures shall be submitted with the building permit application.
44. **Sewer Capacity Study.** 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 Fifth Street may be required to be upsized depending on existing and proposed loads.
45. **Utility Plan.** A utility plan shall be approved by all applicable utility providers prior to the issuance of permits for any building. The applicant shall prepare a final site plan and elevations of all on-site mechanical equipment (including HVAC condensers, transformers, switch boxes, backflow devices, PG&E transformers, etc.) and specifics of how such equipment shall be screened from public view. This plan, with an approval stamp from the City of Davis Community Development & 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 & Sustainability Department prior to installation and may be subject to discretionary Design Review processing and fees by the Community Development & Sustainability Department.
46. **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. To the extent possible, equipment shall be located behind the building setback, on the side of the building or outside public view. Equipment within public view shall be screened to the satisfaction of the Community Development Director and may include a combination of landscaping and/or masonry or lattice walls or berms. All gas and electrical meters shall be concealed and/or painted to match the building.
47. **Textured/Colored Pavement.** Textured/colored pavement should be provided across all driveway entrances. They should be of brick/tile pavers, exposed aggregate, integral color concrete, colored asphalt, or any combination thereof. Full samples shall be submitted to the Community Development & Sustainability Department for review and approval prior to the issuance of building permits.
48. **Encroachment Permit Required.** All work within the public right-of-way (ROW), 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.

49. **Soils Report.** Applicant shall provide soils report concurrent with submission of improvement plans. 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.
50. **Backflow Prevention Equipment.** Backflow prevention devices may be required. Prior to issuance of building permits for any structure within the subdivision, plumbing plans shall be submitted subject to the review and approval of the City Engineer.
51. **Grading Plan Review.** 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.
52. **Street Lighting.** Final street lighting design, including location and number of fixtures, are subject to the review and approval of the City Engineer.

#### ***During Construction***

53. **Construction Times and Noise Impacts.** 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.
54. **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.

- 55. 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 AQMD shall be implemented during construction and included as notes on all construction documents:
- Construction equipment and engines shall be properly maintained.
  - Vehicle idling, including diesel equipment, shall be kept below 5 minutes.
  - Construction activities shall utilize new technologies to control ozone precursor emissions, as they become available and feasible.
  - To the extent possible, construction equipment shall be equipped with catalysts and filtration (diesel particulate filters). Where an option exists between two similar pieces of equipment, the newer and/or more controlled piece of equipment shall be used.
  - 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.
- 56. 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.
- 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.
  - 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.

***Prior to Final/Completion***

- 57. Record Drawings.** The Applicant's engineer shall prepare Record Drawings that accurately indicate the completed grades. A pad certification letter shall be provided after completion of grading operations. Reproducible mylar copies of the Record Drawings shall be provided to the City after completion of all improvements.

***On-Going***

- 58. 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.
- 59. 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.

**IV. STORM WATER AND DRAINAGE**

60. **Storm Water Drainage.** The proposed development and project applicant shall comply with the City's Stormwater Management and Discharge Control Ordinance.
61. **Storm Water Pollution Prevention Plan.** This project may be subject to State requirements for a Storm Water Pollution Prevention Plan (SWPPP). If the project disturbs 1 acre or more of soil, the developer shall file a Notice of Intent (NOI) with the State. The SWPPP shall be prepared by a State Certified Qualified SWPPP Developer (QSD). A copy of the SWPPP, NOI and WDID number shall be submitted subject to the review and approval of the City Engineer prior to disturbance of soil or the issuance of the first permit, whichever occurs first.
62. **Storm Water System Sizing.** The storm water design calculations for detention and water quality require review at the full design level. These systems may increase in size pending full review of the design at time of construction documents.
63. **Hydromodification Requirement.** As required by Section E.12.f. of the Phase II Small MS4 General Permit, the hydromodification requirement for sites that create or replace 1 acre or more of impervious surfacing is for the 2 year 24 hour storm event. The accepted source for the 2 year 24 hour storm event comes from the NOAA website for the Hydrometeorological Design Studies Center using the Precipitation Frequency Data Server. Using the Davis 2 WSW EXP Farm (04-2294) station, the figure for the 2 year 24 hour storm event is 2.26 inches. The drainage study failed to show that the post project 2 year 24 hour flow rate for discharge from the property does not exceed the pre-project flow rate for the 2 year 24 hour storm event. A revised calculation for SW quality is required to demonstrate the project has met this standard.
64. **Storm Water Quality Plan.** The applicant and developer shall provide prior the issuance of building permits subject to the review and approval of the City Engineer a complete SW Quality Diagram the provides all of the following:
  - a. The total area of the project site.
  - b. The total amount of impervious surface proposed versus that which is existing on the site.
  - c. All site design measures as outlined in Section E.12.b. and E.12.e.(ii)(d) used to reduce runoff from the site for the 85th percentile 24 hour storm event.
  - d. All drainage shed boundaries (DMA) and corresponding methods for treatment of runoff (treatment control methods).
  - e. Direction of all drainage on the site within each DMA.
  - f. Calculations which demonstrate that treatment control methods are appropriately sized for either volumetric or flow based treatment for each drainage shed the measures are proposed to treat.
  - g. All bioretention areas for each DMA shall be shown on the plan along with cross sections of the subsurface soils appropriately engineered to accommodate retention of the remaining runoff after site design measures have been implemented.
  - h. Calculations and design features which demonstrate that the hydromodification requirements of Section E.12.f. of the Phase II Small MS4 General Permit have been met.

65. **Stormwater Calculations.** The storm water quality design calculations for retention shall need to be confirmed to be consistent with the standards of Section E.12.f. of the Phase II Small MS4 General Permit. The developer/applicant shall provide calculations with the submittal of the construction plans with the application for a building permit to demonstrate consistency with this standard. The developer/applicant may be required to go through additional discretionary permits if the proposed retention systems are required to be modified in order to comply with standards of the Phase II Small MS4 General Permit. The applicant and developer shall assume all risk and responsibility for all associated costs and time with redesign and obtaining additional discretionary permits
66. **Stormwater Quality 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 PW Director prior to occupancy.
67. **Drainage Plan Required.** An on-site drainage plan to serve the subdivision shall be submitted for review and approval of the City Engineer 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.

## V. FIRE SAFETY

68. **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.
  - c. Buildings exceeding 3 stories or 30 ft in height require two means of fire apparatus access.
  - d. Where the vertical distance exceeds 30 ft, approved aerial fire apparatus access roads shall be provided.
  - e. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 ft, exclusive of shoulders.
  - f. Provide required hydrants on the plans.
  - g. Buildings which are 5 stories and will require NFPA 13 system.
  - h. Indicated stairwells on plans to have roof fire access
69. **Fire Access.** All Fire Department access and fire lanes shall be posted as “No Parking, Fire Lane.” Signage, paint and location are subject to review and approval by the Fire Department.
70. **EVA.** Bollards, entry gates and other obstructions shall be subject to review and approval of the Fire Department.



71. **Fire Access During Construction.** Prior to completion of streets, building permits may be issued, provided fire vehicle access is maintained to all hydrants and from hydrants to all structures prior to commencing wood construction.
- Details of Fire Department access to hydrants and structures shall be approved by the Fire Department.
  - Where structures are built or under construction, all adjacent streets shall be paved or graveled.

## VI. PUBLIC IMPROVEMENTS

72. **Improvements.** Subdivider shall implement recommended improvements contained in the transportation study conducted as part of the project review consistent with the Development Agreement and mitigation measures, subject to the review and approval of the City Engineer.
73. **EVA Driveway.** Final EVA Driveway design is subject to approval by the Fire Marshall. A Commercial Driveway is not desired since emergency vehicles can access thru vertical curbs and they will also dissuade resident traffic thru this area.
74. **Driveway Exit Arrows.** Driveway exit lanes will require Right Turn / Left Turn arrows.
75. **Shared Access.** Common shared access drive between Parcels One and Two shall be fully built in initial construction phase.
76. **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	4.5

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

77. **Pedestrian Crossing.** Pedestrian crossing improvements are required across Fifth Street per the review and approval of the City Engineer. This includes bus stop improvements on both sides of Fifth Street in the eastbound and westbound directions. Improvements shall be consistent with the Development Agreement and required mitigation measures.

78. **Multi-Use Path Improvements.** Subdivider shall reconstruct the multi-use path along the Fifth Street frontage, subject to the review and approval of the Public Works Director. The bike path shall be constructed of Portland cement concrete and shall be designed in accordance with the recommendations provided in the soils report or City standards, whichever section is more robust.
79. **Frontage Improvements.** The applicant for the market-rate site shall design, install and complete required frontage improvements for the multi-use path and landscaping in the parkway strip for both the market-rate site and the affordable site. Improvements shall be done concurrently.
80. **Sidewalks and Multi-Use Path.** Sidewalks and multi-use path fronting 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.
81. **Public Street.** Streets fronting the project shall be evaluated before and after the project by the City. If the degradation of the streets exceeds what would normally be expected over the time period during which construction takes place (as determined by City), the project would be responsible for repair of the streets. All expenses for this evaluation shall be paid by the applicant. The "after" evaluation and repair shall take place prior to the issuance of the Certificate of Occupancy for the project.

## VII. BICYCLE AND TRANSIT

82. **Transit Stop Improvements.** Applicant shall work with the City and Unitrans to provide real-time bus arrival information at the transit stops. Final location, bus shelter style, and details are subject to review and approval of the Public Works Department in coordination with Unitrans.
83. **Bicycle Parking.** A minimum of 1 bicycle parking spaces shall be provided per unit with a mix of indoor and outdoor parking. Indoor racks and spaces shall be subject to City review and approval. Outdoor bicycle parking shall be conveniently located and dispersed on site near entrances. Placement of racks shall be carefully considered to minimize conflicts with pedestrian travel. Bicycle racks shall be SCH Enterprises Series LR Lightning Bolt or Park a Bike Varsity Bike Dock Rack or an equivalent. Indoor racks may utilize a combination of Dero Decker and Dero Ultra Space Saver rack styles, or equivalent. A combination of outdoor bicycle racks styles may be considered with options for vertical rack styles where warranted due to space constraints or access. Final design, style, and location subject to approval by the Community Development and Sustainability Department and Public Works Department. Details shall be provided in the construction documents.

84. **Bicycle Repair Room.** Project for the market-rate site shall provide a bicycle repair room with a Dero fix-it stand or equivalent.
85. **Circulation Safety Measures.** Prior to issuance of permits, the applicant/developer shall work with city staff to identify potential bicycle/vehicle circulation safety issues on-site and consider measures for implementation that could include speed bumps, pavement textures, bollards.
86. **Garage Parking for the Affordable Site.** The applicant/developer shall provide a minimum of 5 and a maximum of 10 parking spaces in the parking garage for use by the affordable site. Details of the arrangement shall be provided to the Community Development and Sustainability Department for review and input prior to execution of any documents.

### VIII. LANDSCAPING AND TREES

87. **Tree Preservation.** The applicant shall strive to preserve approximately 6 of the existing trees in the northwest corner of the site along 5<sup>th</sup> Street in front of the affordable site, with particular attention on the canary island pines, to the extent that the preservation does not impair the site's ability to provide usable outdoor space, amenities, and other site functions or conflict with the approved site design. Prior to issuance of demolition, grading, building, or tree modification permits, the applicant shall work with staff to evaluate the opportunity for tree preservation. A final determination of the trees, if initially retained, may be made prior to issuance of building permits on the affordable site.
88. **Tree Modification Permit.** A Tree Modification Permit is required prior to removal of the trees or pruning of any protected trees.
89. **Tree Mitigation.** The applicant shall comply with the City's Tree Preservation Ordinance to mitigate for the removal of trees of significance (5" or greater dbh) or other protected trees on the property. Mitigation may include replanting the equivalent dbh of the removed trees on-site or off-site, or an in-lieu fee payment to the Tree Preservation Fund prior to issuance of building permits, as determined by the Urban Forest Manager and Community Development and Sustainability Department. Replacement trees shall be shown and included in the construction documents.
90. **Landscape Plan Required.** Detailed landscape and irrigation plans shall be submitted and approved by the Community Development and Parks and Community Services Departments prior to the issuance of building permits. Landscape 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. Location of all pavements, fencing, buildings, accessory structures, parking lot light poles, property lines, and other pertinent site plan features;
  - d. Planting and installation details and notes including soil amendments;

- e. 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;
  - f. Details of all irrigation (drip and sprinkler) as well as all equipment such as backflow, controller and meter devices identified;
  - g. Two deep watering tubes per tree planted in an isolated parking lot planter island.
91. **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 parking lot drive aisles 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.
92. **Engineered Soil.** The applicant shall incorporate engineered soil under the multi-use pathway and driveway entrances, subject to review and approval of the City Arborist and Public Works Department. Measures shall be shown in the construction documents prior to issuance of permits.
93. **No Thorny Plants Near Paths.** No plants with thorns or barbs shall be planted within 5 feet of a walking path or the public right-of-way.
94. **Tree Planting.** All trees shall be a minimum of 15 gallons in size. All trees shall be planted and staked in accordance with Parks and Community Services Department standards. All parking lot trees shall be irrigated with a minimum of two deep watering tubes.
95. **Landscaping Standards.** 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 larger size materials to provide variation and texture.
96. **Accent Landscaping.** Bark and other surface materials may be utilized in planter areas as a mulch or accent 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.
97. **Water Efficient Landscaping Requirements.** The project shall comply with the Water Efficient Landscape requirements of the City as required by the State. Verification of compliance with this ordinance shall be to the satisfaction of the Community Development & Sustainability Department and shown on the building permit plans set with the irrigation plan.

98. **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 & Sustainability Department and the Public Works Department prior to issuance of permits.
99. **Parking Lot Planters.** Minimum parking lot planters shall be provided in accordance with the City's Parking Lot Shading Guidelines. A minimum 6' by 6' planting area shall be provided for each tree planted in a tree well or planter strip. A minimum 6' by 8' planting area shall be provided for each tree planted in a planter island. Planter dimensions are measured from the interior side of the curb.
100. **Perimeter Walls/Fencing.** Project shall provide a perimeter wall or fencing on the side and rear property lines of the existing site. Walls/fencing shall be a minimum of 6 feet high with a maximum height of 7 feet, unless otherwise approved by the Community Development Director. 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 Director and City Engineer and shall be coordinated for consistency with any green-street planting that may be required. All fence/wall footings and foundations shall be galvanized steel, reinforced concrete, or masonry or treated wood materials in contact with the ground. The location and design for all fences adjacent to public or private open space, roads, or bicycle paths, shall be provided on plans prior to the issuance of permits and shall be subject to review and approval by the Director of Community Development.
101. **Landscaping Inspection.** Landscaping shall be installed consistent with the approved landscape plan prior to final certificate of occupancy and inspected by Planning staff. All trees shall be planted and staked in accordance with Parks and Community Services Department standards.

## IX. BUILDING DESIGN AND SUSTAINABILITY

102. **Approved Building Design.** No substantive deviations from the approved building design may be permitted without Design Review approval. However, minor changes may be approved through the minor improvement application process.
103. **Material Board.** The design, placement and color of the building materials shall be consistent with the approved colors and materials, except as modified by the conditions of approval for the project. Minor changes in materials and color selection may be made through the Community Development Department's Minor Improvement process. Final details and material and color samples shall be provided on the working plans to the satisfaction of the Community Development Department prior to the issuance of permits.
104. **Design Review Letter.** The applicant shall attach a full copy of the approved project letter to the Building Application Submittal.

105. **LEED Gold.** The applicant for the market-rate site proposes LEED Gold certification. The project shall meet LEED Gold standards as provided in the Development Agreement. Compliance with meeting LEEDv3 Gold equivalency standards for Homes shall be demonstrated by an evaluation prepared by a mutually agreeable third-party consultant at time of building permit issuance. Applicant may choose to adjust or substitute credits provided the point count for LEED Gold is met, to the satisfaction of the Director of Community Development and Sustainability. The Director may require third-party verification of any changed credits, or monitoring during construction for compliance, at the cost of the applicant. Formal certification through the US Green Building Council is not required.
106. **Photovoltaics.** The project on the market-rate site shall include photovoltaic panels to offset, at a minimum, the electricity usage of all common areas (i.e. the club/fitness center, courtyards, swimming pool, pool deck, outdoor areas, garage lighting) and provide an analysis of the system sizing and needs prior to issuance of building permits for the PV system. The applicant shall engage a qualified photovoltaic consultant/designer and shall work with the City to ensure that the photovoltaic system achieves optimum energy production in a manner that makes economic sense, subject to review and approval by the Director of Community Development and Sustainability.
107. **Water Submetering.** The applicant shall install separate smart water submeters for all units and applicable spaces. Smart water meters will help tenants understand in real time when, where, and how much water (in gallons) they are consuming on a daily basis.
108. **EV Charging.** The project shall comply with the current City standards for EV charging facilities in multi-family development and incorporate the required facilities and improvements in the construction documents prior to issuance of building permits.
109. **Carshare Spaces.** The applicant shall provide carshare spaces per the Sustainability Implementation Plan contained in the Development Agreement. Prior to occupancy, the applicant shall provide proof of contract to the Community Development and Sustainability Department for provision of carshare services for a minimum of two years. A minimum of one ground level parking space shall be provided. The number of carshare spaces shall be reviewed annually for the first two years with the Community Development and Sustainability Department to evaluate the need for additional spaces.
110. **Construction and Materials.** The plan review set shall include adequate detailing of application, construction and materials proposed of all exterior architectural enhancements including but not limited to building and window trim, depth of recessed features, grout or reveal width/depth, awning materials, trellis construction, building material application such as tile/brick. Adequate detailing may necessitate the use of cross-sections.
111. **Light Fixtures.** All wall mounted building lighting shall be submitted for review and approval by the Director of Community Development prior to issuance of permits. All lighting fixtures shall be complementary to the building architecture. Outdoor lighting shall

be low wattage, the minimum necessary to light the intended area, and fully shielded to minimize off-site glare.

112. **Roof Mounted Equipment.** All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections (excluding photovoltaic systems) shall be screened from view and the sound buffered from adjacent properties and streets. Such screening shall be architecturally integrated with the building design to the satisfaction of the Community Development & Sustainability Department prior to the issuance of building permits.
113. **Balconies/Porches/Patios.** Balconies, patios and porches are approved for use as private usable open space and may not be used for storage purposes. Storage of materials that detract from the buildings is prohibited in the above-mentioned locations as well as anywhere visible to the public. The project owners shall include in all leases provisions prohibiting storage of boxes, indoor furniture, and other items that detract from the building and the area, except that it may not preclude outdoor clothes drying in accordance with Section 40.26.080 of the Municipal Code. A copy of the lease language shall be provided for review and approval prior to the issuance of permits. The property owner shall regularly manage and enforce this condition.
114. **Building Design.** Applicant shall work with City staff on design adjustments to enhance the building architecture. Minor changes to the design, materials, roof forms, and other architectural elements may be processed as a Minor Improvement application. Substantial changes require Design Review.
115. **No Wall Mural.** No wall mural or art on exterior building wall on the market-rate site for the Sterling Apartments building or the clubhouse/leasing building is allowed.
116. **Water and Energy Conservation Plan.** The applicant shall prepare and implement a resident Information and Incentive Plan for Water and Energy Conservation subject to review and approval of the Director of Community Development and Sustainability, as set forth in the Development Agreement.

## **X. AFFORDABLE HOUSING SITE**

117. **Affordable Units.** A minimum of 38 affordable units shall be provided, as established in the Affordable Housing Plan. The units will stay affordable 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. This requirement shall be established in a deed restriction or covenant recorded on the property, subject to review and approval by the City Manager's Office prior to issuance of building permit.
118. **Accessibility.** The developer of the affordable site shall comply with accessibility requirements of Sections 11a and 11b of the 2016 Building Code, as applicable.

119. **Art.** The developer of the affordable site shall work with the City of Davis Program Manager for Arts and Culture with the goal of incorporating art by local artists on the affordable site, if feasible. However, there shall be no building mural or exterior art on the building wall.
120. **Sustainability.** The applicant for the affordable site proposes a LEED for Homes Gold equivalency and shall comply with the evaluation process outlined in Condition 103 regarding LEED Gold. Formal certification through the US Green Building Council is not required. Applicant shall also diligently pursue financing, if feasible, to provide a photovoltaic system to power common area electricity needs.
121. **Fees.** The developer of the affordable site is not party to the Development Agreement and shall pay all required and applicable development fees and impact fees, as required by the Municipal Code, for the affordable site.

## **XI. FINAL MAP/PARCEL MAP**

122. **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 Parcel Map. Reservation of the easements for reciprocal access, drainage, utility and maintenance for shared facilities for this subdivision shall be shown on the Parcel Map.
123. **Utility 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 Parcel Map. Reservation of the easements for reciprocal access, drainage, utilities and maintenance for shared facilities for this subdivision shall be shown on the Parcel Map.
124. **Utilities.** All sizes, locations and grades of the utilities, including private common utilities to serve this project shall be subject to the review and approval of the City Engineer. Concurrent with submission of the Parcel Map, Applicant shall submit improvement plans for the public improvements subject to review and approval of the City Engineer.
125. **Dry Utilities.** Prior to approval of the subdivision 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.
126. **Davis Waste Removal Service.** Prior to or concurrently with the submittal of the Final Map, 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.



## ATTACHMENT 5

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS**  
**APPROVING A DEVELOPMENT AGREEMENT WITH UPLIFT**  
**FAMILY SERVICES AND DIN/CAL 3, INC. RELATING TO THE**  
**STERLING FIFTH STREET APARTMENTS PROJECT**

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

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

**WHEREAS**, on April 18, 2017, the City certified the Final Environmental Impact Report (SCH 2016022005), for the Sterling 5<sup>th</sup> Street Apartments Project finding that, where feasible, mitigation measures have been imposed and modifications incorporated into the Project which avoid or substantially lessen all significant adverse environmental impacts and that social, economic and other benefits outweigh the remaining adverse environmental impacts that cannot be mitigated to a level of insignificance; and

**WHEREAS**, the City Council of Davis adopted Resolution No. \_\_\_\_, which approved a general plan amendment for the Project; and

**WHEREAS**, the City Council of Davis adopted project entitlements for the Sterling 5<sup>th</sup> Street Apartments Project, including the Preliminary and Final Planned Development, Tentative Parcel Map, Design Review, Affordable Housing Plan, vested within the Development Agreement; and

**WHEREAS**, Developer desires to carry out the development of the Property consistent with the General Plan, as amended, and the Development Agreement and the vested entitlements referenced therein; and

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

**WHEREAS**, the Planning Commission held a duly noticed public hearing on March 22, 2017 on the Final EIR, the General Plan Amendment, and project entitlements, during which public

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

**WHEREAS**, following the public hearing, the Planning Commission made a recommendation to the City Council on the Final EIR, the General Plan Amendment and the Development Agreement; and

**WHEREAS**, pursuant to Section 65867 of the Government Code, the City Council held a duly noticed public hearing on April 18, 2017 on the Final EIR, the General Plan Amendment, project entitlements, and the Development Agreement, during which public hearing the City Council received comments from the Developer, City staff, and members of the general public;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:**

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

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

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

- (a) The Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan, in that it establishes certain development rights, obligations and conditions for the implementation of the Sterling 5<sup>th</sup> Street Apartments Project;
- (b) The Development Agreement is compatible with the uses authorized therein, and the regulations prescribed for, the general plan designations which will apply to the Property;
- (c) The Development Agreement is in conformity with public convenience, general welfare and good land use practice;
- (d) The Development Agreement will not be detrimental to the public health, safety and general welfare;
- (e) The Development Agreement will not adversely affect the orderly development of the Property or the preservation of property values; and

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

- (a) The Recitals set forth in this Ordinance, which are deemed true and correct;

- (b) The City's General Plan, as amended;
- (c) Resolution No. \_\_\_\_\_, adopted by the City Council on April 18, 2017, making findings as to the Final EIR for the Project, including the Statement of Findings and Facts and Statement of Overriding and the Mitigation Monitoring and Reporting Program approved by and incorporated in said Resolution, which Resolution and exhibits are incorporated herein by reference as if set forth in full;
- (d) The City's General Plan, as amended by the General Plan Amendment adopted by the City Council by Resolution No. \_\_\_\_\_ prior to adoption of this Ordinance;
- (e) All City staff reports (and all other public reports and documents) prepared for the Planning Commission and City Council, relating to the Amendment to the Development Agreement and other actions relating to the Property;
- (f) All documentary and oral evidence received at public hearings or submitted to the City during the comment period relating to the Amendment to the Development Agreement, and other actions relating to the Property; and
- (f) All other matters of common knowledge to the Planning Commission and City Council, including, but not limited to the City's fiscal and financial status; City policies and regulations; reports, projections and correspondence related to development within and surrounding the City; State laws and regulations and publications.

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

**SECTION 6.** The approval contained in Section 5 hereof is subject to and conditioned upon Resolution No. \_\_\_\_\_, adopted by the City Council approving the General Plan amendment, becoming effective.

**SECTION 7.** Upon the effective date of this Ordinance as provided in Section 10 hereof, the Mayor and City Clerk are hereby authorized and directed to execute the Second Amendment to the Development Agreement on behalf of the City of Davis

**SECTION 8.** The City Manager is hereby authorized and directed to perform all acts authorized to be performed by the City Manager in the administration of the Development Agreement pursuant to the terms of the Development Agreement.

**SECTION 9.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 10.** This ordinance shall become effective on and after the thirtieth (30<sup>th</sup>) day following its adoption; provided, however, that if the actions referred to in Section 6 hereof are not effective on such date, then the effective date of this Ordinance shall be the date on which all of said actions become effective, as certified by the City Clerk.

INTRODUCED on the 18<sup>th</sup> day of April, 2017 and PASSED on the \_\_\_\_\_ day of \_\_\_\_\_, 2017 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Robb Davis, Mayor

ATTEST:

\_\_\_\_\_  
Zoe S. Mirabile, CMC  
City Clerk

AGREEMENT  
BY AND BETWEEN  
THE CITY OF DAVIS, UPLIFT FAMILY SERVICES, AND  
DIN/CAL 3, INC,  
Relating to the Development  
of the Property Commonly Known as the Sterling 5<sup>th</sup> Street Apartments

THIS DEVELOPMENT AGREEMENT (“Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 2017, by and between the CITY OF DAVIS, a municipal corporation (herein the "City"), UPLIFT FAMILY SERVICES, a California Corporation (“Landowner”) and DIN/CAL 3, INC., a California Corporation (“Developer”). This Agreement is made pursuant to the authority of Section 65864 *et seq.* of the Government Code of the State of California. “Developer” shall include Landowner until Landowner is released from obligations as provided for herein. This agreement refers to the City and the Developer collectively as the “Parties” and singularly as the “Party.”

Recitals

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864, *et seq.* of the *Government Code* which authorizes any city, county or city and county to enter into a development agreement with an applicant for a development project, establishing certain development rights in the property which is the subject of the development project application.

B. The Landowner owns in fee certain real property(ies) described in Exhibit A attached hereto and incorporated herein by this reference and located in the incorporated area the City of Davis (herein the "Property") which the Developer seeks to develop as the Sterling 5<sup>th</sup> Street Apartments project (the “Project”). The Project would develop five (5.0) acres of the project site with a 3 and 4-story, 160-unit university student apartment project. As described herein, the remaining one (1.0) acre of the

project site would be provided to an affordable housing provider to be developed as described in this Agreement as a 3 and 4-story, 38-unit affordable housing project. Developer has an equitable interest in the Property sufficient to be bound by this Development Agreement.

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

D. City has granted the Developer the following land use entitlement approvals for the Project and the one acre affordable housing site (hereinafter “Project Approvals”) which are incorporated and made a part of this Agreement:

- (1) General Plan Amendment #2-15
- (2) Rezoning and Preliminary Planned Development #5-15
- (3) Final Planned Development #7-15
- (4) Tentative Parcel Map #4-15
- (5) Development Agreement ##3-15 by and between the City of Davis and Developer.
- (6) Environmental Impact Report (SCH#2016022005), as certified and approved by Resolution No. \_\_\_\_\_ and the Mitigation Monitoring and Reporting Program adopted therewith.
- (7) Design Review #18-15
- (8) Demolition #2-15

E. This Agreement will eliminate uncertainty in planning for and securing orderly development of the Project, provide the certainty necessary for the Developer to

make significant investments in public infrastructure and other improvements, assure the timely and progressive installation of necessary improvements and public services, establish the orderly and measured build-out of the Project consistent with the desires of the City to maintain the City's small city atmosphere and to have development occur at a pace that will assure integration of the new development into the existing community, and provide significant public benefits to the City that the City would not be entitled to receive without this Agreement.

F. In exchange for the benefits to the City, the Developer desires to receive the assurance that it may proceed with the Project in accordance with the existing land use ordinances, subject to the terms and conditions contained in this Agreement and to secure the benefits afforded the Developer by *Government Code* §65864.

### **AGREEMENT**

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

#### **ARTICLE 1. General Provisions.**

A. [Sec. 100] Property Description and Binding Covenants. The Property is that property described in Exhibit A, which consists of a map showing its location and boundaries and a legal description. Developer represents that it has a legal or equitable interest in the Property and that all other persons holding legal or equitable interests in the Property (excepting owners or claimants in easements) agree to be bound by this Agreement. The Parties intend and determine that the provisions of this Agreement shall constitute covenants which shall run with said Property, and the burdens and benefits hereof shall bind and inure to all successors in interest to the Parties hereto. Developer's right to develop the Property in accordance with the Project Approvals and the terms of this Development Agreement including the obligations set forth herein shall not become effective unless and until Developer acquires the Property. Upon conveyance of Landowner's entire fee interest in the Property to Developer, Landowner shall have no

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further ownership interest in the property, and shall be fully released from any further liability or obligation under this Development Agreement with respect to the Property.

B. [Sec. 101] Effective Date and Term. The effective date of this Agreement shall be the date the Ordinance adopting this Agreement is effective. The term of this Agreement (the “Term”) shall commence upon the effective date and shall extend for a period of fifteen (15) years thereafter, unless said Term is terminated, modified or extended by circumstances set forth in this Agreement or by mutual consent of the Parties, subject to the provisions of Section 105 hereof. Following the expiration of said Term, this Agreement shall be deemed terminated and of no further force and effect, subject, however, to the provisions of Section 407 hereof.

If this Agreement is terminated by the City Council prior to the end of the Term, the City shall cause a written notice of termination to be recorded with the County Recorder within ten (10) days of final action by the City Council.

This Agreement shall be deemed terminated and of no further effect upon entry, after all appeals have been exhausted, of a final judgment or issuance of a final order directing the City to set aside, withdraw or abrogate the City Council's approval of this Agreement or any material part of the Project Approvals;

C. [Sec. 102] Equitable Servitudes and Covenants Running With the Land. Any successors in interest to the City and the Developer shall be subject to the provisions set forth in *Government Code* §§ 65865.4 and 65868.5. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do, or refrain from doing, some act with regard to the development of the Property: (a) is for the benefit of and is a burden upon the Property; (b) runs with the Property and each portion thereof; and (c) is binding upon each Party and each successor in interest during ownership of the Property or any portion thereof. Nothing herein shall waive or limit the provisions of Section D, and no successor owner of the Property, any portion of it, or any interest in it shall have any rights except those



assigned to the successor by the Developer in writing pursuant to Section D. In any event, no owner or tenant of an individual completed residential unit within Project shall have any rights under this Agreement.

D. [Sec. 103] Right to Assign; Non-Severable Obligations.

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

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

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

(b) The proposed assignee has adequate experience with residential developments of comparable scope and complexity to the portion of the Project that is the subject of the assignment.

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

public records request for any information designated a “trade secret” City shall notify the assignee of such request prior to releasing the material in question to the requesting party. If the assignee directs the City not to release the material in question, the assignee shall indemnify the City for any costs incurred by City, including but not limited to staff time and attorney’s fees, as a result of any action brought by the requesting party to obtain release of the information and/or to defend any lawsuit brought to obtain such information. If the City wishes to disapprove any proposed assignment, the City shall set forth in writing and in reasonable detail the grounds for such disapproval. If the City fails to disapprove any proposed assignment within forty-five (45) calendar days after receipt of written request for such approval, such assignment shall be deemed to be approved.

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

4. Notwithstanding subsection 2 above, mortgages, deeds of trust, sales and lease-backs or any other form of conveyance required for any reasonable method of financing are permitted, but only for the purpose of securing loans of funds to be used for financing the acquisition of the Property, the development and construction of improvements on the Property and other necessary and related expenses. The holder of any mortgage, deed of trust or other security arrangement with respect to the Property, or any portion thereof, shall not be obligated under this Agreement to construct or complete improvements or to guarantee such construction or completion, but shall otherwise be bound by all of the terms and conditions of this Agreement. Nothing in this Agreement shall be deemed to construe, permit or authorize any such holder to devote the Property, or any portion thereof, to any uses, or to construct any improvements thereon, other than those uses and improvements provided for or authorized by this Agreement, subject to all of the terms and conditions of this Agreement.

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5. Nothing in this Section shall be deemed to constitute or require City consent to the approval of any further subdivision or parcelization of the Property, in addition to the Parcel Map identified in Recital D. The Parties recognize and acknowledge that any such actions must comply with applicable City laws and regulations and be consistent with the General Plan, the Project Approvals and this Agreement. Nothing in this Section shall be deemed to constitute or require City consent to an assignment that consists solely of a reorganization of the Developer's business structure, such as (i) any sale, pledge, assignment or other transfer of all or a portion of the Project Site to an entity directly controlled by Developer or its affiliates and (ii) any change in Developer entity form, such as a transfer from a corporation to a limited liability company or partnership, that does not affect or change beneficial ownership of the Project Site; provided, however, in such event, Developer shall provide to City written notice, together with such backup materials or information reasonably requested by City, within thirty (30) days following the date of such reorganization or City's request for backup information, as applicable.

E. [Sec. 104] Notices. Formal written notices, demands, correspondence and communications between the City and the Developer shall be sufficiently given if dispatched by certified mail, postage prepaid, to the principal offices of the City and the Developer, as set forth in Article 8 hereof. Such written notices, demands, correspondence and communications may be directed in the same manner to such other persons and addresses as either Party may from time to time designate. The Developer shall give written notice to the City, at least thirty (30) days prior to the close of escrow, of any sale or transfer of any portion of the Property and any assignment of this Agreement, specifying the name or names of the transferee, the transferee's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given, and any other information reasonably necessary for the City to consider approval of an assignment or any other action City is required to take under this Agreement.

F. [Sec. 105] Amendment of Agreement. This Agreement may be amended from time to time by mutual consent of the Parties, in accordance with the provisions of Government Code Sections 65867 and 65868.

G. [Sec. 106] [Intentionally Reserved]

H. [Sec. 107] Major Amendments and Minor Amendments.

1. Major Amendments. Any amendment to this Development Agreement which affects or relates to (a) the term of this Development Agreement; (b) permitted uses of the Property; (c) provisions for the reservation or dedication of land; (d) conditions, terms, restrictions or requirements for subsequent discretionary actions; (e) the density or intensity of use of the Property or the maximum height or maximum gross square footage; or (f) monetary contributions by Developer, shall be deemed a “Major Amendment” and shall require giving of notice and a public hearing before the Planning Commission and City Council. Any amendment which is not a Major Amendment shall be deemed a Minor Amendment subject to Section 107(2) below. The City Manager or his or her delagee shall have the authority to determine if an amendment is a Major Amendment subject to this Section 107(1) or a Minor Amendment subject to Section 107(2) below. The City Manager’s determination may be appealed to the City Council.

2. Minor Amendments. The Parties acknowledge that refinement and further implementation of the Project may demonstrate that certain minor changes may be appropriate with respect to the details and performance of the Parties under this Agreement. The Parties desire to retain a certain degree of flexibility with respect to the details of the Project and with respect to those items covered in the general terms of this Agreement. If and when the Parties find that clarifications, minor changes, or minor adjustments are necessary or appropriate and do not constitute a Major Amendment under Section 107(1), they shall effectuate such clarifications, minor changes or minor adjustments through a written Minor Amendment approved in writing by the Developer

and City Manager. Unless otherwise required by law, no such Minor Amendment shall require prior notice or hearing, nor shall it constitute an amendment to this Agreement.

ARTICLE 2. Development of the Property.

A. [Sec. 200] Permitted Uses and Development Standards. In accordance with and subject to the terms and conditions of this Agreement, the Developer shall have a vested right to develop the Property for the uses and in accordance with and subject to the terms and conditions of this Agreement and the Project Approvals attached hereto as Exhibit C and incorporated herein by reference, and any amendments to the Project Approvals or Agreement as may, from time to time, be approved pursuant to this Agreement.

The Developer hereby agrees that development of the Project shall be in accordance with the Project Approvals, including the conditions of approval and the mitigation measures for the Project as adopted by the City, and any amendments to the Project Approvals or Agreement as may, from time to time, be approved pursuant to this Agreement. Nothing in this section shall be construed to restrict the ability to make minor changes and adjustments in accordance with Section 107, *supra*. Nothing in this Agreement shall require Developer or Landowner to construct the Project or to pay fees for any portion of the Project that Developer or Landowner does not construct.

B. [Sec. 201] Specific Development Obligations. In addition to the conditions of approval contained in the Project Approvals, the Developer and the City have agreed that the development of the Property by the Developer is subject to certain specific development obligations, described herein and also described and attached hereto as Exhibits A through J and incorporated herein by reference. These specific development obligations, together with the other terms and conditions of this Agreement, provide the incentive and consideration for the City entering into this Agreement.

1. Traffic Enhancements. Developer shall pay One Hundred Thousand Dollars (\$100,000) for traffic enhancements to the City, as set forth in Exhibit D.

2. Pole Line Road and Traffic/Circulation Improvements. Developer and city shall pay the fees and take the actions related to Pole Line Road and Transportation Improvements set forth in Exhibit E.

3. Occupancy Management Measures. Developer shall comply with and implement the measures identified in Exhibit F to monitor and maintain residential occupancy in the Project to within the maximum limits established by the Project Approvals.

4. Water and Energy Conservation Information and Incentive Plan. The Developer shall comply with and implement the measures identified in Exhibit G to provide information and incentives to residents on their water and energy use to encourage conservation.

5. Affordable Housing. The Developer shall comply with the affordable housing requirements as set forth in Exhibit H, Developer shall (1) either convey fee title or grant an irrevocable offer of dedication to the Affordable Site to the Affordable Housing Developer (as defined in Exhibit H), and (2) deposit all affordable housing funds into a separate escrow account for use in the development of the Affordable Site prior to issuance of the first building permit on the market-rate Project Site or the Affordable Site, whichever is first. City agrees that the issuance of permits for development of the Project shall not be conditioned, delayed or withheld by the City based upon the timing of the development of the Affordable Site.

6. Local Hiring Program. The Developer, shall implement a Local Hiring Program as set forth in Exhibit I.

7. Environmental Sustainability. The City and the Developer have agreed that environmental concerns and energy efficiency are critical issues for new developments. Developer shall comply with the Implementation Plan set forth in Exhibit J.

8. Parks and Recreational Facilities. Developer shall construct private parks and recreational facilities, as identified in the Project Approvals. City agrees that the Project shall not be subject to payment of in-lieu fees for parkland development pursuant to the state Quimby Act (*Government Code* §66477) and Section 36.08.040 of the Municipal Code.

9. Reimbursement for Property Taxes. Prior to issuance of building permit, Developer shall record a covenant on the title to the market-rate Project Site regarding property tax payments. The covenant shall include a permanent obligation for the property owner to make payments to the City in lieu of the City's share of otherwise-required property taxes in the event that the Student Apartments Property is acquired or master leased by an entity exempt from payment of property taxes. Wording of the covenant is subject to review and approval of the City Attorney.

C. [Sec. 202] [Intentionally Reserved]

D. [Sec. 203] Development Timing. The Developer shall be obligated to comply with the terms and conditions of the Project Approvals and this Development Agreement at those times specified in either the Project Approvals or this Development Agreement. The parties acknowledge that the Developer cannot at this time predict with certainty when or the rate at which the Property would be developed. Such decisions depend upon numerous factors which are not all within the control of the Developer, such as market orientation and demand, interest rates, competition and other factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo*, 37 Cal.3d 465 (1984), that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development controlling the parties' agreement, it is the intent of City and the Developer to hereby acknowledge and provide for the right of the Developer to develop the Project in such order and at such rate and times as the Developer deems appropriate within the exercise of its sole and subjective business judgment, subject to the terms, requirements and conditions of the Project Approvals and this Development Agreement. City

acknowledges that such a right is consistent with the intent, purpose and understanding of the parties to this Development Agreement, and that without such a right, the Developer's development of the Project would be subject to the uncertainties sought to be avoided by the Development Agreement Statute, (California *Government Code* § 65864 *et seq.*), City Council Resolution 1986-77 and this Development Agreement. The Developer will use its best efforts, in accordance with their business judgment and taking into consideration market conditions and other economic factors influencing the Developer's business decision, to commence or to continue development, and to develop the Project in a regular, progressive and timely manner in accordance with the provisions and conditions of this Development Agreement and with the Project Approvals.

Subject to applicable law relating to the vesting provisions of development agreements, Developer and City intend that except as otherwise provided herein, this Agreement shall vest the Project Approvals against subsequent City resolutions, ordinances, growth control measures and initiatives or referenda, other than a referendum that specifically overturns City's approval of the Project Approvals, that would directly or indirectly limit the rate, timing or sequencing of development, or would prevent or conflict with the land use designations, permitted or conditionally permitted uses on the Property, design requirements, density and intensity of uses as set forth in the Project Approvals, and that any such resolution, ordinance, initiative or referendum shall not apply to the Project Approvals and the Project. Notwithstanding any other provision of this Agreement, Developer shall, to the extent allowed by the laws pertaining to development agreements, be subject to any growth limitation ordinance, resolution, rule, regulation or policy which is adopted and applied on a uniform, city-wide basis and directly concerns an imminent public health or safety issue. In such case, City shall apply such ordinance, resolution, rule, regulation or policy uniformly, equitably and proportionately to Developer and the Property and to all other public or private owners and properties directly affected thereby.

E. [Sec. 204] [Intentionally Reserved]



F. [Sec. 205]. [Intentionally Reserved]

G. [Sec. 206] Rules, Regulations and Official Policies.

1. For the term of this Agreement, the rules, regulations, ordinances and official policies governing the permitted uses of land, the density and intensity of use, design, improvement and construction standards and specifications applicable to the development of the Property, including the maximum height and size of proposed buildings, shall be those rules, regulations and official policies in force on the effective date of the ordinance enacted by the City Council approving this Agreement. Except as otherwise provided in this Agreement, to the extent any future changes in the General Plan, zoning codes or any future rules, ordinances, regulations or policies adopted by the City purport to be applicable to the Property but are inconsistent with the terms and conditions of this Agreement, the terms of this Agreement shall prevail, unless the Parties mutually agree to amend or modify this Agreement pursuant to Section 105 hereof. To the extent that any future changes in the General Plan, zoning codes or any future rules, ordinances, regulations or policies adopted by the City are applicable to the Property and are not inconsistent with the terms and conditions of this Agreement or are otherwise made applicable by other provisions of this Article 2, such future changes in the General Plan, zoning codes or such future rules, ordinances, regulations or policies shall be applicable to the Property.

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

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

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

2. All project construction, improvement plans and final maps for the Project shall comply with the rules, regulations and design guidelines in effect at the time the construction, improvements plan or final map is approved. Unless otherwise expressly provided in this Agreement, all city ordinances, resolutions, rules regulations and official policies governing the design and improvement and all construction standards and specifications applicable to the Project shall be those in force and effect at the time the applicable permit is granted. Ordinances, resolutions, rules, regulations and official policies governing the design, improvement and construction standards and specifications applicable to public improvements to be constructed by Developer shall be those in force and effect at the time the applicable permit approval for the construction of such improvements is granted. If no permit is required for the public improvements, the date of permit approval shall be the date the improvement plans are approved by the City or the date construction for the public improvements is commenced, whichever occurs first.

3. Uniform Codes Applicable. This Project shall be constructed in accordance with the prohibitions of the Uniform Building, Mechanical, Plumbing,

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

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

(a) Notwithstanding any provisions to the contrary in any Other Vesting Statute, this Agreement and the conditions and requirements of land use entitlements for the Property obtained while this Agreement is in effect shall govern and control the Developer's rights to develop the Property;

(b) The Developer waives, for itself and its successors and assigns, the benefits of any Other Vesting Statute insofar as they may be inconsistent or in conflict with the terms and conditions of this Agreement and land use entitlements for the Property obtained while this Agreement is in effect; and

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

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

H. [Sec. 207]. Fees, Exactions, Conditions and Dedications.

1. Except as provided herein, the Developer shall be obligated to pay only those fees, in the amounts and/or with increases as set forth below, and make those dedications and improvements prescribed in the Project Approvals and this Agreement and any Subsequent Approvals. Unless otherwise specified herein, City-imposed development impact fees and sewer and water connection fees shall be due and payable by the Developer prior to the issuance of a certificate of occupancy for the building in question. As set forth expressly in this Agreement, Developer shall be entitled to a credit for certain impact fees previously paid with respect to the Property.

2. Except as otherwise provide by this Agreement, the Developer shall pay the amount in effect at the time the payment is made. The City retains discretion to revise such fees as the City deems appropriate, in accordance with applicable law. If the City revises such fees on a city-wide basis (as opposed to revising such fees on an *ad hoc* basis that applies solely to the Project), then the Developer shall thereafter pay the revised fee. The Developer may, at its sole discretion, participate in any hearings or proceedings regarding the adjustment of such fees. Nothing in this Agreement shall constitute a waiver by the Developer of its right to challenge such changes in fees in accordance with applicable law provided that the Developer hereby waives its right to challenge the increased fees solely on the basis of any vested rights that are granted under this Agreement.

3. The City may charge and the Developer shall pay processing fees for land use approvals, building permits, and other similar permits and entitlements which are in force and effect on a citywide basis at the time the application is submitted for those permits, as permitted pursuant to California *Government Code* § 54990 or its successor sections(s).

4. Except as specifically permitted by this Agreement or mandated by state or federal law, the City shall not impose any additional capital facilities or development impact fees or charges or require any additional dedications or improvements through the exercise of the police power, with the following exception:

(a) The City may impose reasonable additional fees, charges, dedication requirements or improvement requirements as conditions of the City's approval of an amendment to the Project Approvals or this Agreement, which amendment is either requested by the Developer or agreed to by the Developer; and

(b) The City may apply subsequently adopted development exactions to the Project if the exaction is applied uniformly to development either throughout the city or with a defined area of benefit that includes the Property if the subsequently adopted development exaction does not physically prevent development of the Property for the uses and to the density and intensity of development set forth in this Agreement. In the event that the subsequently adopted development exaction fulfills the same purpose as an exaction or development impact fee required by this Agreement or by the Project Approvals, the Developer shall receive a credit against the subsequently adopted development exaction for fees already paid that fulfill the same purpose.

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

6. Wastewater Treatment Capacity. The City and the Developer agree that there is capacity in the wastewater treatment facility to serve (1) existing residents and businesses that are already hooked up to the facility, (2) anticipated residents and businesses through build-out of the City's existing General Plan, and (3) the Project. The City and the Developer acknowledge and agree that reserving this capacity for the Project, such that sewer hookups shall be available at such time as they are needed as the Project builds out, is a material element of the consideration provided by the City to the Developer in exchange for the benefits provided to the City under this Agreement. The Parties recognize the availability of sufficient sewer capacity may be affected by regulatory or operational constraints that are not within the City's discretion. To the extent the availability of sewer capacity is within the City's discretion (e.g., whether to extend sewer service to areas *not* currently within the City's service area), the City shall not approve providing such capacity to areas currently outside the City's service area if this approval would prevent or delay the ability of the City to provide sewer hookups to the Project as the Project requires hook-ups or connections. This provision shall not affect the City's ability to provide sewer service within its service boundaries or within the existing City boundaries as they exist on the effective date of this Agreement, and as to such connections, the Parties requesting sewer service shall be connected on a first come first served basis. The Developer shall pay the applicable connection charge in effect pursuant to City-wide ordinance at the time of building permit issuance. The Developer acknowledges that connection charge may increase substantially over time and that the cost to comply with the City's new NPDES permit, as they may be approved from time to time during the term of this Agreement, may be substantial.

I. [Sec. 208] Completion of Improvements. City generally requires that all improvements necessary to service new development be completed prior to issuance of building permits (except model home permits as may be provided by the Municipal Code). However, the parties hereto acknowledge that some of the backbone or in-tract improvements associated with the development of the Property may not need to be

completed to adequately service portions of the Property as such development occurs. Therefore, as and when portions of the Property are developed, all backbone or in-tract infrastructure improvements required to service such portion of the Property in accordance with the Project Approvals (e.g., pursuant to specific tentative map conditions or other land use approvals) shall be completed prior to issuance of any building permits within such portion of the Property. Provided, however, the Public Works Director may approve the issuance of building permits prior to completion of all such backbone or in-tract improvements if the improvements necessary to provide adequate service to the portion of the Property being developed are substantially complete to the satisfaction of the Public Works Director, or in certain cases at the discretion of the City, adequate security has been provided to assure the completion of the improvements in question.

### ARTICLE 3. Obligations of the Developer.

A. [Sec. 300] Improvements. The Developer shall develop the Property in accordance with and subject to the terms and conditions of this Agreement, the Project Approvals and the subsequent discretionary approvals referred to in Section 202, if any, and any amendments to the Project Approvals or this Agreement as, from time to time, may be approved pursuant to this Agreement. The failure of the Developer to comply with any term or condition of or fulfill any obligation of the Developer under this Agreement, the Project Approvals or the subsequent discretionary approvals or any amendments to the Project Approvals or this Agreement as may have been approved pursuant to this Agreement, shall constitute a default by the Developer under this Agreement. Any such default shall be subject to cure by the Developer as set forth in Article 4 hereof.

B. [Sec. 301] Developer's Obligations. Except as otherwise provided herein, the Developer shall be responsible, at its sole cost and expense, to make the contributions, improvements, dedications and conveyances set forth in this Agreement and the Project Approvals.

C. [Sec. 302] City's Good Faith in Processing. Subject to the reserved discretionary approvals set forth in Section 201 and the provisions of Section 207(3) hereof, the City agrees that it will accept, in good faith, for processing, review and action, all complete applications for zoning, special permits, development permits, tentative maps, subdivision maps or other entitlements for use of the Property in accordance with the General Plan and this Agreement.

The City shall inform the Developer, upon request, of the necessary submission requirements for each application for a permit or other entitlement for use in advance, and shall review said application and schedule the application for review by the appropriate authority.

#### ARTICLE 4. Default, Remedies, Termination.

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

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

1. Terminate this Agreement, in which event neither Party shall have any further rights against or liability to the other with respect to this Agreement or the Property; or



2. Institute legal or equitable action to cure, correct or remedy any default, including but not limited to an action for specific performance of the terms of this Agreement;

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

B. [Sec. 401] Developer's Default; Enforcement. No building permit shall be issued or building permit application accepted for the building shell of any structure on the Property if the permit applicant owns or controls any property subject to this Agreement and if such applicant or any entity or person controlling such applicant is in default under the terms and conditions of this Agreement unless such default is cured or this Agreement is terminated.

C. [Sec. 402] Annual Review. The City Manager shall, at least every twelve (12) months during the term of this Agreement, review the extent of good faith substantial compliance by the Developer with the terms and conditions of this Agreement. Such periodic review shall be limited in scope to compliance with the terms and conditions of this Agreement pursuant to California Government Code Section 65865.1.

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

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

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

D. [Sec. 403] Enforced Delay, Extension of Times of Performance. In addition to specific provisions of this Agreement, performance by either Party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, governmental entities, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation, moratoria or similar bases for excused performance. If written notice of such delay is given to the City within thirty (30) days of the commencement of such delay, an extension of time for such cause shall be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon.

In the event litigation is initiated by any party other than Developer that challenges any of the approvals for the Project or the environmental document for those approvals and an injunction or temporary restraining order is not issued, Developer may elect to have the term of this Agreement tolled, i.e., suspended, during the pendency of said litigation, upon written notice to City from Developer. The tolling shall commence upon receipt by the City of written notice from Developer invoking this right to tolling. The tolling shall terminate upon the earliest date on which either a final order is issued upholding the challenged approvals or said litigation is dismissed with prejudice by all plaintiffs. In the event a court enjoins either the City or the Developer from taking actions with regard to the Project as a result of such litigation that would preclude any of them

from enjoying the benefits bestowed by this Agreement, then the term of this Agreement shall be automatically tolled during the period of time such injunction or restraining order is in effect

E. [Sec. 404] Limitation of Legal Actions. In no event shall the City, or its officers, agents or employees, be liable in damages for any breach or violation of this Agreement, it being expressly understood and agreed that the Developer's sole legal remedy for a breach or violation of this Agreement by the City shall be a legal action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Agreement.

F. [Sec. 405] Applicable Law and Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of California. The Developer acknowledges and agrees that the City has approved and entered into this Agreement in the sole exercise of its legislative discretion and that the standard of review of the validity or meaning of this Agreement shall be that accorded legislative acts of the City. Should any legal action be brought by a Party for breach of this Agreement or to enforce any provision herein, the prevailing Party of such action shall be entitled to reasonable attorneys' fees, court costs and such other costs as may be fixed by the Court.

G. [Sec. 406] Invalidity of Agreement.

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

2. If any provision of this Agreement shall be determined by a court to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any law which becomes effective after the date of this Agreement and either Party in good faith determines that such provision is material to its entering into this Agreement, either Party may elect to terminate this Agreement as to all obligations then remaining unperformed in accordance with the

procedures set forth in Section 400, subject, however, to the provisions of Section 407 hereof.

H. [Sec. 407] Effect of Termination on Developer Obligations. Termination of this Agreement shall not affect the Developer's obligations to comply with the General Plan and the terms and conditions of any and all Project Approvals and land use entitlements approved with respect to the Property, nor shall it affect any other covenants of the Developer specified in this Agreement to continue after the termination of this Agreement.

ARTICLE 5. Hold Harmless Agreement.

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

In the event any claim, action, or proceeding is instituted against the City, and/or its officers, agents and employees, by any third party on account of the processing, approval, or implementation of the Project Approvals and/or this Agreement, Developer shall defend, indemnify and hold harmless the City, and/or its officers, agents and employees. This obligation includes, but is not limited to, the payment of all costs of defense, any amounts awarded by the Court by way of damages or otherwise, including any attorney fees and court costs. City may elect to participate in such litigation at its sole discretion and at its sole expense. As an alternative to defending any such action, Developer may request that the City rescind any approved land use entitlement. The City will promptly notify Developer of any claim, action, or proceeding, and will cooperate fully in the defense thereof.

B. Prevailing Wages. Without limiting the foregoing, Developer acknowledges the requirements of California *Labor Code* §1720, *et seq.*, and 1770 *et seq.*, as well as California *Code of Regulations*, Title 8, Section 1600 *et seq.* ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects, as defined. If work on off-site improvements pursuant to this Agreement is being performed by Developer as part of an applicable "public works" or "maintenance" project, as defined by the

Prevailing Wage Laws, and if the total compensation under the contract in question is \$1,000 or more, Developer agrees to fully comply with such Prevailing Wage Laws. Developer understands and agrees that it is Developer's obligation to determine if Prevailing Wages apply to work done on the Project or any portion of the Project. Upon Developer's request, the City shall provide a copy of the then current prevailing rates of per diem wages. Developer shall make available to interested parties upon request, copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the work subject to Prevailing Wage Laws, and shall post copies at the Developer's principal place of business and at the Project site. Developer shall defend, indemnify and hold the City, its elected officials, officers, employees and agents free and harmless pursuant to the indemnification provisions of this Agreement from any claim or liability arising out of any failure or alleged failure by Developer to comply with the Prevailing Wage Laws associated with any "public works" or "maintenance" projects associated with Project development.

ARTICLE 6. Project as a Private Undertaking.

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

ARTICLE 7. Consistency With General Plan.

A. [Sec. 700] Consistency With General Plan. The City hereby finds and determines that execution of this Agreement is in the best interest of the public health, safety and general welfare and is consistent with the General Plan, as amended by the General Plan Amendment approved as part of the Project Approvals.

ARTICLE 8. Notices.

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

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

City Manager  
City of Davis  
23 Russell Boulevard  
Davis, CA 95616

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

Din/Cal 3  
777 S. Highway 101, Suite 210  
Solana Beach, CA 92075  
Attn: Josh Vasbinder

Din/Cal 3  
3411 Richmond Avenue  
Suite 200  
Houston, TX 77046  
Attn: John Caltagirone

With a copy to:

Phillips Land Law, Inc  
5301 Montserrat Lane  
Loomis, California 95650  
Attn: George E. Phillips

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

Uplift Family Services  
215 Llewellen Avenue  
Campbell, CA 95008  
Attn: Kathryn M. McCarthy

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

ARTICLE 9. Recordation.

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

ARTICLE 10. Estoppel Certificates.

A. [Sec. 1000] Either Party may, at any time, and from time to time, deliver written notice to the other Party requesting such party to certify in writing that, to the knowledge of the certifying Party, (a) this Development Agreement is in full force and effect and a binding obligation of the Parties, (b) this Development Agreement has not been amended or modified or, if so amended or modified, identifying the amendments or modifications, and (c) the requesting Party is not in default in the performance of its obligations under this Development Agreement, or if in default, to describe therein the nature and extent of any such defaults. The requesting Party may designate a reasonable form of certificate (including a lender's form) and the Party receiving a request hereunder shall execute and return such certificate or give a written, detailed response explaining why it will not do so within thirty (30) days following the receipt thereof. The City Manager shall be authorized to execute any certificate requested by Developer hereunder. Developer and City acknowledge that a certificate hereunder may be relied upon by tenants, transferees, investors, partners, bond counsel, underwriters, and other mortgages. The request shall clearly indicate that failure of the receiving Party to respond within the thirty (30) day period will lead to a second and final request and failure to respond to the second and final request within fifteen (15) days of receipt thereof shall be deemed approval of the estoppel certificate. Failure of Developer to execute an estoppel



certificate shall not be deemed a default, provided that in the event Developer does not respond within the required thirty (30) day period, City may send a second and final request to Developer and failure of Developer to respond within fifteen (15) days from receipt thereof (but only if City's request contains a clear statement that failure of Developer to respond within this fifteen (15) day period shall constitute an approval) shall be deemed approval by Developer of the estoppel certificate and may be relied upon as such by City, tenants, transferees, investors, bond counsel, underwriters and bond holders. Failure of City to execute an estoppel certificate shall not be deemed a default, provided that in the event City fails to respond within the required thirty (30) day period, Developer may send a second and final request to City, with a copy to the City Manager and City Attorney, and failure of City to respond within fifteen (15) days from receipt thereof (but only if Developer's request contains a clear statement that failure of City to respond within this fifteen (15) day period shall constitute an approval) shall be deemed approval by City of the estoppel certificate and may be relied upon as such by Developer, tenants, transferees, investors, partners, bond counsel, underwriters, bond holders and mortgagees.

B. ARTICLE 11. Provisions Relating to Lenders

A. [Sec. 1201] Lender Rights and Obligations.

1. Prior to Lender Possession. No Lender shall have any obligation or duty under this Agreement prior to the time the Lender obtains possession of all or any portion of the Property to construct or complete the construction of improvements, or to guarantee such construction or completion, and shall not be obligated to pay any fees or charges which are liabilities of Developer or Developer's successors-in-interest, but such Lender shall otherwise be bound by all of the terms and conditions of this Agreement which pertain to the Property or such portion thereof in which Lender holds an interest. Nothing in this Section shall be construed to grant to a Lender rights beyond those of the Developer hereunder or to limit any remedy City has hereunder in the event of a breach

by Developer, including termination or refusal to grant subsequent additional land use Approvals with respect to the Property.

2. Lender in Possession. A Lender who comes into possession of the Property, or any portion thereof, pursuant to foreclosure of a mortgage or deed of trust, or a deed in lieu of foreclosure, shall not be obligated to pay any fees or charges which are obligations of Developer and which remain unpaid as of the date such Lender takes possession of the Property or any portion thereof. Provided, however, that a Lender shall not be eligible to apply for or receive Approvals with respect to the Property, or otherwise be entitled to develop the Property or devote the Property to any uses or to construct any improvements thereon other than the development contemplated or authorized by this Agreement and subject to all of the terms and conditions hereof, including payment of all fees (delinquent, current and accruing in the future) and charges, and assumption of all obligations of Developer hereunder; provided, further, that no Lender, or successor thereof, shall be entitled to the rights and benefits of the Developer hereunder or entitled to enforce the provisions of this Agreement against City unless and until such Lender or successor in interest qualifies as a recognized assignee of this Agreement and makes payment of all delinquent and current City fees and charges pertaining to the Property.

3. Notice of Developer's Breach Hereunder. If City receives notice from a Lender requesting a copy of any notice of breach given to Developer hereunder and specifying the address for notice thereof, then City shall deliver to such Lender, concurrently with service thereon to Developer, any notice given to Developer with respect to any claim by City that Developer have committed a breach, and if City makes a determination of non-compliance, City shall likewise serve notice of such non-compliance on such Lender concurrently with service thereof on Developer.

4. Lender's Right to Cure. Each Lender shall have the right, but not the obligation, for the same period of time given to Developer to cure or remedy, on behalf of Developer, the breach claimed or the areas of non-compliance set forth in City's

notice. Such action shall not entitle a Lender to develop the Property or otherwise partake of any benefits of this Agreement unless such Lender shall assume and perform all obligations of Developer hereunder.

5. Other Notices by City. A copy of all other notices given by City to Developer pursuant to the terms of this Agreement shall also be sent to any Lender who has requested such notices at the address provided to City pursuant to Section 1201(4) above.

B. [Sec. 1202] Right to Encumber. City agrees and acknowledges that this Agreement shall not prevent or limit the owner of any interest in the Property, or any portion thereof, at any time or from time to time in any manner, at such owner's sole discretion, from encumbering the Property, the improvements thereon, or any portion thereof with any mortgage, deed of trust, sale and leaseback arrangement or other security device. City acknowledges that any Lender may require certain interpretations of the agreement and City agrees, upon request, to meet with the owner(s) of the property and representatives of any Lender to negotiate in good faith any such request for interpretation. City further agrees that it shall not unreasonably withhold its consent to any interpretation to the extent such interpretation is consistent with the intent and purpose of this Agreement

#### ARTICLE 13. Entire Agreement.

A. [Sec. 1300] Entire Agreement. This Agreement is executed in duplicate originals, each of which is deemed to be an original. This Agreement consists of 34 pages and 10 Exhibits which constitute the entire understanding and agreement of the Parties. Unless specifically stated to the contrary, the reference to an exhibit by designated letter or number shall mean that the exhibit is made a part of this Agreement. Said exhibits are identified as follows:

Exhibit A:	Description of the Property
Exhibit B:	General Plan Amendment Resolution
Exhibit C:	Project Approvals
Exhibit D:	Traffic Enhancements
Exhibit E:	Pole Line Road and Transportation Improvements
Exhibit F:	Occupancy Management Measures
Exhibit G:	Water and Energy Conservation Incentive Plan
Exhibit H:	Affordable Housing Plan
Exhibit I:	Local Hiring Program
Exhibit J:	Environmental Sustainability

[Remainder of Page Intentionally Left Blank]

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

“CITY”

CITY OF DAVIS

By: \_\_\_\_\_

Robb Davis

Mayor

Attest: \_\_\_\_\_

Zoe Mirabile

City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Harriet Steiner  
City Attorney

“DEVELOPER”

DIN/CAL 3, Inc., a California Corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

“LANDOWNER”

UPLIFT FAMILY SERVICES, a California Corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF YOLO, CITY OF DAVIS, AND IS DESCRIBED AS FOLLOWS:**

**PARCEL 1, PARCEL MAP NO. 4078, HARRISON BUSINESS PARK, FILED APRIL 21, 1994, IN BOOK 11 OF PARCEL MAPS, PAGES 38 AND 39, YOLO COUNTY RECORDS.**

**ASSESSOR'S PARCEL NUMBER: 071-405-018**

FILE LINKS

1

EXHIBIT B

General Plan Amendment Resolution

*Resolution to be inserted.*



EXHIBIT C  
Project Approvals

- (1) General Plan Amendment #2-15
- (2) Rezoning and Preliminary Planned Development #5-15
- (3) Final Planned Development #7-15
- (4) Tentative Parcel Map #4-15
- (5) Development Agreement ##3-15 by and between the City of Davis and Developer.
- (6) Environmental Impact Report (SCH#2016022005), as certified and approved by Resolution No. \_\_\_\_\_ and the Mitigation Monitoring and Reporting Program adopted therewith.
- (7) Design Review #18-15
- (8) Demolition #2-15

## EXHIBIT D

### Traffic Enhancements

Developer shall pay One Hundred Thousand Dollars (\$100,000) to the City to be used for traffic enhancements in the general project area, which shall be paid in full prior to issuance of the first building permit for the Project. Determination of traffic enhancement projects shall include City outreach to the neighborhood, including representatives from the Rancho Yolo Community Association. Traffic enhancements may include consideration of improvements to the intersection of 8<sup>th</sup> Street and Pole Line Road and traffic calming measures along 8<sup>th</sup> Street, among other items.

## EXHIBIT E

### Pole Line Road and Transportation Improvements

A. Developer agrees to construct, and complete the construction of the following improvements, prior to issuance of the first certificate of occupancy:

1. Construct and complete construction of a mid-block pedestrian crossing of 5<sup>th</sup> Street at the project frontage.

2. Relocate the existing transit stop and provide a new bus shelter on the south side of 5<sup>th</sup> Street, in front of the Project site.

3. Relocate the existing transit stop and construct a new bus shelter, to City's approval, on the north side of 5<sup>th</sup> Street, in front of the Project site, adjacent to the mid-block pedestrian crossing.

4. Provide, connect and dedicate to the City real time bus signage, to City's approval, at the two bus shelters.

B. Developer agrees to make the following payments:

1. Developer shall pay Thirty Thousand Dollars (\$30,000) to the City towards completion of lane striping on Pole Line Road as shown in the attached exhibit, which shall be paid prior to issuance of the first building permit for the project.

2. Developer shall pay a fair share of the cost of signalization of the 2<sup>nd</sup> Street/Cantrill Drive of 3.3% as calculated in the Final EIR, in the amount not to exceed \$10,000, prior to issuance of the first certificate of occupancy for the Project.

3. Developer shall pay an additional Fifty Thousand Dollars (\$50,000) to the City, toward the completion of a bike lane on 5<sup>th</sup> Street between L Street and Pole Line Road, which shall be paid at the earlier of (1) ten (10) days following City issuance of the contract for construction of the bike lane, or (2) prior to the issuance of the first building permit for the Project.

4. The above-described payments shall be credited toward the traffic impact fees payable by the Project.

C. The City commits to completing the Pole Line Road restriping improvements and bike lane striping improvements on the north side of 5<sup>th</sup> Street between Pole Line Road and L Street, prior to October 1, 2019 or certificate of occupancy of the market-rate site, whichever is later.



## EXHIBIT F

### Occupancy Management Measures

In order to maintain residential occupancy within the Project as consistent with the Project Approvals, and to avoid residential overcrowding, Developer agrees to implement the following measures during the operational life of the Project. For purposes of these requirements, the term “Developer” shall also include any employees, contractors or agents employed by Developer to operate and manage the Project. “Developer” shall also include the Developer’s successors and assigns and their employees, contractors or agents. In addition, prior to issuance of building permit or any transfer of the Project from Developer to a successor or assign, whichever occurs first, Developer shall record a covenant on the title to the market-rate Project Site regarding occupancy management measures. The covenant shall include a permanent obligation on the property for compliance with these measures. Wording of the covenant is subject to review and approval of the City Attorney. Minor changes and updates to the measures consistent with the intent of this plan may be approved by the City of Davis Director of Community Development and Sustainability Department.

- The maximum number of adult residents permitted within the Project is 540 which shall not be exceeded. Dependent children under the age of 16 living with an adult resident within the Project are exempt from these occupancy limitations, and shall not be considered in determining compliance.
- As part of determining maximum Project residential occupancy, Developer shall determine the number of residents allowed within each floor plan within the Project. Developer shall use leasing software (One Site or the equivalent) to monitor maximum project occupancy and compliance through leasing agreements with residents. Developer may be required to temporarily designate bedrooms

within units or whole units as “out-of-service” for rental purposes in order to maintain compliance with the overall Project occupancy limitations.

- Developer shall perform unit inspections a minimum of four times per year, for purposes of monitoring compliance with lease terms, including occupancy requirements.
- Developer shall limit the issuance of unit keys and access key fobs to residents legally occupying units within the Project under a current lease. Entrances to residential buildings within the Project shall be secure, with key fobs required for entry. Developer shall assess a reasonable penalty to residents to replace lost or missing keys and key fobs, and shall delete missing keys and key fobs from the security system to prevent sharing of keys and key fobs with non-residents.
- Developer shall conduct regular monthly audits of the security access system, Management will audit the property controlled access system monthly, to ensure that missing or lost keys and key fobs are deleted from the access system.
- Developer shall monitor package delivery with the Notifii system or the equivalent, to ensure that package delivery is limited to lawful residents of the Project. Package delivery to persons not listed on the rent roll as lawful residents may constitute notice to Developer of unlawful residents or a violation of lease terms.
- Developer shall enforce lease terms regarding maximum unit occupancy, including initiating eviction proceedings for residents sharing their units with non-permitted occupants following receipt of a notice to comply by Developer.
- Developer shall issue temporary parking passes for guest parking spaces in the Project, which shall be clearly marked with the time period for which the guest pass is valid. Cars with missing or expired guest passes shall be subject to

towing. Developer shall regularly monitor guest parking within the Project to ensure that guest parking spaces are not regularly used by non-residents.

- Developer shall provide a regular quarterly report and certification (15th day of October, January, April, and July) of Project occupancy to the City.



## EXHIBIT G

### Water and Energy Conservation Information and Incentive Plan

**Incentive Plan Goal.** To reduce water and electric usage by incentivizing the residents to think conservatively.

**Incentive Plan.** Starting once the Project reaches 90% occupancy, and occurring every month thereafter, the residents in each specific unit type, i.e. studio, 1-bedroom, 2-bedroom, 4-bedroom and 5-bedroom, with the lowest usage for both water and energy will each receive a \$50 gift card. No unit can receive a gift card for more than two (2) consecutive months.

**Notices.** Each unit will receive a monthly summary of that unit's water and electric usage (with comparison information).

## EXHIBIT H

### Affordable Housing Plan

Developer hereinafter referred in this Exhibit H as Sterling Fifth Street (“Sterling”) shall create a secondary parcel of no less than 1.0-acre in size, the Affordable Housing Site (“Affordable Site”). Sterling shall obtain the required planning entitlements and complete the surrounding site infrastructure improvements, including delivering a rough graded site, to allow for the development of a minimum 38 affordable units (“Project”). Building permits for the market rate units shall not be issued until this parcel is created and conveyed to Mutual Housing California Inc., a nonprofit public benefit corporation (the “Affordable Developer”), a limited partnership established by the Affordable Developer, or another affordable housing developer approved by the City of Davis, for the purpose of developing an affordable multifamily rental development consistent with this Affordable Housing Plan.

Sterling shall deposit \$2,025,000 into an escrow account with proof to the City to be used for the development of the Affordable Site, subject to actual project needs at the time of financing. The structure pursuant to which the deposited funds are provided to the Affordable Housing Developer shall be subject to the City’s approval and the City may, at its option, take possession of and use such funds to provide a loan to the Affordable Housing Developer to assist in the development of the Project. Payment in full into the escrow account will be required prior to issuance of a building permit for the Sterling project or the Affordable Site, whichever is first.

All rental units developed on the Affordable Site shall remain affordable in perpetuity. At least 19 units, or fifty percent of the Project, at rents affordable to 50% of Area Median Income (AMI), including at least 10 units at rents affordable to 35 – 40% AMI. The remaining units in the Project shall be developed at rents affordable to households at 60% AMI or below. The Developer of the Affordable Site will seek to increase affordability to the extent feasible given the available funding sources. This requirement shall be established in a Deed Restriction or covenant (“Deed”) recorded on the Affordable Site, subject to review and approval by the City Manager’s Office prior to issuance of building permits on the Affordable Site.

The Affordable Developer shall diligently pursue financing for the Project. If the affordable apartments have not commenced construction within five (5) years of the first building permit issued for the market rate units, the Affordable Developer shall transfer the parcel to the City of Davis or to the City’s designee and release or assign all rights to the \$2,025,000 in funds in the escrow account to the City, for use to develop permanently affordable housing.

The Affordable Housing Site shall be free of any encumbrances or unusual easements, subject to the review and approval of the City Manager’s Office and the City Attorney.

The Affordable Housing Developer will pursue programs with Davis Community Meals and other local service providers and volunteers that can provide housing and services to special needs populations (e.g. housing and services to address the needs of families and individuals who are homeless or at-risk of homelessness) to the extent additional resources are available and these programs are allowed by the affordable housing's lenders and investors.

The Affordable Housing Developer and Sterling shall work together to create an Agreement ("Agreement") around shared services between the two (2) sites, including discussion of the; parking garage, planned community events, and a potential student mentoring program. The Agreement shall be submitted to the City for review and approval.

The Affordable Site shall be comply with accessibility requirements of Sections 11a and 11b of the 2016 Building Code, as applicable.

## EXHIBIT I

### Local Hiring Program for Construction

Local Hiring Policy for Construction. Developer shall implement a local hiring policy (the “**Local Hiring Policy**”) for construction of the Project, consistent with the following guidelines:

1. Purpose. The purpose of the Local Hiring Policy is to facilitate the employment by Developer and it’s contractors at the Project of residents of the City of Davis (the “Targeted Job Applicants”), and in particular, those residents who are “Low-Income Individuals” (defined below).
2. Definitions.
  - a. “**Contract**” means a contract or other agreement for the providing of any combination of labor, materials, supplies, and equipment to the construction of the Project that will result in On-Site Jobs, directly or indirectly, either pursuant to the terms of such contract or other agreement or through one of more subcontracts.
  - b. “**Contractor**” means a prime contractor, a sub-contractor, or any other entity that enters into a Contract with Developer for any portion or component of the work necessary to construct the Project (excluding architectural, design and other “soft” components of the construction of the Project).
  - c. “**Low Income Individual**” means a resident of the City of Davis whose household income is no greater than 80% of the Median Income.
  - d. “**Median Income**” means the median income for the Yolo County median income, which is published annually by HUD.
  - e. “**On-Site Jobs**” means all jobs by a Contractor under a Contract for which at least fifty percent (50%) of the work hours for such job requires the employee to be at the Project site, regardless of whether such job is in the nature of an employee or an independent contractor.

3. Priority for Targeted Job Applicants. Subject to Section 6 below in this Exhibit L, the Local Hiring Policy provides that the Targeted Job Applicants shall be considered for each On-Site Job in the following order of priority;
  - a. First Priority: Low Income Individuals living within one mile of the Project;
  - b. Second Priority: Low Income Individuals living in census tracts throughout the City for which household income is no greater than 80% of the Median Income;
  - c. Third Priority: Low Income Individuals living in the City, other than the first priority and second priority Low Income Individuals; and
  - d. Fourth Priority: City residents other than the first priority, second priority, and third priority City residents.
4. Coverage. The Local Hiring Policy shall apply to all hiring for On-Site Jobs related to the construction of the Project, by Developer or its Contractors.
5. Outreach. So that targeted Job Applicants are made aware of the availability of On-Site Jobs, Developer or its Contractors shall advertise available On-Site Jobs in the Davis Enterprise or similar local newspaper.
6. Hiring. Developer and its prime contractor shall consider in good faith all applications submitted by Targeted Job Applicants for On-Site Jobs, in accordance with their respective normal hiring practices. The City acknowledges that the Contractors shall determine in the respective subjective business judgment whether any particular targeted Job Applicant is qualified to perform the On-Site Job for which such Targeted Job Applicant has applied.
7. Term. The Local Hiring Policy shall continue to the construction of the Project until the final certificate of occupancy for the Project has been issued by the City.

## EXHIBIT J

### Environmental Sustainability

The City and the Developer have agreed that environmental concerns and energy efficiency are critical issues for new developments. Therefore, the Developer and the City have agreed to the attached Sustainability Implementation Plan. The Project shall meet LEED Home Gold standards. Compliance for meeting LEEDv3 equivalency standards for Homes shall be demonstrated by an evaluation prepared by a third party mutually agreeable to the City and Developer, prior to building permit issuance. Developer may choose to maximize photovoltaic energy generation, or to adjust or substitute credits provided the point count for LEED Gold is met, to the satisfaction of the Director of Community Development and Sustainability. The Director may require third party verification of any changed credits, or monitoring during construction for compliance, at the cost of the Developer. Formal certification of the Project by the U.S. Green Building Council is not required.

# Sterling 5<sup>th</sup> Street Apartments Project

## Revised Final Sustainability Implementation Plan

Prepared by



**Ascent Environmental, Inc.**

For:

Din/Cal 3, Inc.

Attn: Don Brooks, Director of Sustainability  
3411 Richmond Avenue  
Houston, TX 77046

**March 13, 2017**





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## Acronyms and Abbreviations

AB	Assembly Bill
BMPs	best management practices
CALGreen	California Green Building Standards Code
D-CAAP	Davis Climate Action and Adaptation Plan
EA	Energy and Atmosphere
EIR	Environmental Impact Report
EVCS	electric vehicle charging station
EVs	electric vehicles
EVSE	Level 2 electric vehicle supply equipment
GHG	greenhouse gas
HEFs	high-efficiency fixtures
IECC	International Energy Conservation Code
JPA	joint powers authority
kWh	kilowatt hours
LEED	Leadership in Energy and Environmental Design
LID	Low impact development
MCE	Marin Clean Energy
MTP/SCS	Metropolitan Transportation Plan and Sustainable Communities Strategy
MWELO	State of California Model Water Efficient Landscape Ordinance
NEVs	Neighborhood Electric Vehicles
Plan	Sustainability Implementation Plan
PV	photovoltaics
RWQCB	regional water quality control board
SACOG	Sacramento Area Council of Governments
SB	Senate Bill
SEER	Seasonal Energy Efficiency Ratio
SWPPP	Stormwater Pollution Prevention Plan
USGBC	U.S. Green Building Council



# Sterling 5th Street Apartments Sustainability Implementation Plan

## Chapter 1: Introduction

### 1.1 Purpose

The City of Davis has long been at the forefront of conscious development and innovative practice and policy. From establishing the first bike lanes in the United States more than 40 years ago to adopting an Energy Conservation Building Code in 1972 that became a model for California's subsequent Title 24 building energy efficiency standards, the City of Davis has been a pioneer in promoting sustainable outcomes.<sup>1</sup> The City of Davis General Plan lays out visions for "a safe, sustainable, healthy, diverse and stimulating environment for all in the community"; "a cohesive, compact, university-oriented city surrounded by and containing farmland, greenbelts, natural habitats and natural resources"; and "a clean, safe, healthy, livable and ecologically sound environment for today and the future." The General Plan describes a community that "pursue[s] sustainability."

Sustainability is a general concept used to describe a community that considers the long-term effects of its decisions on future generations and the environment. The City of Davis is considering the Sterling 5<sup>th</sup> Streets Apartments development proposal (Sterling Apartments project) to redevelop the 6-acre property located at 2100 5<sup>th</sup> Street, along with potential zoning and general plan designation changes. In this context, sustainability means that development of this site would emphasize long-term positive and balanced outcomes for people, the environment, and the economy.

This plan serves as the Sustainability Implementation Plan (Plan) for the Sterling Apartments project. The purpose of this Plan is to provide both a framework and actionable guidance for the Sterling Apartments project to help the City of Davis achieve its sustainability goals. It identifies specific visions, goals, objectives, and policies in the City of Davis' adopted plans that address sustainability, along with implementing actions for the project that would direct and guide the Plan and applicant towards

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<sup>1</sup> Institute for Local Government. City of Davis Sustainability Best Practices Activities, 2016, pgs. 8 and 15. Available at <http://www.ca-ilg.org/award/city-davis-sustainability-best-practices-activities>. Accessed November 3, 2016.

achieving sustainable and long-term positive and balanced outcomes for people, the environment, and the economy.

## 1.2 Guiding Visions, Goals and Objectives

This section provides an overview of the visions, goals and objectives that will guide the sustainability framework of the Sterling Apartments project. This framework is based on existing plans in the City of Davis and throughout the region that address sustainability, including the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan and Sustainable Communities Strategy (MTP/SCS), the City of Davis General Plan, and the Davis Climate Action and Adaptation Plan (D-CAAP).

The City also developed guiding principles for a series of Innovation Center proposals in 2014 that included guidance on sustainability and related issues. After reviewing these guiding principles, and in consideration of the City's adopted plans and other plans referenced above, it was determined that the Innovation Centers guiding principles are not the best fit for this project because (a) they duplicate policies or objectives already stated in locally-adopted plans or regulations, or (b) they were intended for larger master-planned developments on previously undeveloped sites and are not directly applicable to a smaller residential infill project on an existing, previously-developed site.

This plan is focused on consistency with adopted plans and standards, as well as mandatory and voluntary green building guidelines and standards in the California Green Building Standards Code (CALGreen) Tier 1 and Leadership in Energy and Environmental Design (LEED) for Homes (see the Sustainability Framework discussion in Section 1.3 below for further details).

### 1.2.1 SACOG 2035 MTP/SCS

The Sterling Apartments project meets the criteria of a "residential or mixed-use project" and is consistent with the use designation, density, building intensity, and applicable policies specified for the project area in the 2016 MTP/SCS for residential development in the City of Davis. The strategies associated with the MTP/SCS that are considered in this Plan include investing in active transportation (e.g., bicycling and walking), providing opportunities for more small-lot and attached housing, and considering infill opportunities. Additionally, as noted in the Draft Environmental Impact Report (EIR) for the Sterling Apartments project, the project would also assist in achieving a number of the MTP/SCS performance measures, including:

- Housing growth through reinvestment in vacant property;
- Compact development: growth in population compared with acres developed;
- Weekday person trips by transit, walk and bike modes;
- Growth in dwelling units and employees within ½ mile of Transit Priority Areas;

- New housing product mix in a Transit Priority Area;
- Proximity to transit; and
- Change in residential density by Community Type.<sup>2</sup>

The MTP/SCS is expected to reduce per capita transportation greenhouse gas (GHG) emissions on a regional basis by 9 percent by 2020 and 16 percent by 2035, consistent with State goals for the region established by the Sustainable Communities and Climate Protection Act of 2008 (Senate Bill [SB] 375). By maintaining consistency with the type of growth and strategies for sustainable infill development that were assumed for the City of Davis in the MTP/SCS, the Sterling Apartments project plays an important role in achieving regional goals for sustainability.

## 1.2.2 City of Davis General Plan

The 2007 City of Davis General Plan includes visions, goals, and policies related to community sustainability.

### General Plan Visions

#### **VISION 5. Natural Resource Protection and Restoration**

- Promote a clean, safe, healthy, livable and ecologically sound environment for today and the future.
- Pursue Sustainability.
- Minimize impacts on the City of Davis' land, water, air and biological resources and seek to enhance and restore the City of Davis' environment, through such projects as wetlands and multi-functional drainage ponds.

#### **VISION 8. Neighborhood-Oriented Transportation System**

- Encourage a clean, quiet, safe and attractive transportation system that harmonizes with the City of Davis' neighborhoods and enhances quality of life.
- Promote alternative transportation modes such as bicycling, walking, public transit and telecommuting.

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<sup>2</sup> SACOG MTP/SCS 2016, pgs. 3-38, 3-39, 5-119, 3-44, 3-45, 3-73, and 3-75. Available at <http://www.sacog.org/general-information/2016-mtpscs>. Accessed November 8, 2016.

## General Plan Goals and Policies

**GOAL Land Use (LU) 3.** Integrate land use, economic development, environmental, and transportation planning.

**GOAL Transportation (TRANS) 1.** The City of Davis will provide a comprehensive, integrated, connected transportation system that provides choices between different modes of transportation.

**GOAL TRANS 2.** The City of Davis transportation system will evolve to improve air quality, reduce carbon emissions, and improve public health by encouraging usage of clean, energy-efficient, active (i.e., human-powered), and economically sustainable means of travel.

- **Policy TRANS 1.5 (Goal: 2).** Strive for carbon-neutrality or better from the transportation component of new residential development.
- **Policy TRANS 1.6 (Goal 2):** Reduce carbon emissions from the transportation system in the City of Davis by encouraging the use of non-motorized and low carbon transportation modes.
- **Policy TRANS 1.7 (Goal: 2).** Promote the use of electric vehicles (EVs) and other low-polluting vehicles, including Neighborhood Electric Vehicles (NEVs).
- **Policy TRANS 3.3 (Goals: 1,2).** Require new development to be designed to maximize transit potential.
- **Policy TRANS 4.4 (Goals: 1,2,3,4).** Provide pedestrian and bicycle amenities.

**GOAL Urban Design (UD) 1.** Encourage community design throughout the City of Davis that helps to build community, encourage human interaction and support non-automobile transportation.

- **Policy UD 1.1** Promote urban/community design which is human-scaled, comfortable, safe and conducive to pedestrian use.

**GOAL UD 2.** Maintain an aesthetically pleasing environment and manage a sustainable community forest to optimize environmental, aesthetic, social and economic benefits.

- **Policy UD 2.2** Maintain and increase the amount of greenery, especially street trees, in the City of Davis, both for aesthetic reasons and to provide shade, cooling, habitat, air quality benefits, and visual continuity.

**GOAL ENERGY 1.** Reduce per capita energy consumption in the City of Davis.

- **Policy ENERGY 1.3** Promote the development and use of advanced energy technology and building materials in the City of Davis.
- **Policy ENERGY 1.5** Encourage the development of energy-efficient subdivisions and buildings.

**GOAL WATER 1.** Minimize increases in water use. Reduce per capita water consumption by 20 percent as compared to historic use through programs encouraging water conservation.

- **Policy WATER 1.1.** Give priority to demand reduction and conservation over additional water source development.
- **Policy WATER 1.2.** Require water conserving landscaping.
- **Policy WATER 1.3.** Do not approve future development within the City of Davis unless an adequate supply of quality water is available or will be developed prior to occupancy.

**GOAL Materials, Solid Waste and Recycling (MAT) 1.** Enhance the quality of the environment by conserving resources and minimizing waste by reducing, reusing, recycling, and re-buying.

- **Policy MAT 1.1.** Promote reduced consumption of non-renewable resources.

### 1.2.3 Davis Climate Action and Adaptation Plan

The 2010 D-CAAP serves to implement many of the objectives of the City of Davis General Plan, and provides some guidance for addressing sustainability and the reduction of GHG emissions in the built environment.

#### D-CAAP Visions

**Vision 1.** Alternative transportation becomes the “normal” way for City of Davis residents to travel and fossil fueled vehicles become collectors’ items that are only seen in the annual “Sustainability Days” parade through the downtown. With all residents living within walking/biking distance of essential services that allow them to meet their daily needs, more than half their trips are by foot, bike, transit, or other low carbon mode. With all the walking and biking, the City of Davis lays claim to the title: “Healthiest City in America.”

**Vision 2.** A 25 percent reduction in energy use by the community allows the 50-megawatt community solar array on the outskirts of the City of Davis to fully meet local electricity needs and export the leftovers to further green the grid.

#### D-CAAP Objectives and Actions

**MOBILITY Objective 1.** Reduce the City of Davis per household daily vehicle miles traveled (VMT) by 10 percent from 2010 levels.

**ENERGY Objective 1.** Reduce total energy use in the City of Davis by 5 percent from 2010 levels.

- **ENERGY Action 5.** Improve energy efficiency of rental housing.

**ENERGY Objective 2.** Produce 5 percent of the total electricity used in the City of Davis from renewable on-site and/or local sources.

**LU Objective 1.** Achieve net zero energy use in all new buildings and homes.

**LU Objective 2.** Achieve 41 percent reduction in GHG emissions in all new buildings and homes.

**LU Objective 3.** Create vibrant neighborhoods where 100 percent of the City of Davis residents can easily walk or bicycle to meet basic daily, non-work needs.

- **LU Action 1.** Locate homes within walking/biking distance of essential services.

**WASTE Objective 1.** Reduce total solid waste generated by 10 percent.

**WATER Objective 1.** Reduce water use by 10 percent over 2010 levels.

## 1.3 Sustainability Implementation Plan Framework

The sustainability framework for this Plan consists of a series of existing goals and objectives in the City of Davis' adopted plans that would guide the Sterling Apartments project, along with specific implementing actions for the project to ensure these goals and objectives are achieved.

Chapter 2 of this Plan describes the project in more detail, including the project goals that pertain to sustainability. Chapters 3 through 6 of this Plan contain specific implementation actions for each of the major sustainability focus areas (i.e., transportation, water, energy, and solid waste).

Chapters 3 through 6 begin with an introduction to the sustainability focus area being discussed. Each chapter then reiterates the guiding goals and objectives outlined in Sections 1.2 and 2.2 that apply to the focus area and the Sterling Apartments project. Implementing actions for each focus area outline how the project would meet sustainability goals and objectives, and include both project characteristics (i.e., features of the Sterling Apartments project) and project requirements (i.e., City of Davis requirements and project-stated commitments or mitigation measures). Each chapter ends with a table summarizing the project's requirements and assessing whether the project meets or exceeds those requirements.

Components of the implementing actions in this Plan would be adopted through Development Agreement conditions of approval and enforced during CALGreen Tier 1 compliance, EIR mitigation enforcement and monitoring, or other subsequent City review and approval processes, depending on the nature or timing of the action.

There are multiple third-party "green" rating systems and programs available in the marketplace that help to ensure that development is implemented in the most sustainable manner and results in "green" buildings and communities. The Sterling Apartments project will be seeking LEED for Homes Gold certification.



LEED for Homes is a third party green building rating system that identifies innovative building and design strategies. Developed by the U.S. Green Building Council (USGBC), LEED seeks to recognize buildings of excellence based on sustainable design practices and is an internationally distinguished mark of achievement in green building. LEED for Homes provides category-specific guidelines for single family homes and low- and mid-rise multi-family dwellings. Through the issuance of credits, buildings can attain four levels of LEED certification: Certification (45-59), Silver (60-74), Gold (75-89), and Platinum (90-136). Credits are awarded for location, materials, water efficiency, sustainability, indoor environmental quality, and innovation. Projects have the freedom to pursue a selection (or all) of these focus areas and acquire accreditation based on their success.

In 2015, The Dinerstein Companies was recognized by the USGBC for their attention and dedication to sustainable design in multifamily living, winning the "Outstanding Multifamily Builder" LEED for Homes awards.<sup>3</sup> The Dinerstein Companies was recognized again in 2016 as a "LEED for Homes Power Builder" for their ongoing dedication to 100% high efficiency, sustainable LEED certified multifamily development.<sup>4</sup>

CALGreen contains many green building standards and requirements that are similar to those contained in LEED rating systems. The City of Davis requires all projects to meet CALGreen Tier 1 "reach code" standards, which are more stringent than minimum CALGreen requirements applied statewide. Tier 1 communities must comply with the provisions of section A5.601.2 of CALGreen for nonresidential projects. This includes compliance with all mandatory measures, improvements in efficiency and reduction of waste, as well as the adoption of at least fourteen additional measures from each category: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. The Sterling Apartments project would be required, at a minimum, to comply with the 2013 CALGreen Tier 1 nonresidential checklist during the building permitting process.

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<sup>3</sup> USGBC. USGBC Announces LEED for Homes Award Winners, 2015. Available at <http://www.usgbc.org/articles/us-green-building-council-announces-leed-homes-award-winners>. Accessed November 14, 2016.

<sup>4</sup> USGBC. USGBC Announces 2015 LEED Homes Award Winners. Available at <http://www.usgbc.org/articles/us-green-building-council-announces-2015-leed-homes-award-winners>. Accessed November 14, 2016.

## Chapter 2: Project Overview

This chapter summarizes the key components of the Sterling Apartments project, including proposed land uses, site plan, key infrastructure components, and areas that pertain to sustainability. It also includes the project's overarching goals, including those that apply specifically to sustainability and climate action.

### 2.1 Project Description

The Sterling Apartments project would develop the 6-acre property located at 2100 5<sup>th</sup> Street. The property is currently the site of the former Families First residential treatment facility which has been closed since September 2013. The project would include demolition of the existing buildings and redevelopment of the 6-acre property with a 160-unit market-rate apartment site (Student Site) and a neighboring 38-unit site (Affordable Housing Site).



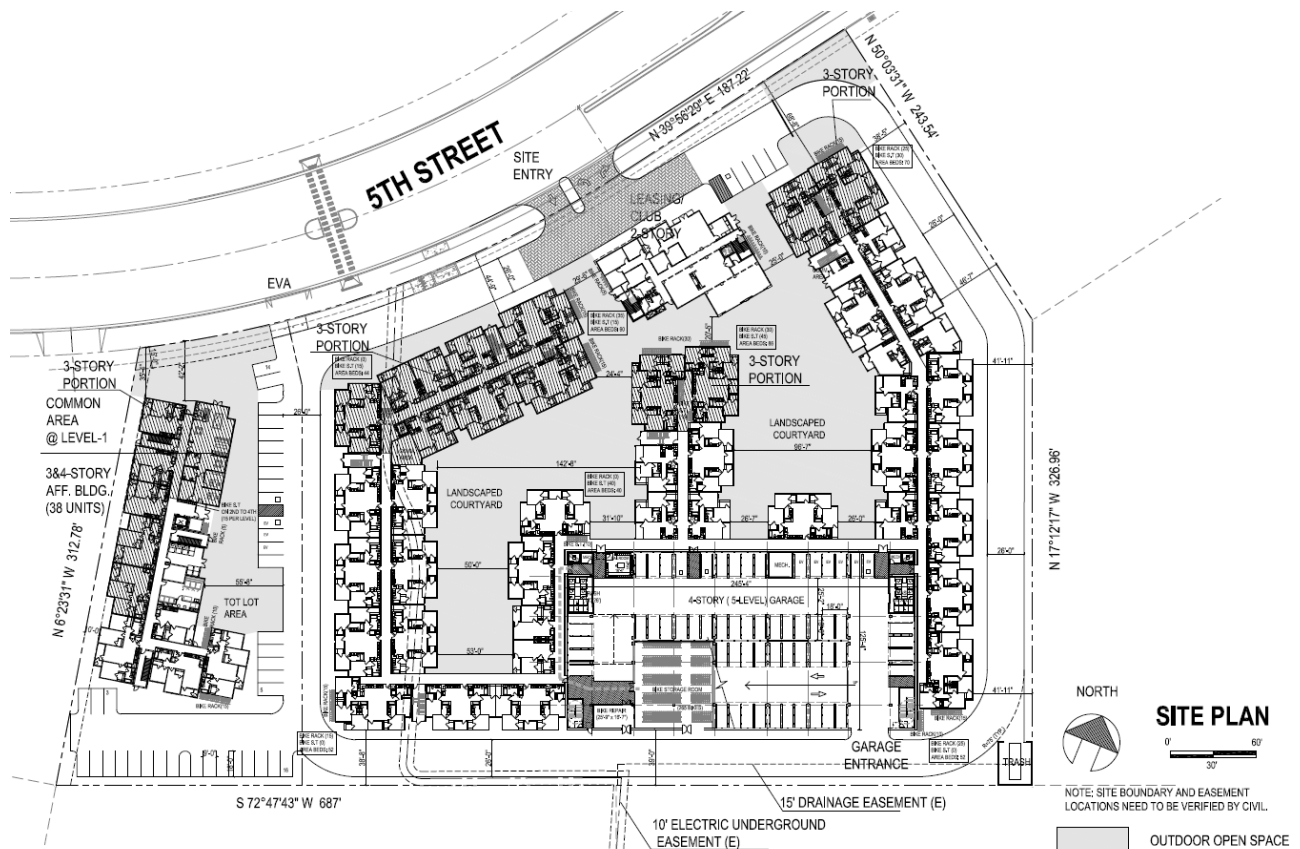
**Figure 2-1: View of the Proposed Residential Buildings and Clubhouse, Looking Southwest**

The Student Site (5 acres) would consist of a 3- and 4-story, 160-unit university student apartment project, which would include 540 beds, a 11,650-square foot leasing office/clubhouse, landscaped courtyards and common open space areas, a 4-story (five parking levels) residential parking garage with 265 parking spaces, and other amenities including bicycle parking areas (accommodating 540 bicycle parking spaces), pedestrian pathways, and extensive landscaping improvements. Site amenities would include a club/fitness center, large interconnected courtyards between the residential buildings, a swimming pool, pool deck, yoga deck, trellis-covered hammock garden, outdoor "campfire", and barbeque areas. A bike route is proposed around the perimeter of the project site. The Student Site includes a total of 53,312 square feet of usable open space (i.e., both common and private usable open

space). The student site would have a residential density of 32 units per acre, and would allow for a maximum building height of 56 feet (including the 4-story parking garage).

The "Affordable Housing Site" (1 acre) would consist of 3- and 4-story, 38-unit apartment building, with a maximum building height of 54 feet. The project would include a mix of 1-bedroom to 3-bedroom units, ranging in size from 645 square feet to 1,125 square feet. The total usable open space for the Affordable Housing Site is 9,279 square feet. Approximately 39 percent of the units would be 1-bedroom units. The residential density of the Affordable Housing Site would be 38 units per acre.

The overall combined density of both sites would be 33 units per acre. Access to the project site would be provided via 5th Street, which runs along the north edge of the site. The project proposes to connect to existing City of Davis utility infrastructure to provide water, sewer, and stormwater drainage.



**Figure 2-2: Sterling Apartments Development Project Site Plan**

The project site is currently designated Industrial by the City of Davis General Plan Land Use Map; the project would include a General Plan Amendment to change the designation to Residential High Density. The zoning for the project would remain a Planned Development (PD); however, the project site would be rezoned as a new PD with project-specific uses and development standards.

Both the Affordable Housing and Student Site are proposed to be built as a LEED for Homes Gold certified project.

## 2.2 Project Goals

The City of Davis and the project applicant have identified the following goals for the Sterling Apartments project, which also contribute to achieving the City of Davis's sustainability goals.

**Project GOAL 1.** Provide additional diverse housing options and contribute toward an adequate supply of rental housing in the City of Davis to help meet existing housing needs, including student rentals and affordable units, consistent with City of Davis Housing Policies.

**Project GOAL 2.** Provide for increased residential density on an infill site with accessible infrastructure, proximity to services, and along corridors well-served by transit service and non-motorized transportation infrastructure, in furtherance of growth policies identified in the Blueprint for Regional Growth prepared and adopted by SACOG and City of Davis Transportation Policies.

**Project GOAL 3.** Increase the supply of affordable housing for varying income levels and needs in a post-redevelopment environment.

**Project GOAL 4.** Provide for the adaptive reuse and redevelopment of an urban infill site that strengthens the City of Davis' compact urban form, and supports community and neighborhood compatibility.

**Project GOAL 5.** Create and maintain a built environment that promotes safety and well-being for its residents and for surrounding neighborhoods, provides amenities and services for a healthy lifestyle, connects to and enhances the City of Davis' bike, pedestrian, and transit network, and reduces the need for off-site vehicle trips.

**Project GOAL 6.** Promote environmental sustainability and reduce the community's carbon footprint and VMT, in accordance with the D-CAAP.



Bicycle racks are an essential amenity to encourage resident ownership and use of bicycles.

## Chapter 3: Transportation and Land Use

Both statewide and at the local level in the City of Davis, transportation is the single largest source of GHG emissions. Transportation accounted for about 38 percent of statewide GHG emissions in 2014<sup>5</sup>, and approximately 53 percent of community emissions in the City of Davis in 2006.<sup>6</sup> Key statewide policies that address transportation GHG emissions include the following:

- Assembly Bill (AB) 32 (California Global Warming Solutions Act of 2006) mandated a reduction in statewide GHG emissions to 1990 levels by 2020.
- Executive Order B-30-15 set a statewide goal to reduce GHG emissions 40 percent below 1990 levels by 2030.
- Executive Order S-3-05 set a statewide goal to reduce GHG emissions 80 percent below 1990 levels by 2050.
- SB 32 and AB 197 extends California's GHG reduction programs beyond 2020 mandating a GHG emissions reduction of 40 percent below the AB 32 2020 limit by no later than December 31, 2030.
- SB 375 (Sustainable Communities and Climate Protection Act of 2008) set regional VMT and associated GHG emissions reduction targets for light duty passenger vehicles through an integrated approach to regional transportation and land use planning. In 2012, SACOG adopted a new MTP/SCS designed to achieve regional SB 375 VMT reduction targets of 7 percent by 2020 and 16 percent by 2035, compared to 2008 levels. SACOG adopted an update to the MTP/SCS in 2016.

Promotion of sustainable transportation and land use strategies not only helps to reduce GHG emissions, but can also achieve additional sustainability objectives, such as improving air quality and public health, increasing recreation opportunities, ensuring connectivity and diversity in the transportation network, and other co-benefits.

### 3.1 Goals and Objectives

This section describes transportation- and land use-related goals and objectives for the Sterling Apartments project, which are based on the City of Davis' General Plan, D-CAAP, and the project's stated goals.

<sup>5</sup> ARB. First Update to the Climate Change Scoping Plan, May 2014, Appendix C. Available at <https://www.arb.ca.gov/cc/scopingplan/document/updatescopingplan2013.htm>. Accessed November 3, 2016.

<sup>6</sup> City of Davis. Davis Climate Action and Adaptation Plan, 2010, p. 3. Available at [https://www.cooldavis.org/wp-content/uploads/2010\\_Davis\\_Climate\\_Action\\_Adaptation\\_Plan.pdf](https://www.cooldavis.org/wp-content/uploads/2010_Davis_Climate_Action_Adaptation_Plan.pdf). Accessed October 19, 2016.

### 3.1.1 General Plan Goals and Policies

- The City of Davis will provide a comprehensive, integrated, connected transportation system that provides choices between different modes of transportation (GOAL TRANS 1).
- The City of Davis transportation system will evolve to improve air quality, reduce carbon emissions, and improve public health by encouraging usage of clean, energy-efficient, active (i.e., human-powered), and economically sustainable means of travel (GOAL TRANS 2).
- Strive for carbon-neutrality or better from the transportation component of new residential development (Policy TRANS 1.5).
- Reduce carbon emissions from the transportation system in the City of Davis by encouraging the use of non-motorized and low carbon transportation modes (Policy TRANS 1.6).
- Promote the use of EVs and other low-polluting vehicles, including NEVs (Policy TRANS 1.7).
- Require new development to be designed to maximize transit potential (Policy TRANS 3.3).
- Provide pedestrian and bicycle amenities (Policy TRANS 4.4).
- Encourage community design throughout the City of Davis that helps to build community, encourage human interaction and support non-automobile transportation (GOAL UD 1).
- Promote urban/community design which is human-scaled, comfortable, safe and conducive to pedestrian use (Policy UD 1.1).

### 3.1.2 D-CAAP Objectives and Actions

- Reduce the City of Davis per household daily VMT by 10 percent from 2010 levels (MOBILITY Objective 1).
- Create vibrant neighborhoods where 100 percent of the City of Davis residents can easily walk or bicycle to meet basic daily, non-work needs (LU Objective 3).
- Locate homes within walking/biking distance of essential services (LU Action 1).

### 3.1.3 Sterling Apartments Project Goals

- Provide for increased residential density on an infill site with accessible infrastructure, proximity to services, and along corridors well-served by transit service and non-motorized transportation infrastructure, in furtherance of growth policies identified in the Blueprint for Regional Growth prepared and adopted by SACOG and City of Davis Transportation Policies (Project GOAL 2).
- Create and maintain a built environment that promotes safety and well-being for its residents and for surrounding neighborhoods, provides amenities and services for a healthy lifestyle,

connects to and enhances the City of Davis' bike, pedestrian, and transit network, and reduces the need for off-site vehicle trips (Project GOAL 5).

- Promote environmental sustainability and reduce the community's carbon footprint and VMT, in accordance with the D-CAAP (Project GOAL 6).

## 3.2 Implementing Actions

The implementing actions for sustainable transportation and land use are separated based on project characteristics and project requirements. The first section considers the site location characteristics and project features that promote fewer vehicle trips and use of other modes of transportation. The second section focuses on the requirements through LEED for Homes, CALGreen Tier 1, and the City of Davis' Municipal Code that would further the project's transportation sustainability objectives. The section ends with a table (Table 3-1) summarizing the project's requirements and assessing whether the project meets or exceeds those requirements.

### 3.2.1 Project Characteristics

The Sterling Apartments project includes several characteristics with respect to site location, planned land uses, and design elements that would lead to reduced automobile use and associated emissions. These land use characteristics are further supplemented by a variety of programs already included in the project description.

- **Consistency with the SACOG 2035 MTP/SCS.** The Sterling Apartments project through its location and project design is consistent with performance measures of SACOG's MTP/SCS. The project is considered to be a "high" density project by the MTP/SCS and is more compact, encouraging walk, biking, transit use, and shorter auto trips. By focusing on providing compact residential development, the project creates a relatively more compact land use pattern than traditional residential development. The proposed project represents a practical and responsible application of sustainable, low impact development and the SACOG Blueprint smart growth planning principles. Smart growth principles are demonstrated in the project's compact urban form, efficient use of land resources, use of open space, and bicycle and pedestrian circulation and connections.

Another performance measure in the MTP/SCS is that projects are within Transit Priority Areas (TPAs) and within one-half mile of a major transit stop (existing or planned light rail, street car, or train station) or an existing or planned high-quality transit corridor included in the MTP/SCS. A high-quality transit corridor is a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. The Sterling Apartments project is within an area of the City of Davis designated as a TPA by the SCS. The residential development proposed by the project would advance the goals of the SCS to develop these uses within or near TPAs. The project is also in close proximity to transit. Unitrans provides nearby transit service to the project site, along 5th Street and Pole Line Road.

The project would provide a connection to the City of Davis's existing bicycle and pedestrian network via the existing multi-use pathway along 5<sup>th</sup> Street. A number of amenities (e.g., supermarkets, post office, and restaurants) are less than a mile away from the project and can be accessed by foot or bike. Additionally, a bus stop and shelter is proposed to be built in front of the site and a bike route is proposed around the perimeter of the project. The SCS designates the UC Davis campus as an "employment center." The project site is located approximately 1 mile from the UC Davis campus, and thus would develop additional housing in close proximity to a major employment center in furtherance of SACOG's jobs-housing ratio toward the



The project would connect with the existing separated bicycle and pedestrian pathway along 5<sup>th</sup> Street.

1.2 standard identified by the SCS, while also reducing VMT for project residents.

- **Alternative Transportation.** The Sterling Apartments project would provide a total of 540 short- and long- term bicycle parking spaces on the Student Site. In terms of short-term parking, the project would provide outdoor bicycle racks that would accommodate 130 bicycles. An additional 145 bicycle parking spots would be provided indoors in the inside corridors of the Student Site. The project would also include the provision of secure end-of-trip facilities for bicyclists (i.e., long-term parking), including 265 bicycle parking spots with a bicycle repair area on the main floor of the parking garage. The Affordable Housing Site would provide a total of 75 bicycle parking spots, some of which are covered. The operations team of the Sterling Apartments project will also implement a ridesharing and carpooling program for residents and further promote alternative transportation by hosting various events and marketing efforts (e.g., Walk Wednesdays and Bike Night Outs). These aspects of the project's design would help to encourage bicycling and reduce automobile trips and VMT.
- **Parking.** For the Student Site, an average of approximately 2.175 vehicle parking spaces per unit (or approximately 0.64 space per student/bed) are proposed, which is lower than the 0.75 per student parking ratio provided in other on- and off-campus housing projects such as West Village, Colleges at La Rue Apartments, Orchard Park, and the Castilian Redevelopment Project. Parking at the garage (i.e., whether reserved or unreserved parking) would be charged a fee. The costs to park in the garage would be unbundled from leases to apartment spaces. All tenants would pay an additional cost for reserved parking based on market rates. Priority of parking spaces, at potentially reduced rates, would be given to tenants with electric vehicles. The Affordable Housing Site would provide 38 spaces of surface parking.
- **Car Share.** The operations team of the Sterling Apartments project will offer car share memberships at reduced costs, so that tenants will be encouraged to not have a car on-site. Car sharing programs provide an easy alternative for tenants that need to run errands locally or to take trips that are not conducive to bicycling or walking. By allowing tenants more flexibility in needing to own a car, car share programs reduce the number of parking spaces needed on-site and reduce overall VMT. In the first year of operation, the project will provide an on-site



car sharing program with one vehicle. This service would be provided through an existing car share provider and this vehicle could be electric or a hybrid. The project would also commit to a phased approach, where the number of vehicles in service would be assessed on an annual basis and more vehicles added accordingly in response to increasing demand.

- Transit Service.** There are two Unitrans routes that pass the project site on the weekdays: the 'A' and 'Z' Line. The 'A' route operates along 5th Street past the project site in both directions along 5th Street. Travel time from the project site to the UC Davis campus is approximately 15 minutes, based on the current weekday route schedule. According to Unitrans staff the 'A' line is preferred by more riders presumably because the Silo and Shield stops are closer to more UC Davis classrooms.<sup>7</sup> The 'A' line schedule is also better aligned with most class start and stop times. Because of this, the 'A' line has higher ridership than the 'Z' line. The 'Z' line operates from the Memorial Union Terminal and proceeds through downtown along 3rd Street where the route continues onto 5th Street via L Street. Currently, approximately 19 percent of students travel to UC Davis via public transit, and 95 percent of all Unitrans riders are UC Davis students.



Unitrans buses running on 5<sup>th</sup> Street and Pole Line Road will be able to connect South Davis with UC Davis.

The project would provide a new pedestrian crossing of 5<sup>th</sup> Street in front of the project site, thus providing improved access to the existing westbound bus stop on the north side of the street. Additionally, the eastbound bus stop would be relocated from its current stop in front of the post office to the project site near the pedestrian crossing, including a new bus shelter. The new 5<sup>th</sup> Street pedestrian crossing would also improve safety and accessibility to eastbound bus service for existing residents on the north side of 5<sup>th</sup> Street.

### 3.2.2 Project Requirements

#### City of Davis Municipal Code

- Bicycle Parking.** The City of Davis Municipal Code for multi-family housing requires one bicycle parking space per bedroom, with 25 percent for short-term use and 75 percent for long-term use. The Sterling Apartments project site would have 540 bedrooms on the Student Site, requiring a total of 540 bicycle parking spaces (135 short-term and 405 long-term spaces). The Affordable Housing Site has 71 bedrooms on the Affordable Housing Site, requiring 71 bicycle parking spaces. The Affordable Housing Site would provide 71 bicycle parking spaces,

<sup>7</sup> City of Davis. Sterling 5<sup>th</sup> Apartments Draft Environmental Impact Report, Transportation and Circulation, 2016, pg. 3.13-6. Available at <http://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/sterling-5th-street-apartments-eir>. Accessed October 20, 2016.

with a mixture of bicycle racks and covered bicycle rack spaces. As such, the project would meet the Code requirement for bicycle parking.

## City of Davis Electric Vehicle Charging Plan

- **Electric Vehicle Parking.** On February 21, 2017, Davis City Council approved a resolution adopting the Davis EV Charging Plan and directed staff to prepare building code amendments consistent with the Plan. The Davis EV Charging Plan is an implementation document for the D-CAAP and provides guidance for choosing and siting charging infrastructure. It also provides planning and building standards for EV charging in new single and multi-family developments, along with non-residential developments. The Sterling Apartments project will comply with the EV charging standards outlined in the document for multi-family developments of 4 or more units.

In accordance with the Davis EV Charging Plan, the project must provide Level 1<sup>8</sup> charging stations at 5 percent of all required parking spaces and Level 2<sup>9</sup> charging stations at 1 percent of all required spaces where more than 20 parking spaces are required. The project will provide the required 17 Level 1 electric vehicle charging stations (EVCSs) and 4 Level 2 EVCSs, for a total of 21 EVCSs on the Student Site. These spaces will be included inside the parking garage and located on each level. The Affordable Site will provide the required 2 Level 1 electric vehicle charging stations (EVCSs) and 1 Level 2 EVCSs, for a total of 3 EVCSs on the surface lot.

The project will also comply with requirements for all parking facilities to be conduit adequate for Level 2 charging to serve or reasonably be extended in the future to 25 percent of all parking spaces (i.e., 97 parking spaces at the Student site and 10 parking spaces at the Affordable site). There must also be room in panels and capacity to serve 20 percent of all parking spaces with Level 1 charging (i.e., 70 parking spaces at the Student Site and 4 parking spaces at the Affordable Site) and 5 percent of all parking spaces with Level 2 (i.e., 17 parking spaces at the Student Site and 2 parking spaces at the Affordable Site).<sup>10</sup> As such, the project would meet the requirements for EV parking outlined in the plan.

## LEED for Homes

- **Project Location and Linkages.** LEED for Homes gives credit to infill projects that are sited outside of environmentally sensitive or potentially hazardous areas. Points are given to projects that are built above 100-year floodplains and would not threaten endangered species habitat. The project cannot be built within 100 feet of water, including wetlands, and cannot be built on land with prime soils, unique soils, or soils of state significance. Projects are also given credits if a project is within ½ mile of existing water service lines and sewer service lines. Finally, projects can get credits for being within a ½ mile of a minimum of seven basic community services (e.g., banks, post office, supermarket, restaurant, school, fitness center, and other neighborhood-

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<sup>8</sup> Level 1 charging provides alternating current (AC) electricity to the vehicle from 120 volts (V) either from an outlet or a hardwired electric vehicle supply equipment (EVSE). It takes longer to charge, but does not require the installation of a dedicated charging station and can be used by all types of plug-in EVs.

<sup>9</sup> Level 2 charging provides AC electricity to the vehicle at 208V/240V. It does require a EVSE, but takes less time to charge than level 1.

<sup>10</sup> City of Davis. City Council Staff Report. February 21, 2017, pg. 7.

serving retail). The Sterling Apartments project is an infill project, would connect with existing infrastructure, and meets requirements for site selection credit. The project is also within a ½ mile of seven basic community resources (e.g., post office, bank, several fitness centers, restaurants, supermarkets, and retail). The project meets requirements for LEED under the Location and Linkages (LL) Categories 2 Site Selection, 3 Preferred Locations, 4 Infrastructure, and 5 Community Resources/Transit.<sup>11</sup>

- **Alternative Transportation.** LEED for Homes offers credit for projects that are within ½ mile of transit services. Projects can also get credit for offering secure, covered storage bicycle parking. Credits are also given if 5 percent of total parking spots are reserved for low-emitting vehicles. The Sterling Apartments project is within ½ mile of Unitrans, with the eastbound stop relocated from its current stop in front of the post office to the project site. The project would exceed minimum requirements to receive credit for offering secure and covered bicycle parking (i.e., 157 bike racks) by providing 330 bicycle parking spaces in the parking garage. Per CALGreen Tier 1 requirements (see below), the project must allocate 10 percent of total parking spots for fuel-efficient parking. As a result, the project would meet LEED Sustainable Sites (SS) Category 7 Alternative Transportation requirements for being close to transit services. The project would exceed requirements for bicycle storage and for low-emitting vehicle parking.<sup>12</sup>

## CALGreen Tier 1 Checklist

- **Fuel-Efficient Vehicle Parking.** 10 percent of the total number of parking spaces must be designated and painted parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles.<sup>13</sup> The Sterling Apartments project would need to provide 73 fuel-efficient designated parking at the Student Site and 4 designated spots at the Affordable Housing Site.
- **Electric Vehicle Parking.** Three percent of the total number of parking spaces provided for all types of parking facilities must be pre-wired with enough capacity to support Level 2 electric vehicle supply equipment (EVSE) capable of supporting future EVs. Location and type of EVSE shall be identified on construction documents. A label stating "EV Charge Capable" shall be posted in a conspicuous place.<sup>14</sup> The Sterling Apartments project would need to provide a total of 23 EV Charge Capable spaces. Per the City of Davis EV Charging Plan requirements, the project must provide enough room in panels and capacity to serve 5 percent of all parking spaces with Level 2 charging. The Sterling Apartments project would provide the necessary capacity to support the future Level 2 charging at 17 parking spaces at the Student Site and 2 parking spaces at the Affordable Site, exceeding CALGreen Tier 1 requirements.

<sup>11</sup> LEED for Homes Mid-Rise Project Checklist for California, Location and Linkages Categories 2 Site Selection, 3 Preferred Locations, 3.2, 4 Infrastructure, and 5 Community Resources/Transit, 5.2, 2010, pg. 2.

<sup>12</sup> LEED for Homes Mid-Rise Project Checklist for California, Sustainable Sites Category 7 Alternative Transportation, 7.1, 7.2, and 7.3, 2010, pg. 4

<sup>13</sup> CALGreen Tier 1 checklist, A5.106.5.1 Designated parking for fuel efficient vehicles, 2013, pg. 101.

<sup>14</sup> CALGreen Tier 1 checklist, A5.106.5.3 Electric Vehicle Charging, 2013, pg. 101.

## Summary

Table 3-1 summarizes the details of the Sterling Apartments project's requirements for transportation.

Table 3-1 Summary of Transportation-Related Project Requirements						
Requirement	Source	Meets Requirements?	Exceeds Requirements?	Similar to Other Requirements?		
Bicycle Parking	City	X		City	CALGreen T1	LEED-H
					X	X
Electric Vehicle Parking	City	X		City	CALGreen T1	LEED-H
					X	X
Project Location and Linkages	LEED-H	X		City	CALGreen T1	LEED-H
Alternative Transportation	LEED-H	X <sup>1</sup>	X <sup>2</sup>	City	CALGreen T1	LEED-H
					X	
Fuel-Efficient Vehicle Parking	CALGreen T1	X		City	CALGreen T1	LEED-H
						X
Electric Vehicle Parking	CALGreen T1		X <sup>3</sup>	City	CALGreen T1	LEED-H
						X
Notes: City = City of Davis, CALGreen T1 = CALGreen Tier 1, LEED-H = LEED for Homes						
1 The project would meet LEED-H requirements for being close to transit services						
2 The project would exceed LEED-H requirements for bicycle storage and for low-emitting vehicle parking.						
3 The project will exceed CALGreen T1 EV Charge Capable spaces requirement by providing enough room in panels and capacity to serve 5 percent of all parking with Level 2 charging, as well as providing the necessary capacity to support the future Level 2 charging at 17 parking spaces at the Student Site and 2 parking spaces at the Affordable Site.						
Source: City of Davis, D-CAAP (2006), 2013 CALGreen Tier 1 Nonresidential Checklist, and LEED for Homes Mid-Rise Project Checklist for California (2010)						

## Chapter 4: Water

This chapter describes how the water, wastewater, and stormwater systems of the Sterling Apartments project would be designed with sustainability in mind. Project characteristics are discussed, along with implementing actions and design strategies that address efficient water use and wastewater reduction. Stormwater management and low-impact development practices are also identified and integrated with landscaping.

### 4.1 Goals and Objectives

This section summarizes the goals and objectives that are related to sustainable water, wastewater, and stormwater management, based on the City of Davis' General Plan and the D-CAAP.

#### 4.1.1 General Plan Goals and Policies

- Maintain an aesthetically pleasing environment and manage a sustainable community forest to optimize environmental, aesthetic, social and economic benefits (GOAL UD 2).
- Minimize increases in water use. Reduce per capita water consumption by 20 percent as compared to historic use through programs encouraging water conservation (GOAL WATER 1).
- Give priority to demand reduction and conservation over additional water source development (Policy WATER 1.1).
- Require water conserving landscaping (Policy WATER 1.2)
- Do not approve future development within the City of Davis unless an adequate supply of quality water is available or will be developed prior to occupancy (Policy WATER 1.3).

#### 4.1.2 D-CAAP Objectives and Actions

- Reduce water use by 10 percent over 2010 levels (WATER Objective 1).

### 4.2 Implementing Actions

This section summarizes the design strategies and implementing actions that would help the Sterling Apartments project meet sustainability goals and objectives for water. Section 4.2.1 outlines the characteristics of the project, including site design and landscaping, that promote water efficiency and proper stormwater management. The second and third section summarizes CALGreen Tier 1, LEED for Homes and other project requirements and assesses whether the project meets or exceeds those requirements.

## 4.2.1 Project Characteristics

- **Utility Infrastructure.** The Sterling Apartments project would connect to existing City of Davis utility infrastructure to provide water, sewer, and stormwater drainage. Wastewater generated at the project site would be conveyed to the City of Davis' Wastewater Treatment Plant for treatment and disposal. The existing trunk main to which the project's sewer flows would be conveyed has adequate capacity to handle the increased wastewater flows generated by the Sterling Apartments project. The project site already has access to City of Davis water pipes along the 5<sup>th</sup> Street right-of-way, and if approved by the City of Davis, is capable of being served by the City of Davis from its existing and future portfolio of water supplies based on the City of Davis' 2015 Urban Water Management Plan.<sup>15</sup>
- **Beneficial Landscaping.** The existing landscaping and irrigation on-site includes mowed turf and medium to high water use trees, shrubs and ground cover. In contrast, the project's Landscape Concept Plan is designed to minimize irrigation, runoff, pesticides and fertilizers. No irrigated turf or spray irrigation would be included on the site. Irrigation demands would be low as California native plants and drip irrigation dominate the landscape planting plan, providing a substantial reduction in landscape water demand compared to existing conditions. Low impact development (LID) stormwater features would be integrated into the landscaping plan (i.e., rain gardens and bio-retention areas) and would include plants that can tolerate extended period of inundation and are of medium water-use. The palms in the pool area would also be of medium water-use, however, no other water features other than the pool and spas.<sup>16</sup>
- **Stormwater and Low Impact Development Strategies.** The project would incorporate site design, source control, and treatment control measures through LID strategies. The project would use LID bio-treatment areas dispersed throughout the site. Bio-retention areas function as soil and plant-based filtration measures that remove pollutants through a variety of physical, biological, and chemical treatment processes. These facilities normally consist of a ponding area, a mulch layer, plants, and bio-treatment soil mix, underlain by drain rock and an underdrain (if required). Bio-retention areas are designed to distribute stormwater runoff evenly across the surface ponding area. Water stored in the ponding area percolates through the bio-treatment soil mix to the drain rock layer and then either infiltrates into native soil or flows out through the underdrain to the storm drain system.<sup>17</sup>

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<sup>15</sup> City of Davis. Sterling 5<sup>th</sup> Apartments Draft Environmental Impact Report, Utilities, 2016, pg. 3.14-6 and 3.14-8. Available at <http://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/sterling-5th-street-apartments-eir>. Accessed November 4, 2016.

<sup>16</sup> Sterling 5<sup>th</sup> Street Apartments Landscape Concept Plan (2016)

<sup>17</sup> City of Davis. Sterling 5<sup>th</sup> Apartments Draft Environmental Impact Report, Hydrology and Water Quality, 2016, pg. 3.8-7. Available at <http://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/sterling-5th-street-apartments-eir>. Accessed November 3, 2016.

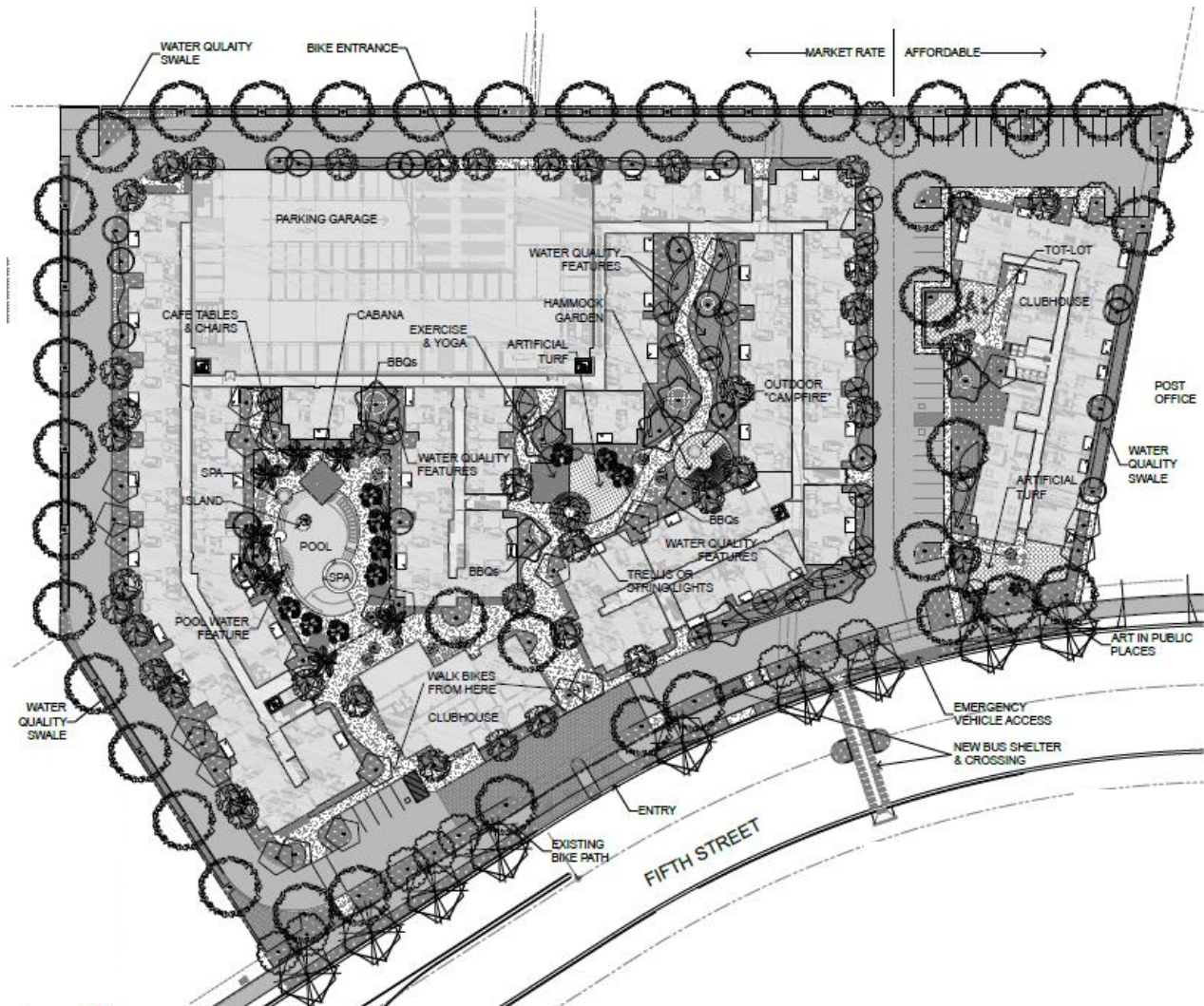


Figure 4-1: Project Landscape Concept Plan

Drainage swales, sometimes called rain gardens, engineered to filter roof and automobile pavement run-off prior to flow into storm drain system, would also be located on the edges of the site (see Figure 4-1 above). These water quality swales would be planted with California native riparian plants.<sup>18</sup> LID measures increase site permeability and the presence of "green" infrastructure can also have an added co-benefit of reducing the urban heat island effect and thus improving the longer-term resilience of the project under generally hotter and more extreme conditions under a changing climate.

<sup>18</sup> Sterling 5<sup>th</sup> Street Apartments Landscape Concept Plan (2016)



Additional stormwater and water quality measures are also included in the project characteristics. Porous pavement would be used along a portion of the south and west sides of the proposed project site for the fire department access road. And finally, none of the downspouts from the buildings or any of the proposed impervious areas would flow directly into the proposed storm drain system. All of the roof drainage and impervious paving area drainage would flow through bio-treatment areas prior to entering the proposed storm drain system.



Drainage swales are common LID techniques.

## 4.2.2 Project Requirements

### City of Davis

- **Model Water Efficient Landscape Ordinance.** The City of Davis uses the State of California Model Water Efficient Landscape Ordinance (MWELo), which was updated on July 15, 2015. The purpose of the MWELo is to promote the values and benefits of landscaping practices that integrate conservation and efficient use of water. The MWELo establishes a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects. MWELo requirements apply to any landscaping project greater than 500 square feet that requires a permit, plan check or design review.<sup>19</sup> The Maximum Applied Water Allowance for the project, per MWELo, is 759,925 gallons/year. Estimated total water use for the Student Site of Landscape Concept Plan would be 554,650 gallons/year. This equates to water savings of 205,275 gallons/year, or a 27 percent reduction from what the City of Davis requires<sup>20</sup>.

### LEED for Homes

- **Landscaping.** LEED for Homes has requirements pertaining to landscaping. No invasive plants are to be used in the Landscape Plan. Credits are given to projects that can limit the percentage of conventional turf used. The Sterling Apartments project is using mostly California Native Plant materials and would not use any invasive plants. The project would also receive credit for not using conventional turf on the site. The project meets requirements for LEED under the Sustainable Sites (SS) Category 2 Landscaping.<sup>21</sup>
- **Surface Water Management.** LEED for Homes offers credit in surface water management for enacting permanent erosion controls and creating a stormwater quality control program. The project would receive credit for using terracing and retaining walls on portions of the lot that

<sup>19</sup> City of Davis. 2016. Model Water Efficient Landscape Ordinance. Available at <http://cityofdavis.org/city-hall/public-works/water/water-conservation/model-water-efficient-landscape-ordinance>. Accessed November 4, 2016.

<sup>20</sup> Deering, pers. Comm. March 2017.

<sup>21</sup> LEED for Homes Mid-Rise Project Checklist for California, Sustainable Sites Category 2 Landscaping, 2.1-2.3, 2010, pg. 3.



are on a steep slope. The Sterling Apartments project would also have a Stormwater Pollution Prevention Plan (SWPPP) in place before construction and operation of the project. The project meets requirements for LEED under the SS Category 4 Surface Water Management.<sup>22</sup>

- **Water Efficiency.** LEED for Homes offers credits for having high-efficiency irrigation systems and indoor fixtures and fittings. The project's irrigation system would be high-efficient with head-to-head coverage, a central shut-off valve, a submeter, and pressure-regulating devices. The irrigation system would use drip irrigation for all landscaped areas and create separate zones for each type of bedding, with timers for each watering zone. Spray irrigation would not be used on-site. A rain delay controller would also be installed and would be inspected by a certified third-party inspector. Because the project's irrigation system goes well beyond the minimum credits allotted under the Water Efficiency (WE) Category 2 Irrigation System<sup>23</sup>, the project is eligible for receiving additional credits under the Innovative and Design Process (ID) Category 3 Innovative or Regional Design.<sup>24</sup>

## CALGreen Tier 1

- **Indoor Water Reduction.** The project is required to install high-efficiency fixtures (HEFs) that conform and show a 30 percent reduction to the design fixture flows defined in CALGreen Tier 1. The project would install standard HEFs (low-flow showerheads, bathroom/kitchen faucets and toilets), along with Energy Star appliances and/or WaterSense appliances such as clothes washers and dishwashers. The Sterling Apartments project would meet CALGreen Tier 1 requirements.<sup>25</sup>
- **Outdoor Water Use.** A water budget is required that follows the City of Davis' MWELO. As described above, the project would exceed requirements of MWELO by 27 percent. CALGreen Tier 1 also requires that potable water be reduced to a quantity that does not exceed 60 percent of reference evapotranspiration. The project would meet the minimum requirements.<sup>26</sup> CALGreen Tier 1 also requires that automatic and weather-based irrigation controllers and sensors be installed.<sup>27</sup> As described above in the LEED for Homes sub-section, the project's irrigation system would include such components and exceed requirements by providing a number of other features.
- **Stormwater.** Implementation of a stormwater management plan resulting in no net increase in the rate and quantity of storm water runoff from existing to developed conditions is a voluntary measure in CALGreen. As described above in the LEED for Homes sub-section, the project would comply and implement a SWPPP and would meet these voluntary requirements.
- **Low Impact Development.** Another CALGreen voluntary measure includes use of LID strategies including, but not limited to, rain gardens, rain barrels, green roofs, and vegetative

<sup>22</sup> LEED for Homes Mid-Rise Project Checklist for California, Sustainable Sites Category 4 Surface Water Management, 4.2 and 4.3, 2010, pg. 4.

<sup>23</sup> LEED for Homes Mid-Rise Project Checklist for California, Water Efficiency Category 2 Irrigation System 2.1 2010, pg. 5.

<sup>24</sup> LEED for Homes Mid-Rise Project Checklist for California, the Innovative and Design Process Category 3 Innovative or Regional Design 3.1 2010, pg. 2.

<sup>25</sup> CALGreen Tier 1 checklist, A5.303.2.3.1 Tier 1 – 30 percent saving, 2013, pg. 111.

<sup>26</sup> CALGreen Tier 1 checklist, A5.304.4.1 Potable Water Reduction Tier 1, 2013, pg. 113.

<sup>27</sup> CALGreen Tier 1 checklist, 5.304.1 Water Budget and 5.304.3 Irrigation Design, 2013, pg. 39.

swales. The Sterling Apartments project would be using a combination of bioretention areas and rain gardens to reduce peak run-off and would therefore be meeting this voluntary requirement.

- **Smart Water Meters.** Under CALGreen mandatory measures, projects larger than 50,000 square feet are required to install separate water submeters for each individual, leased, rented, or other tenant space that is projected to use more than 100 gallons/day. The Sterling Apartments Project will install separate smart water submeters for all units and applicable spaces. Smart water meters will help tenants understand in real time when, where, and how much water (in gallons) they are consuming on a daily basis. Awareness is the first step towards changing user habits and could help reduce water usage in the future. The Sterling Apartments project will exceed mandatory requirements by installing smart water submeters.<sup>28</sup>

## Environmental Impact Report Mitigation

- **EIR Mitigation Measure 3.5-1:** Prior to any site disturbance, the project proponent shall submit a Notice of Intent and SWPPP to the regional water quality control board (RWQCB) in accordance with the NPDES General Construction Permit requirements. The SWPPP shall be designed to control pollutant discharges utilizing best management practices (BMPs) and technology to reduce erosion and sediments. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater runoff from the project site. Measures shall include temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) that would be employed to control erosion from disturbed areas. Final selection of BMPs would be subject to approval by the City of Davis and the RWQCB. The SWPPP would be kept on site during construction activity and would be made available upon request to representatives of the RWQCB.<sup>29</sup>
- **EIR Mitigation Measure 3.5-2:** Prior to any site disturbance, the project proponent shall document to the satisfaction of the City of Davis that stormwater runoff from the project site is treated per the standards in the California Stormwater Best Management Practice New Development and Redevelopment Handbook and Section E.12 of the Phase II Small MS4 General Permit. Drainage from all paved surfaces, including streets, parking lots, driveways, and roofs shall be routed either through swales, buffer strips, or sand filters or treated with a filtering system prior to discharge to the storm drain system. Landscaping shall be designed to provide water quality treatment, along with the use of a Stormwater Management filter to permanently sequester hydrocarbons, if necessary. Roofs shall be designed with down spouting into landscaped areas, bubbleups, or trenches. Driveways should be curbed into landscaping so runoff drains first into the landscaping.<sup>30</sup>

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<sup>28</sup> CALGreen Tier 1 checklist, 5.303.1 Meters, 2013, pg. 37.

<sup>29</sup> City of Davis. Sterling 5<sup>th</sup> Apartments Draft Environmental Impact Report, Geology, Soils and Mineral Resources, 2016, pg. 3.5-15. Available at <http://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/sterling-5th-street-apartments-eir>. Accessed November 8, 2016.

<sup>30</sup> City of Davis. Sterling 5<sup>th</sup> Apartments Draft Environmental Impact Report, Geology, Soils and Mineral Resources, 2016, pg. 3.5-15 and 3.5-16. Available at <http://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/sterling-5th-street-apartments-eir>. Accessed November 7, 2016.

## Summary

Table 4-1 summarizes the details of the Sterling Apartments project's requirements.

Table 4-1 Summary of Water-Related Project Requirements							
Requirement	Source	Meets Requirements?	Exceeds Requirements?	Similar to Other Requirements?			
Model Water Efficient Landscape Ordinance	City		X <sup>1</sup>	City	CALGreen T1	LEED-H	EIR
					X	X	
Landscaping	LEED-H	X		City	CALGreen T1	LEED-H	EIR
					X		
Surface Water Management	LEED-H	X		City	CALGreen T1	LEED-H	EIR
					X		
Water Efficiency	LEED-H		X <sup>2</sup>	City	CALGreen T1	LEED-H	EIR
					X		
Indoor Water Reduction	CALGreen T1	X		City	CALGreen T1	LEED-H	EIR
						X	
Outdoor Water Use	CALGreen T1	X		City	CALGreen T1	LEED-H	EIR
						X	
Stormwater	CALGreen T1	X		City	CALGreen T1	LEED-H	EIR
						X	
Low Impact Development	CALGreen T1	X		City	CALGreen T1	LEED-H	EIR
Smart Water Meters	CALGreen T1		X <sup>3</sup>	City	CALGreen T1	LEED-H	EIR
EIR Mitigation Measure 3.5-1	Project EIR	X		City	CALGreen T1	LEED-H	EIR
					X	X	
EIR Mitigation Measure 3.5-2	Project EIR	X		City	CALGreen T1	LEED-H	EIR
					X		

Notes: City = City of Davis, CALGreen T1 = CALGreen Tier 1, LEED-H = LEED for Homes

1 The project would exceed requirements by 27 percent.

2 The project is eligible for receiving additional LEED-H credits under the Innovative and Design Process Category 3 Innovative or Regional Design.

3 The project will install smart water submeters.

Source: City of Davis, D-CAAP (2006), 2013 CALGreen Tier 1 Nonresidential Checklist, LEED for Homes Mid-Rise Project Checklist for California (2010), and Sterling 5<sup>th</sup> Street Apartments Project DEIR (2016)

## Chapter 5: Energy

This chapter provides a framework for the efficient use and generation of energy in buildings on the site. Energy efficiency strategies are coordinated with other sustainability elements to maximize energy savings and improve livability. The focus of this chapter is on implementation actions that work

towards achieving energy efficiency by minimizing on-site non-mobile<sup>31</sup> source energy demands, ensuring that buildings are “solar-ready”, mitigating the urban heat island effect, and enhancing overall comfort.

## 5.1 Goals and Objectives

This section describes energy-related goals and objectives for the project, which are based on the City of Davis’ General Plan and the D-CAAP.

### 5.1.1 General Plan Goals and Policies

- Maintain an aesthetically pleasing environment and manage a sustainable community forest to optimize environmental, aesthetic, social and economic benefits (GOAL UD 2).
- Reduce per capita energy consumption in the City of Davis (GOAL ENERGY 1).
- Promote the development and use of advanced energy technology and building materials in the City of Davis (Policy ENERGY 1.3).
- Encourage the development of energy-efficient subdivisions and buildings (Policy ENERGY 1.5).

### 5.1.2 D-CAAP Objectives and Actions

- Reduce total energy use in the City of Davis by 5 percent from 2010 levels (ENERGY Objective 1).
- Improve energy efficiency of rental housing (ENERGY Action 5).
- Produce 5 percent of the total electricity used in the City of Davis from renewable on-site and/or local sources (ENERGY Objective 2).
- Achieve net zero energy use in all new buildings and homes (LU Objective 1).
- Achieve 41 percent reduction in GHG emissions in all new buildings and homes (LU Objective 2).

## 5.2 Implementing Actions

This section describes implementing actions and strategies for the project to achieve energy efficiency, based on project characteristics and project requirements. The first section outlines the project’s annual energy use characteristics. Project requirements would further ensure high-performing, energy

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<sup>31</sup> The term “energy” in this chapter focuses exclusively on energy consumption within stationary sources such as buildings or streetlights. Transportation-related energy (e.g., motor vehicle fuels such as gasoline or diesel, or electricity usage for electric vehicle battery charging) is addressed in the Transportation chapter of this Plan.

efficient buildings. The section ends with a table (Table 3-1) summarizing the project's requirements and assesses whether the project meets or exceeds those requirements.

## 5.2.1 Project Characteristics

- **Energy Use.** The amount of energy used at the project site is correlated to the size of the project and its types of uses. The project would consume electricity and natural gas from indoor and outdoor lighting, running appliances in units, water heating, cooking, and other on-site building operation needs. All common areas, including the office/clubhouse, landscaped courtyards, club/fitness center, yoga deck, outdoor "campfire", swimming pool, and barbeque area, would be equipped with LED lighting with occupancy controls. Annual energy use for the project's apartments on the Student Site (i.e., the 160 market rate apartments) would amount to approximately 1,134,453 kilowatt hours (kWh) of electricity and 35,271 therms of natural gas per year. Annual energy use for the 38 apartments at the Affordable Site would amount to approximately 208,085 kWh of electricity and 153 therms of natural gas per year.<sup>32</sup>

## 5.2.2 Project Requirements

### 2013 Building Energy Efficiency Standards (Title 24)

- **Energy Efficiency Standards.** New residential and nonresidential buildings must comply with the Title 24 building energy efficiency standards. Many of the mandatory measures deal with infiltration control, indoor and outdoor lighting, and sign lighting. Cool roofing products, using minimum solar reflectance index, are required based on roof slope and climate zone. There are also specific equipment efficiency, ventilation, HVAC system control, and water heating requirements. Regarding indoor lighting, all interior luminaires must have manual on/off controls, and each area must be independently controlled. Automatic daylighting controls are also mandatory in all primary daylight zones with at least 120 watts of installed load. All outdoor lighting must also be controlled by an automatic scheduling control, and outdoor luminaires mounted less than 24 feet above the ground are required to have motion sensors.<sup>33</sup> The City of Davis currently requires buildings to achieve the Tier 1 energy efficiency standards, or a 15 percent increase in efficiency compared to the 2013 Title 24 standards. Thus, the project would exceed minimum Title 24 requirements.

<sup>29</sup> Energy consumption estimates provided by Davis Energy Group (2017).

<sup>33</sup> 2013 Building Energy Efficiency Standards Reference Tool, 2013.

- **Solar-Ready Buildings.** Title 24 requires that each project have a solar zone located on the roof or overhang of the building, or on covered parking installed with the building project, and a have a total area no less than 15 percent of the total roof area of the building to accommodate solar photovoltaic (PV) panels in the future. In addition to a solar zone, construction documents must indicate a location for inverters, metering equipment, and a pathway for routing of conduit from the solar zone to the point of interconnection with the electric service. Construction documents must also indicate a pathway for routing of plumbing from the solar zone to the water-heating system. Construction documents would also indicate interconnection pathways to install future solar on construction documents.



Buildings will be designed to be “solar-ready” and could accommodate future solar PV panel arrays or solar water heating systems.

The project is also committed to adding enough solar PV on the roof of the parking garage to offset the electricity usage of all common areas (i.e., the club/fitness center, courtyards, swimming pool, pool deck, and barbeque areas). The project would therefore exceed the minimum 2013 Title 24 requirements for Solar Ready Buildings.<sup>34</sup>

## LEED for Homes

- **Project Energy Performance.** All projects must exceed 2013 Title 24 Energy Efficiency requirements by at least 10 percent to meet the minimum requirement for LEED for Homes. Energy improvements must also be verified by a certified rater and the energy model submitted and reviewed by the USGBC. Per EIR Mitigation Measure 3.6-1 and the City of Davis’ Tier 1 requirements, the project is committed to exceeding 2013 Title 24 Energy Efficiency requirements by 15 percent and is thus exceeding the Energy and Atmosphere (EA) Category 1 Optimizing Energy Performance in Mid-Rise Buildings requirements.<sup>35</sup>
- **Renewable Energy.** LEED for Homes offers credits for projects that provide on-site renewable electricity generation systems. The amount of credit received is based on the percent of annual electricity demand that is offset by the provided renewable energy system. The Sterling Apartments project would receive credit for providing enough on-site solar PV to offset the energy loads of the common areas and would therefore meet the requirements for LEED EA Category 10 Renewable Energy.<sup>36</sup>
- **Environmentally Preferable Products.** LEED for Homes also offers credits for using building materials that are environmentally preferable, low emission, or produced locally. The Sterling Apartments project would prioritize lowering assembly u-values through the use of low-

<sup>34</sup> 2013 Building Energy and Efficiency Standards for Residential and Nonresidential Buildings. Title 24, Part 6. Article 1, Subchapter 2, Section 110.10 – Mandatory Requirements for Solar Ready Buildings, 2013, pg. 107.

<sup>35</sup> LEED for Homes Mid-Rise Project Checklist for California, Energy and Atmosphere Category 1 Optimize Energy Performance in Mid-rise Buildings, 1.1-1.3, 2010, pg. 6.

<sup>36</sup> LEED for Homes Mid-Rise Project Checklist for California, Energy and Atmosphere Category 10 Renewable Energy, 2010, pg. 6.

conductance, and low-leakage materials. Low solar heat-gain fenestration design strategies will also be used. Other heat-loss mitigation strategies by installing grade I insulation in the buildings. The Energy Star Thermal Enclosure System Checklist will also be used for further reductions of electric and gas consumption. By using energy-saving materials and specific design strategies, the Sterling Apartments project would receive credit under the LEED Materials and Resources (MR) Category 2 Environmentally Preferable Products.<sup>37</sup>

- **Space Heating and Cooling.** All projects must meet minimum LEED for Homes design and installation requirements for HVAC systems. Additional credit is given to projects that exceed minimum requirements by providing "high-" or "very-high-" efficiency HVAC systems. The Sterling Apartments project would install a high-efficiency HVAC system that contributes to exceeding efficiency requirements for International Energy Conservation Code (IECC) 2015 performance path 14-Seasonal Energy Efficiency Ratio (SEER) cooling. It would also provide, in common areas, the use of small systems rather than building systems. Therefore, the Sterling Apartments Project would exceed minimum requirements for LEED EA Category 6 Space Heating and Cooling.<sup>38</sup>
- **Lighting.** Basic lighting requirements for LEED for Homes include meeting the minimum lighting standards for Title 24. Additional credits can be given to projects that exceed Title 24 lighting requirements in the apartment units. The Sterling Apartments project would receive credit for installing high-efficacy lighting throughout the units and common areas and would meet the requirements for LEED EA Category 8 Lighting.<sup>39</sup>
- **Heat Island Effects.** LEED for Homes offers credit when projects can reduce local heat island effects. The project would receive credit for locating trees and planting to provide shade for 50 percent of hardscapes on the site. White thermoplastic polyolefin (TPO) roofing materials (i.e., high albedo materials) would also be used on 75 percent of the roof area. The project meets requirements for LEED under the SS Category 3 Reduce Heat Island Effects.<sup>40</sup>

## CALGreen Tier 1

- **Indoor Energy Use.** The project is required to install HEFs that conform and show a 30 percent reduction to the design fixture flows defined in CALGreen Tier 1. The project would install standard HEFs (low-flow showerheads, bathroom/kitchen faucets and toilets), along with Energy Star and/or WaterSense appliances such as clothes washers and dishwashers. The Sterling Apartments project would meet CALGreen Tier 1 requirements.<sup>41</sup>
- **Outdoor Lighting.** Newly installed outdoor lighting power cannot exceed 90 percent of Title 24 calculated value of allowed outdoor lighting power. All outside common areas of the

<sup>37</sup> LEED for Homes Mid-Rise Project Checklist for California, Materials and Resources Category 2 Environmentally Preferable Products, 2.2, 2010, pg. 8.

<sup>38</sup> LEED for Homes Mid-Rise Project Checklist for California, Energy and Atmosphere Category 6 Space Heating and Cooling 6.1 and 6.2, 2010, pg. 6

<sup>39</sup> LEED for Homes Mid-Rise Project Checklist for California, Energy and Atmosphere Category 8 Lighting 8.1 and 8.2, 1.1-1.3, 2010, pg. 6

<sup>40</sup> LEED for Homes Mid-Rise Project Checklist for California, Sustainable Sites Category 3 Reduce Heat Island Effects, 3.1 and 3.2, 2010, pg. 3.

<sup>41</sup> CALGreen Tier 1 checklist, A5.303.2.3.1 Tier 1 – 30 percent saving, 2013, pg. 111.

Sterling Apartments project would be equipped with LED lighting with occupancy controls and would meet CALGreen Tier 1 requirements for outdoor lighting.<sup>42</sup>

- **Heat Island Effects.** To reduce effects of roof heat islands, projects must use roofing that have a Cool Roof Rating Council initial or aged thermal emittance as determined in accordance with ASTM E 408 or C 1371. The Sterling Apartments project would use white TPO roofing materials that would meet minimum CALGreen Tier 1 requirements for cool roofs.<sup>43</sup>

## Environmental Impact Report Mitigation

- **EIR Mitigation Measure 3.6-1:** Prior to issuance of building or grading permits, the applicant shall submit a final GHG Plan for review and approval of the Director of Community Development and Sustainability. The GHG Reduction Plan shall demonstrate how the project reduces a minimum of 455.5 metric tons of carbon dioxide equivalent. The project shall implement the measures identified in the GHG Reduction Plan, which are anticipated to include the following requirements, or equivalent measures:
  - All residential units shall be constructed to achieve a minimum of 15 percent better than 2013 Title 24 Energy Efficiency requirements.
  - All residential units shall be equipped exclusively with certified ENERGY STAR Appliances.
  - The on-site parking garage shall be equipped with LED lighting with occupancy controls.

## Summary

Table 5-1 summarizes the details of the Sterling Apartments project's requirements for energy.

Table 5-1 Summary of Energy-Related Project Requirements							
Requirement	Source	Meets Requirements?	Exceeds Requirements?	Similar to Other Requirements?			
Project Energy Performance	Title 24		X	Title 24	CALGreen T1	LEED-H	EIR
					X	X	X
Solar Ready Buildings	Title 24		X <sup>1</sup>	Title 24	CALGreen T1	LEED-H	EIR
Project Energy Performance	LEED-H		X <sup>2</sup>	Title 24	CALGreen T1	LEED-H	EIR
					X	X	X
Renewable Energy	LEED-H	X		Title 24	CALGreen T1	LEED-H	EIR

<sup>42</sup> CALGreen Tier 1 checklist, A5.203.1.1.1, 2013, pg. 107.

<sup>43</sup> CALGreen Tier 1 checklist, A5.106.11.2, 2013, pg. 107



**Table 5-1 Summary of Energy-Related Project Requirements**

Requirement	Source	Meets Requirements?	Exceeds Requirements?	Similar to Other Requirements?			
Environmentally Preferable Products	LEED-H	X		Title 24	CALGreen T1	LEED-H	EIR
Space Heating and Cooling	LEED-H		X <sup>3</sup>	Title 24	CALGreen T1	LEED-H	EIR
Lighting	LEED-H		X	Title 24	CALGreen T1	LEED-H	EIR
					X	X	X
Heat Island Effects	LEED-H	X		Title 24	CALGreen T1	LEED-H	EIR
					X		
Indoor Energy Use	CALGreen T1	X		Title 24	CALGreen T1	LEED-H	EIR
						X	
Outdoor Lighting	CALGreen T1	X		Title 24	CALGreen T1	LEED-H	EIR
						X	
Heat Island Effects	CALGreen T1	X		Title 24	CALGreen T1	LEED-H	EIR
						X	
EIR Mitigation Measure 3.6-1	Project EIR	X		Title 24	CALGreen T1	LEED-H	EIR
					X	X	

Notes: City = City of Davis, CALGreen T1 = CALGreen Tier 1, LEED-H = LEED for Homes, EIR = Environmental Impact Report

1 The project would locate some solar PV on the covered parking garage.

2 The project would exceed LEED-H minimum requirements by exceeding 2013 Title 24 Energy Efficiency requirements by 15 percent.

3 The project would exceed LEED-H minimum requirements by installing a high-efficiency HVAC system.

Source: City of Davis, D-CAAP (2006), 2013 CALGreen Tier 1 Nonresidential Checklist, LEED for Homes Mid-Rise Project Checklist for California (2010), and Sterling 5<sup>th</sup> Street Apartments Project DEIR (2016)

## Chapter 6: Solid Waste

This chapter outlines goals and objectives for reducing solid waste, followed by an overview of how the project can achieve those objectives. As solid waste decomposes at landfills, GHGs are emitted into the atmosphere. Landfill waste poses problems for the environment, due to slow decomposition rates and the amount of space needed to accommodate the waste. By changing habits to produce less waste through diversion and recycling, emissions can be reduced.

### 6.1 Goals and Objectives

This section summarizes the goals and objectives that are related to solid waste. Goals and objectives are based on the City of Davis' General Plan and the D-CAAP.

#### 6.1.1 General Plan Goals and Policies

- Enhance the quality of the environment by conserving resources and minimizing waste by reducing, reusing, recycling, and re-buying (GOAL MAT 1).
- Promote reduced consumption of non-renewable resources (Policy MAT 1.1).

#### 6.1.2 D-CAAP Objectives and Actions

- Achieve 41 percent reduction in GHG emissions in all new buildings and homes (LU Objective 2).
- Reduce total solid waste generated by 10 percent (WASTE Objective 1).

### 6.2 Implementing Actions

This section summarizes project characteristics and implementing actions that would help the Sterling Apartments project meet sustainability goals and objectives for reducing solid waste. Section 6.1.1 outlines the solid waste plan of the project and how operations would encourage and facilitate recycling. The second and third section summarizes City of Davis Municipal Code, LEED for Homes, and CALGreen Tier 1 requirements for the project.

#### 6.2.1 Project Characteristics

- **Waste Plan.** The Sterling Apartments project includes two indoor trash and recycling rooms on site in the parking garage, with a total of 16 bins. Each trash and recycling room would have separated bins; four bins for solid waste and four bins for recycling. Each bin would be two cubic yards in size. There will also be enough space for paper recycling carts, comingle carts (i.e., for glass, plastic, and metals), and organic carts. Space is also designated adjacent to the

trash and recycling areas for collection of cardboard. There is also an outdoor trash yard with an 8-foot by 25-foot trash compactor on the northeast corner of the site.

- **Outdoor Yard Waste.** The Landscape Concept Plan has no turf and thus no grass clippings would be generated. Therefore, landscaping waste would be minimal.

## 6.2.2 Project Requirements

### City of Davis Municipal Code

- **Garbage, Recyclables, and Other Wastes.** The City of Davis Municipal Code regulates the management for garbage, recyclables, and other wastes. The code outlines general requirements, guidelines for development projects, and additional guidelines for multi-family development. General guidelines state that areas for recycling shall be adequate in capacity, number, and distribution to serve the development where the project occurs. Any recycling areas should also be located so they are at least as accessible and convenient as the locations where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials should be within or adjacent to the trash collection areas. To the extent possible, multifamily complexes must site three recycling carts within, or next to, each trash enclosure. The Sterling Apartments project would comply with all requirements of Chapter 32, Article 32.03.
- **Construction Diversion.** The City of Davis Municipal Code requires that a waste reduction and recycling plan be submitted as part of the building permit application submission. The project would comply with requirements of Chapter 32, Article 32.04 and will meet a 75 percent or better diversion rate during demolition of the existing buildings and construction of the new buildings.

### LEED for Homes

- **Waste Management.** All projects under LEED for Homes must investigate and document local options for diversion (e.g., recycling and reuse) of all anticipated major constituents of the project waste stream, including cardboard packaging and household recyclables (e.g., beverage containers). A project is also required to document the diversion rate for construction waste. Additional credits are given when a project can reduce their construction waste. The Sterling Apartments project would comply with prerequisites for construction waste management planning and would commit to diverting 75 percent of demolition and construction waste from landfills and incinerators, exceeding the 65 percent diversion requirements per CALGreen Tier 1 requirements (see below). The project would meet requirements for MR Category 3 Waste Management.<sup>44</sup>

<sup>44</sup> LEED for Homes Mid-Rise Project Checklist for California, Materials and Resources Category 3 Waste Management, 3.1 and 3.2, 2010, pg. 8.

## CALGreen Tier 1 Checklist

- Construction Waste.** A minimum of 65 percent of the non-hazardous construction waste must be recycled and/or salvaged for reuse. Projects must also adhere to a City of Davis' construction and demolition waste management ordinance. Proper documentation and use of a waste management company that can provide verifiable documentation that the percentage of construction waste material diverted from the landfill complies with requirements. The project would comply with the City of Davis' solid waste, recycling and construction waste ordinance and would divert 75 percent of demolition and construction waste materials. The project would therefore meet mandatory CALGreen Tier 1 requirements.<sup>45</sup>

## Summary

Table 6-1 summarizes the details of the Sterling Apartments project's requirements for waste.

Table 6-1 Summary of Waste-Related Project Requirements						
Requirement	Source	Meets Requirements?	Exceeds Requirements?	Similar to Other Requirements?		
Garbage, Recyclables, and Other Wastes	City	X		City	CALGreen T1	LEED-H
					X	X
Construction Diversion	City		X	City	CALGreen T1	LEED-H
					X	
Waste Management	LEED-H	X		City	CALGreen T1	LEED-H
					X	
Construction Waste	CALGreen T1		X	City	CALGreen T1	LEED-H
						X

Notes: City = City of Davis, CALGreen T1 = CALGreen Tier 1, LEED-H = LEED for Homes  
 Source: City of Davis, D-CAAP (2006), 2013 CALGreen Tier 1 Nonresidential Checklist, and LEED for Homes Mid-Rise Project Checklist for California (2010)

<sup>45</sup> CALGreen Tier 1 checklist, A5.408.3.1 Enhanced construction waste management, 2013, pg. 120.

## **ATTACHMENT 6**

### **FINAL ENVIRONMENTAL IMPACT REPORT**

Due to the document size, copies of the Final and Draft EIR have been provided to the City Council only.

The Final EIR, which includes the comments received on Draft EIR during the public comment period and response to comments, along with the Draft EIR document and appendices are available on the City's website at:

<http://cityofdavis.org/city-hall/community-development-and-sustainability/development-projects/sterling-5th-street-apartments-eir>

## ATTACHMENT 7

### **Project Narrative (March 2017)**

The Sterling 5<sup>th</sup> Street Apartment project is located at 2100 Fifth Street. The project would demolish the existing buildings and redevelop the 6-acre property with two separate residential projects, totaling 198 units.

Approximately 5 acres of the site would be developed as a three and four-story, 160-unit market rate apartment project. The remaining 1-acre portion of the site would be developed as a three and four-story, 38-unit affordable housing project.

The market rate project would include a mix of studio, 1-bedroom, 2-bedroom, 4-bedroom and 5-bedroom units totaling 160-units (540 beds), a 10,800 square foot leasing office and clubhouse, landscaped courtyards and common open space areas, a four-story residential parking garage with 343 parking spaces, and bicycle parking areas (accommodating 540 bicycle parking spaces), pedestrian pathways, and extensive landscaping improvements. Site amenities would include large interconnected courtyards between the residential buildings, a swimming pool, pool deck, a hammock garden, cabanas, beach area and barbeque areas. The clubhouse would feature study rooms, yoga and fitness rooms. The market rate project would be four-stories wrapped around the parking garage stepping down to three-stories to reduce the overall massing. Further articulation is accomplished by major breaks in the building façade and by locating the two-story clubhouse along 5<sup>th</sup> Street at the project entrance. Study areas will be scattered along the corridors as small secondary gathering spaces, which will also feature dramatic overlooks to the courtyards. The market rate project is proposed to be built as a LEED for Homes Gold certified project.

The affordable housing project would consist of a three and four-story, 38-unit apartment building. The project would include a mix of 1-bedroom, 2-bedroom and 3-bedroom units, ranging in size from 641 square feet to 1,188 square feet. 38 surface parking spaces along with 75 bicycle spaces would be provided on-site. The affordable housing project would include a laundry facility, a 2,000 square foot common area, and over 12,000 square feet of open space, including a fenced in tot-lot area connected to the clubhouse.

Both the market rate and affordable projects would have a contemporary style architecture, distinguished by the use of building massing and plane breaks, with large glazing areas as well as the use of metal canopies, railings and other decorative details. Finishes will be primarily plaster with some areas accented by contemporary vertical siding or metal panels. The overall theme for both projects will be modern, inside and out.

**Sterling Fifth Street Apartments Security Plan (April 10, 2017)**

Sterling Fifth Street Apartment community consists of 3 and 4-story apartment buildings with a total of 160 units consisting of; 8 studios, 14 one-bedroom units, 30 two-bedrooms units, 82 four-bedroom units, and 26 five-bedroom units. Sterling Fifth Street amenities will include two primary courtyards, one of which will feature a resort style pool and spas. The other courtyard will have an area for passive outdoor gathering areas. A stand-alone Resident Community Clubhouse which includes a 24-hr fitness center, computer lab, game room, and study rooms. Sterling Fifth Street will have a four story, five level parking garage with 343 parking spaces, and 5 open surface parking spaces, for a total of 348 parking spaces. Guest parking will be located on the first level of the parking structure.

**DOORS**

Sterling Fifth Street provides card access to clubhouse, as well as controlled access to all exterior residential breezeway entries and elevators. Each unit has a dead bolt lock for security. Further, each bedroom has a private lock with separate key inside the unit.

Vehicular and pedestrian access inside the Property's gates will also be limited via controlled-access.

**WINDOWS**

All units are equipped with double-locking windows. Sterling Fifth Street also provides adequate outdoor lighting, which is further discussed in the lighting section of the Security Plan.

**ROOF TOPS AND OPENINGS**

All hatchway openings for roof top access are secured from the inside with a slide bar or slide bolts. Only a crossbar or padlock provided by the Fire Marshall shall be used. One stair tower within each residential building will have direct stair access to the roof. The door at the roof will only be accessible by a padlock provided by the Fire Marshall.

**LIGHTING**

All parking lots, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings have lighting with sufficient wattage to provide adequate illumination.

Outdoor lighting is on a combination of timers and photo cell sensors.

The parking structure will provide the necessary illumination. The lighting in the garage is on timers which run between dusk and dawn.

**LANDSCAPING**

No landscaping shall be of the type to provide cover or conceal someone from sight. Maintenance will trim the landscaping so that the desired level or aesthetics is provided while avoiding "hideout" spots where crimes could occur. Landscaping will not conceal doors or windows from view, obstruct visibility

of the parking garage or surface spots from the street or residential buildings, nor provide access to the roof.

### **POOL**

The pool will be fully enclosed and the access gate(s) into the pool will be equipped with a self-closing and self-latching device(s) designed to keep the gate(s) and/or door(s) securely closed at all times when not in use, in accordance with city and state regulations.

### **PARKING STRUCTURE**

The parking structure serves the residents and guests of Sterling Fifth Street only. Residents are required to have a parking sticker showing in the back windshield of their registered vehicle. There will be a surveillance camera at the entrance of the garage that will monitor all traffic entering and exiting the structure. All levels of the parking structure are illuminated, with the exterior of the garage providing additional lighting as well. All exits are clearly marked.

### **SIGNAGE/PARKING LOT**

All required signage is provided in accordance with city codes.

### **FENCING/BARRIERS**

There will be a 6-foot tall wood fence around the residential building(s). There will be controlled access gates within the fence for residents to help secure residential building(s).

### **SURVEILLANCE CAMERAS**

There will be surveillance cameras monitoring activity within the clubhouse as well as around the outside of the clubhouse and parking structure vehicle entrance/exit and each vehicular/pedestrian gate.

### **POLICE & FIRE ACCESS**

The project will install a police approved emergency access control system to all electronic vehicular gates which enables emergency responders to access the property, subject to availability.

### **ON SITE MANAGEMENT TEAM & STAFFING**

One (1) full time employee will live on-site at all times. Below is a staffing summary.

#### **Office Staff**

- Seven (7) total, four (4) full time and three (3) part time.
  - Property Manager – FT
  - Leasing Manager – FT
  - Book Keeper – FT



- 
- Leasing Professional – FT
- Community Assistant (CA) – PT
- Community Assistant (CA) – PT
- Community Assistant (CA) – PT

#### **Maintenance Staff**

- Six (6) total, four (4) full time, two (2) part time.
  - Lead Maintenance – FT
  - Assistant Maintenance – FT
  - Porter – FT
  - Housekeeper – FT
  - Resident Maintenance Tech (RMT) – PT
  - Resident Maintenance Tech (RMT) – PT

#### **Community Assistant (CA) & Resident Maintenance Tech (RMT) On-Site Living Requirement:**

As a condition of employment, the CA must live on-site in the designated assignment. This is designed to provide coverage throughout the apartment community because student communities tend to be very active, especially at night.

Sterling Fifth Street expects the on-site employees to contact the appropriate agents (manager, security patrol officers, local law enforcement, maintenance, etc.) to deal with afterhours situations including, but not limited to, noise complaints, parties, excessive parking, maintenance emergencies or other such emergencies.

Sterling Fifth Street Community Assistants are comparable to on campus housing RAs. They serve as liaisons for the residents and management staff.

#### **Additional CA & RMC Daily Duties Include (but are not limited to):**

- ✓ Weekly inspections of the interior/exterior of assigned building in addition to the perimeter of the community and immediately report any issues that need to be addressed by management, maintenance or security patrol.
- ✓ Ability to serve as a positive role model and adhere to all community guidelines stated in the resident lease agreement.
- ✓ Ability to work well with others and interact with residents during resident functions.

#### **CRIME FREE HOUSING PROGRAM**

Sterling Fifth Street Apartment's Management and Leasing staff will participate in the City's Crime-Free Housing program, as long as the City of Davis continues to administer it.

#### **SEMI-ANNUAL AND QUARTERLY REVIEWS**

The management team at Sterling Fifth Street commits to meeting semi-annually with the City of Davis and the Davis Police Chief to review staff effectiveness regarding behavior and noise issues. The

management team will also review the effectiveness of the on-site security and security patrols. At these semi-annual meetings any feedback offered by adjacent property owners is taken into consideration, in addition to a review of calls for service.

The management team will meet quarterly with the City of Davis to review and monitor the Sterling Fifth Street project adheres to the restrictions against doubling in bedrooms.

**ON-SITE SECURITY**

Sterling Management will provide evening security during the fall (September) “move-in” period for residents and during each weekend for one (1) month following resident “move-in”. Sterling Management will add security patrols as needed, including weekends.

ATTACHMENT 9

STERLING 5TH STREET-RESIDENTIAL SITE		(PER R-HD ZONING)	
RES. SITE AREA:	5 (+/-) ACRE	540 BEDS	
RES. UNITS:	160 UNITS		
RES. DENSITY:	32.0 DU/AC		
RES. LEASING/CLUB (2-STORY):	10,862 S.F.		
FAR (MAX. 2):	1.88 (INCLUDING GARAGE)		
LOT COVERAGE (MAX 50%):	49% (INCLUDING GARAGE)		
BLDG. HEIGHT ( MAX 100'):	56' (3 & 4 STORY)		

3&4 -STORY BUILDING (RESIDENTIAL)				JOB # 15129			
UNIT	UNIT TYPE	UNIT S.F.	BAL.S.F.	NO.	BEDS	%	
S1	EFF/1BA/1BED	893	72	4	4	3%	2,620
S2	EFF/1BA/1BED	666	69	4	4	3%	2,624
A1	1BR/1BA/1BED	641	61	14	14	9%	8,628
B1	2BR/2BA/2BED	879	64	30	60	19%	1,920
D1	4BR/4BA/4BED	1,453	59	82	328	51%	119,146
F1	5BR/5BA/5BED	1,396	63	23	115	14%	39,003
F1-ALT	5BR/5BA/5BED	1,759	0	3	15	2%	5,277
TOTAL				169	540	100%	203,731
AVERAGE NET UNIT SIZE:		1,273 s.f.	GROSS RESIDENTIAL:		253,802 S.F.		
AVERAGE GROSS UNIT SIZE:		1,333 s.f.	LEASING/CLUB:		10,862 S.F.		
TOTAL NET RENTABLE:		203,731 s.f.	GROSS GARAGE AREA:		144,439 S.F.		
			TOTAL BLDG AREA W/ GAR.:		409,103 S.F.		

STERLING 5TH STREET AFF. SITE		(PER R-HD ZONING)	
LAND AREA:	1 (+/-) ACRE		
TOTAL AFF. UNITS:	38 UNITS		
DENSITY:	38 DU/AC		
FAR (MAX. 2):	1.1		
LOT COVERAGE (MAX 50%):	33%		
BLDG. HEIGHT ( MAX 100'):	54' (3&4 - STORY)		

4-STORY BUILDING (AFFORDABLE)					JOB #		
UNIT	UNIT TYPE	UNIT S.F.	BAL.S.F.	NO.	BEDS	%	15129
A1-AFF.	1BR/1BA	641	61	13	13	34%	8,333
A1-TCAC	1BR/1BA	649	58	2	2	5%	1,298
B1-AFF.	2BR/2BA	930	69	10	20	26%	9,300
B1-TCAC	2BR/2BA	931	69	3	6	8%	2,793
C1-AFF.	3BR/2BA	1,188	90	8	24	21%	9,504
C1-TCAC	3BR/2BA	1,185	90	2	6	5%	2,370
TOTAL				38	71	100%	33,598
AVE NET UNIT:		884 s.f.	GROSS RESIDENTIAL: 43,843 S.F.				
AVE.GROSS UNIT:		955 s.f.	COMMON AREA: 2,033 S.F.				
TOTAL NET RENTABLE:		33,598 s.f.	LAUNDRY/MANT. ETC.: 1,250 S.F.				
AFF. PARKING REQ.:		38 SPACES	TOTAL BLDG AREA: 47,126 S.F.				
PARKING PROVIDED:		38 SPACES					
BICYCLE PROVIDED:		75 BIKES					

USABLE OPEN SPACES REQ. (PER R-HD ZONING)		S.F.	
UNIT	S.F. PER UNIT	1BR	200
1BR		2BR	250
2BR		3BR	300
3BR		4BR	350
4BR		5BR	400
TOTAL			51,000

PROVIDED:			
OUTDOOR OPENSACES:			43,687
PRIVATE BALCONIES:			9,625
TOTAL PROVIDED:			53,312

BIKE PARKING			540
REQ. @ 1 PER BED:			
PROVIDED:			
OUTDOOR BIKE RACK:			130
BIKE ST. INSIDE CORRIDOR:			145
BIKE ST. INSIDE GARAGE:			265
TOTAL PROVIDED:			540

USABLE OPEN SPACES REQ. (PER R-HD ZONING)		S.F.	
UNIT	S.F. PER UNIT	1BR	200
1BR		2BR	250
2BR		3BR	300
3BR		4BR	350
4BR		5BR	400
TOTAL			9,250

PROVIDED:			
OUTDOOR OPENSACES:			9,775
PRIVATE BALCONIES:			2,706
TOTAL PROVIDED:			12,481

RESIDENTIAL AREA BREAKDOWN		S.F.	
NET RENTABLE:			203,731
BALCONIES:			9,625
ELEV&STAIRS:			1,442
CORRIDOR&ST.:			37,882
STUDY ROOMS:			1,322
TOTAL GROSS:			253,802

PARKING REQ. (PER ZONING 40.25.090)		S.F.	
1BR	1	2BR	1.75
2BR		4BR	2
4BR		5BR	2
5BR		REQ. RES.	291
REQ. RES.		PROVIDED:	
SURFACE (RES.):			5
GARAGE (RES.):			343
TOTAL FOR RES:			348
(0.64 PER BED)			

**ATTACHMENT 10**  
**UPDATED PROJECT PLANS**

Full size plans are available online at:

<http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/CouncilMeetings/Agendas/20170418/06-Sterling Apts-CCSR-ATT-10-Updated-Project Plans.pdf>

# STERLING @ 5TH ST.



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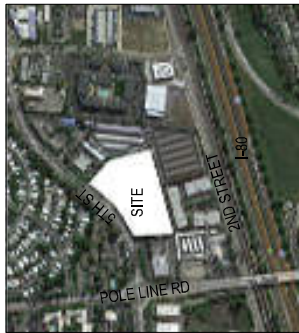
**CONTACT: Paul Deering**  
EMAIL: [paul@deeringdesign.com](mailto:paul@deeringdesign.com)

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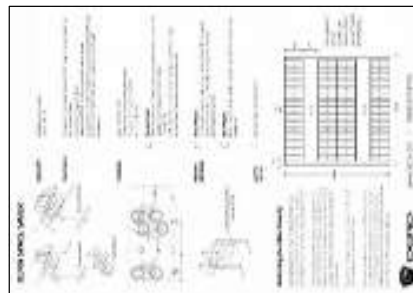
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100-188	INITIAL SITE PLAN
100-189	INITIAL SITE PLAN
100-190	INITIAL SITE PLAN
100-191	INITIAL SITE PLAN
100-192	INITIAL SITE PLAN
100-193	INITIAL SITE PLAN
100-194	INITIAL SITE PLAN
100-195	INITIAL SITE PLAN
100-196	INITIAL SITE PLAN
100-197	INITIAL SITE PLAN
100-198	INITIAL SITE PLAN
100-199	INITIAL SITE PLAN
100-200	INITIAL SITE PLAN

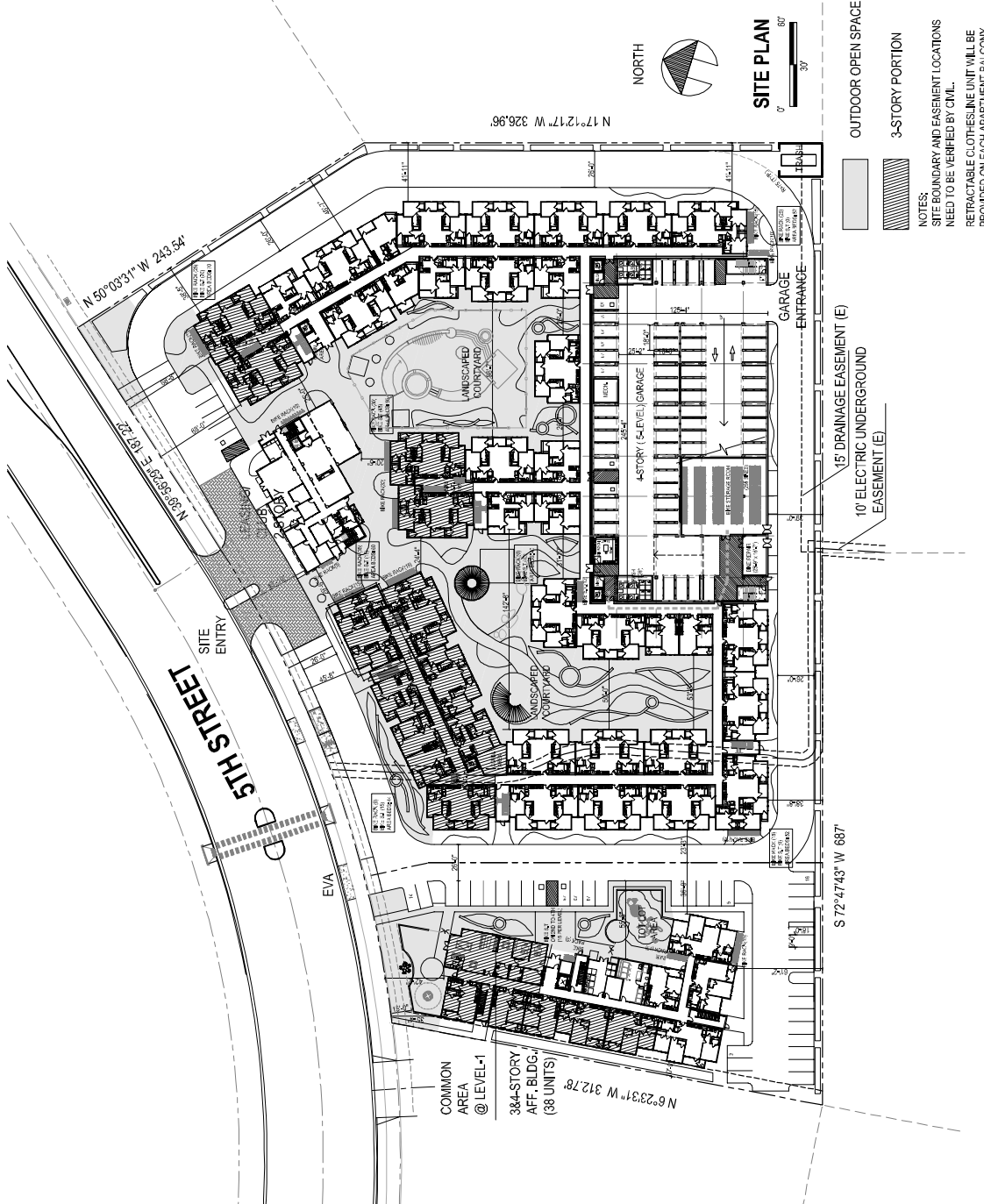


VICINITY MAP



PROPOSED VERTICAL BIKE RACK

NOTE:  
THE PROJECT WILL ALSO PROVIDE  
CREATIVE PIPE LIGHTNING BOLT LR  
BIKE RACK WHERE SPACE ALLOWS



A-0

STERLING 5TH STREET-RESIDENTIAL SITE (PER R-HD ZONING)			
RES. SITE AREA:	5 (+/-) ACRE	540 BEDS	
RES. UNITS:	160 UNITS		
RES. DENSITY:	32.0 DU/AC		
RES. LEASING/CLUB (2-STORY):	10,862 S.F.		
FAR (MAX. 2):	1.88 (INCLUDING GARAGE)		
LOT COVERAGE (MAX 50%):	49% (INCLUDING GARAGE)		
BLDG. HEIGHT ( MAX 100'):	56' (3 & 4 STORY)		

334 - STORY BUILDING (RESIDENTIAL)						JOB # 15129			
UNIT	UNIT TYPE	UNIT S.F.	BAL S.F.	NO.	BEDS	%	TL NET SF	TL BAL.	GR. UNIT S.F.
S1	EFF/1BA/1BED	583	72	4	4	3%	2,332	288	2,620
S2	EFF/1BA/1BED	666	69	4	4	3%	2,624	276	2,900
A1	1BR/1BA/1BED	641	61	14	14	9%	8,974	864	9,838
B1	2BR/2BA/2BED	879	64	30	60	19%	26,370	1,920	28,290
D1	4BR/4BA/4BED	1,453	59	82	328	51%	119,146	4,838	123,984
F1	5BR/5BA/5BED	1,696	63	23	115	14%	39,008	1,449	40,457
F1-ALT	5BR/5BA/5BED	1,759	0	3	15	2%	5,277	0	5,277
TOTAL				160	540	100%	203,731	9,625	213,356
AVERAGE NET UNIT SIZE:		1,273 s.f.	GROSS RESIDENTIAL:				253,802	S.F.	
AVERAGE GROSS UNIT SIZE:		1,333 s.f.	1 FASING/CI UR:				10,862	S.F.	
TOTAL NET RENTABLE:		203,731 s.f.	GROSS GARAGE AREA:				144,439	S.F.	
			TOTAL BLDG AREA W/ GAR.:				409,103	S.F.	

STERLING 5TH STREET AFF. SITE (PER R-HD ZONING)			
LAND AREA:	1 (+/-) ACRE		
TOTAL AFF. UNITS:	38 UNITS		
DENSITY:	38 DU/AC		
FAR (MAX. 2):	1.1		
LOT COVERAGE (MAX 50%):	33%		
BLDG. HEIGHT ( MAX 100'):	54' (3&4 - STORY)		

4-STORY BUILDING (AFFORDABLE)							JOB # 15129		
UNIT	UNIT TYPE	UNIT S.F.	BAL.S.F.	NO.	BEDS	%	TL. NET SF	TL. BAL.	GR. UNIT S.F.
A1-AFF.	1BR/1BA	641	61	13	13	34%	8,333	793	9,126
A1-TCAC	1BR/1BA	649	58	2	2	5%	1,298	116	1,414
B1-AFF.	2BR/2BA	930	69	10	20	26%	9,300	690	9,990
B1-TCAC	2BR/2BA	931	69	3	6	8%	2,793	207	3,000
C1-AFF.	3BR/2BA	1,188	90	8	24	21%	9,504	720	10,224
C1-TCAC	3BR/2BA	1,185	90	2	6	5%	2,370	180	2,550
TOTAL				38	71	100%	33,598	2,706	36,304
AVE NET UNIT:		884 s.f.	GROSS RESIDENTIAL:				43,843 S.F.		
AVE GROSS UNIT:		955 s.f.	COMMON AREA:				2,033 S.F.		
TOTAL NET RENTABLE:		33,598 s.f.	LAUNDRY/MAINT. ETC.:				1,250 S.F.		
AFF. PARKING REQ.:		38 SPACES	TOTAL BLDG AREA:				47,126 S.F.		
PARKING PROVIDED:		38 SPACES							
BICYCLE PROVIDED:		75 BIKES							

USABLE OPEN SPACES REQ. (PER R-HD ZONING)		
UNIT	S.F. PER UNIT	S.F.
1BR	200	4,400
2BR	250	7,500
3BR	300	0
4BR	350	28,700
5BR	400	10,400
TOTAL		51,000

PROVIDED:	OUTDOOR OPENSAPCES:	43,687
PRIVATE BALCONIES:		9,625
TOTAL PROVIDED:		53,312

BIKE PARKING		540
REQ. @ 1 PER BED:		
PROVIDED:	OUTDOOR BIKE RACK:	130
BIKE ST. INSIDE CORRIDOR:		145
BIKE ST. INSIDE GARAGE:		265
TOTAL PROVIDED:		540

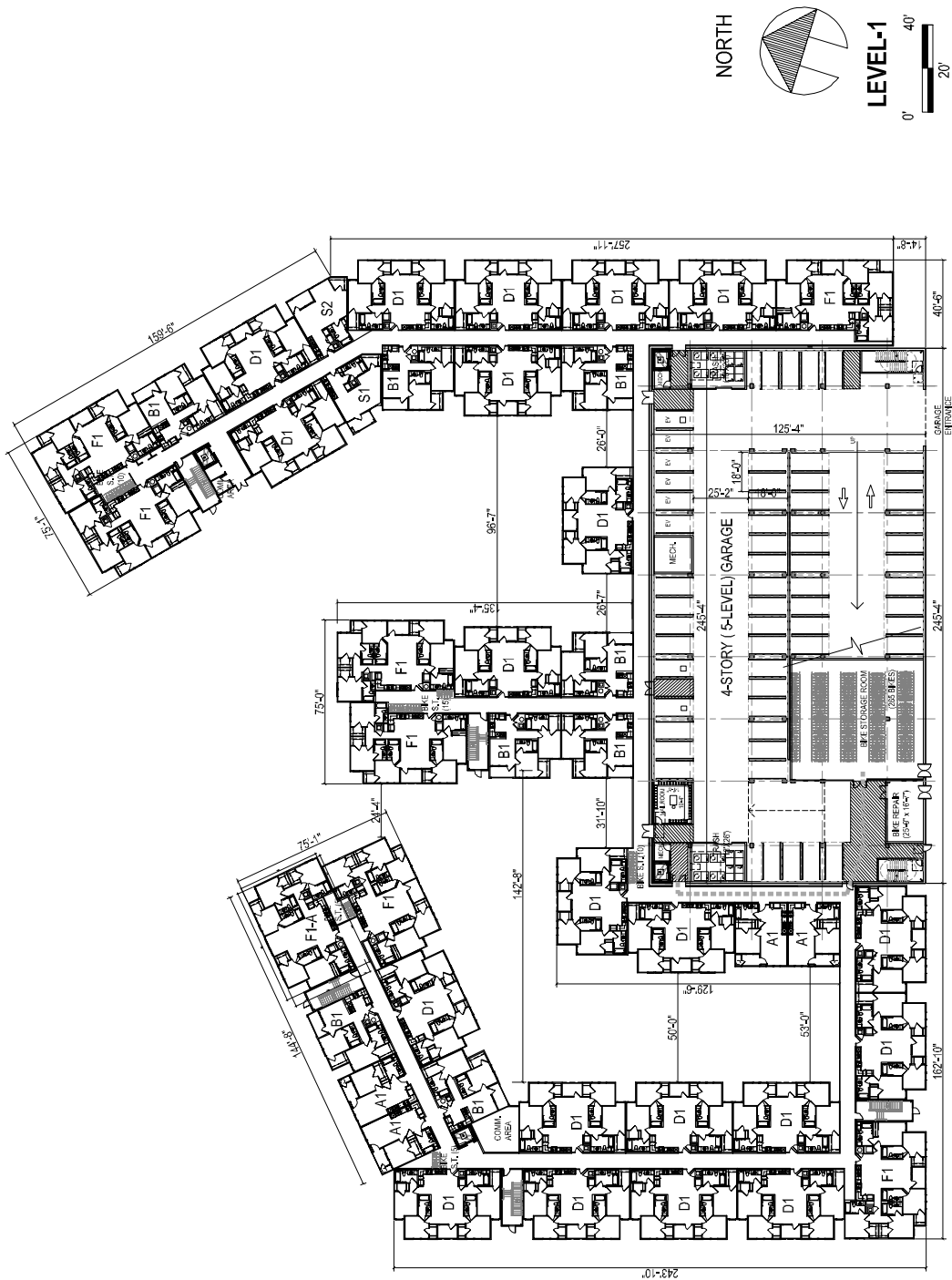
USABLE OPEN SPACES REQ. (PER R-HD ZONING)		
UNIT	S.F. PER UNIT	S.F.
1BR	200	3,000
2BR	250	3,250
3BR	300	3,000
4BR	350	0
5BR	400	0
TOTAL		9,250

PROVIDED:	OUTDOOR OPENSAPCES:	9,775
PRIVATE BALCONIES:		2,706
TOTAL PROVIDED:		12,481

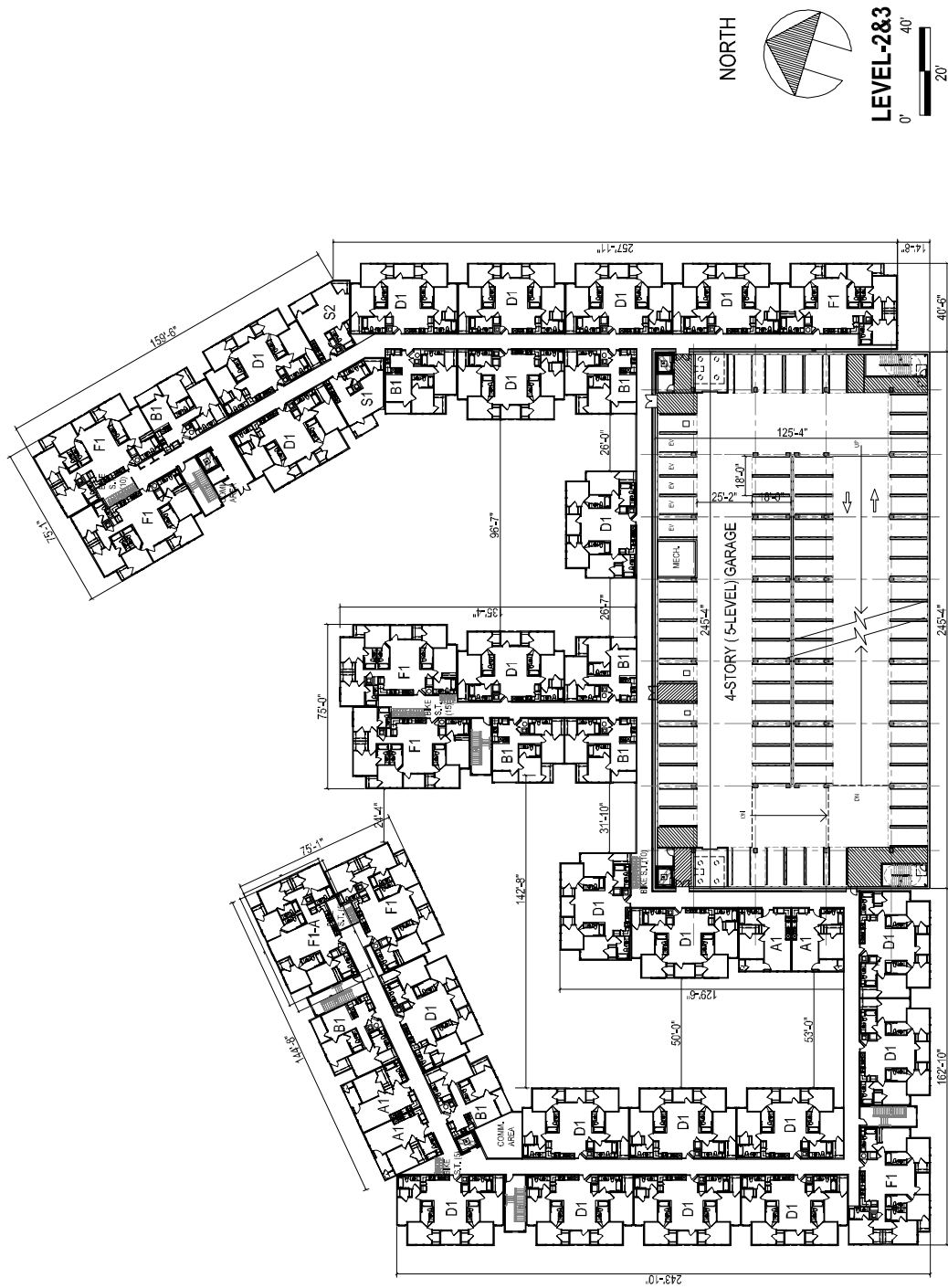
RESIDENTIAL AREA BREAKDOWN		
NET RENTABLE:		203,731 S.F.
BALCONIES:		9,625 S.F.
ELEVATOR STAIRS:		1,442 S.F.
CORRIDOR&ST.:		37,662 S.F.
STUDY ROOMS:		1,322 S.F.
TOTAL GROSS:		253,802 S.F.

PARKING REQ. (PER ZONING 4025.090)		
1BR	1	22
2BR	1.75	53
4BR	2	164
5BR	2	82
REQ. RES.		291
PROVIDED:		
SURFACE (RES.):		5
GARAGE (RES.):		343
TOTAL FOR RES:		348
(0.64 PER BED)		

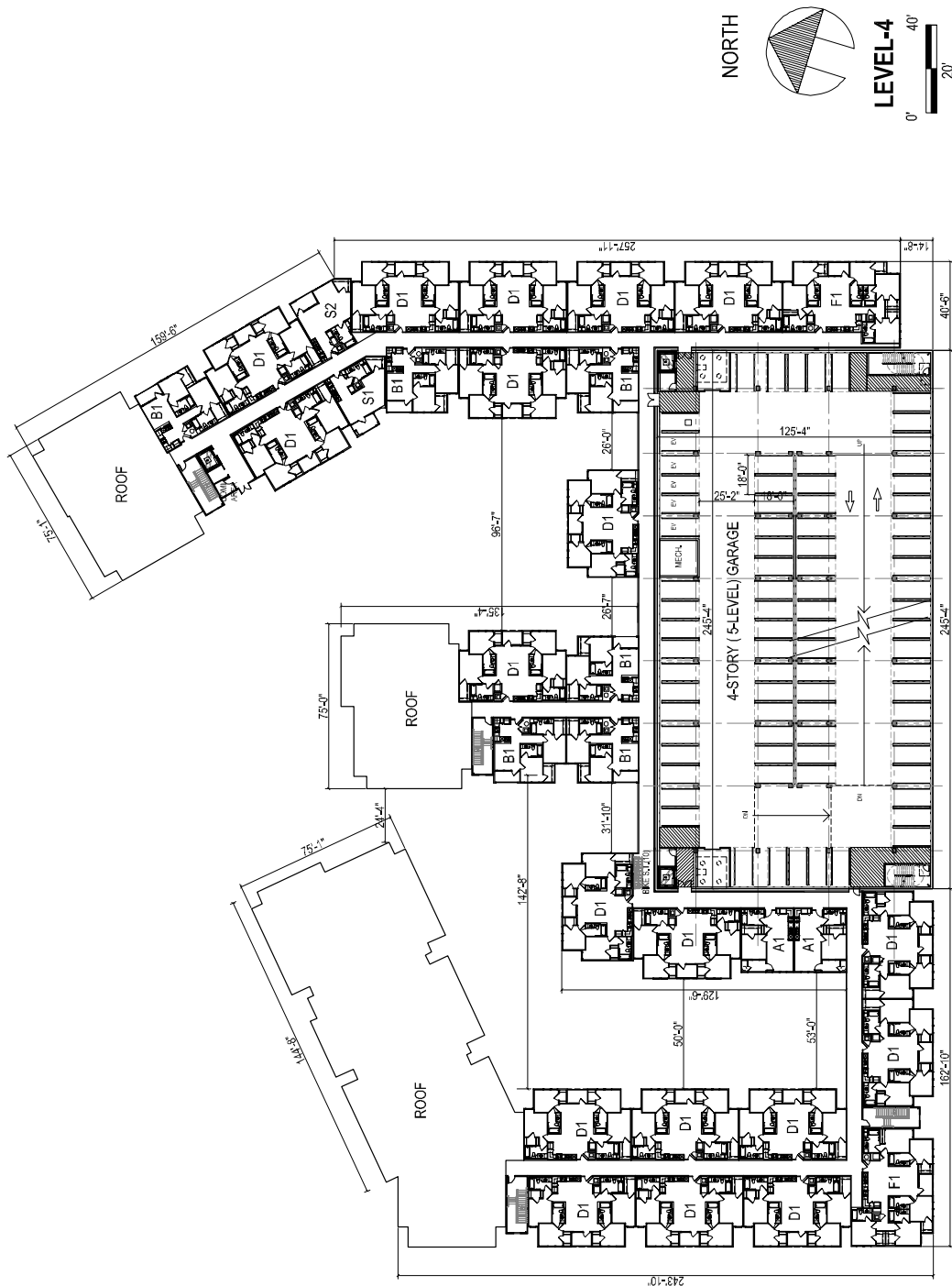




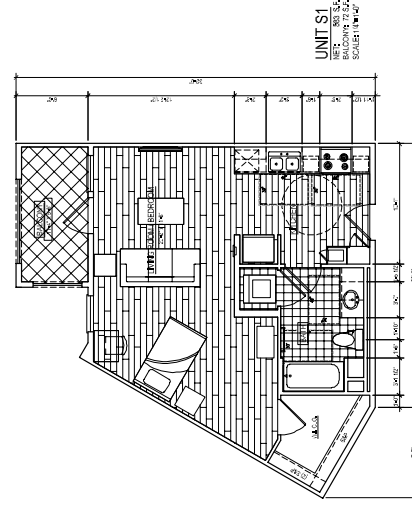
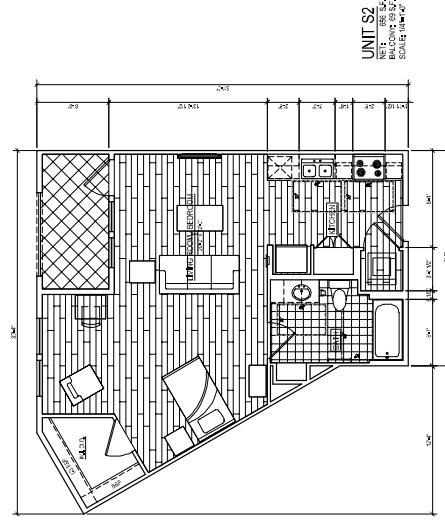
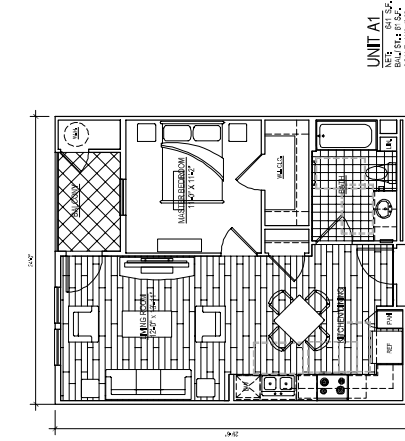
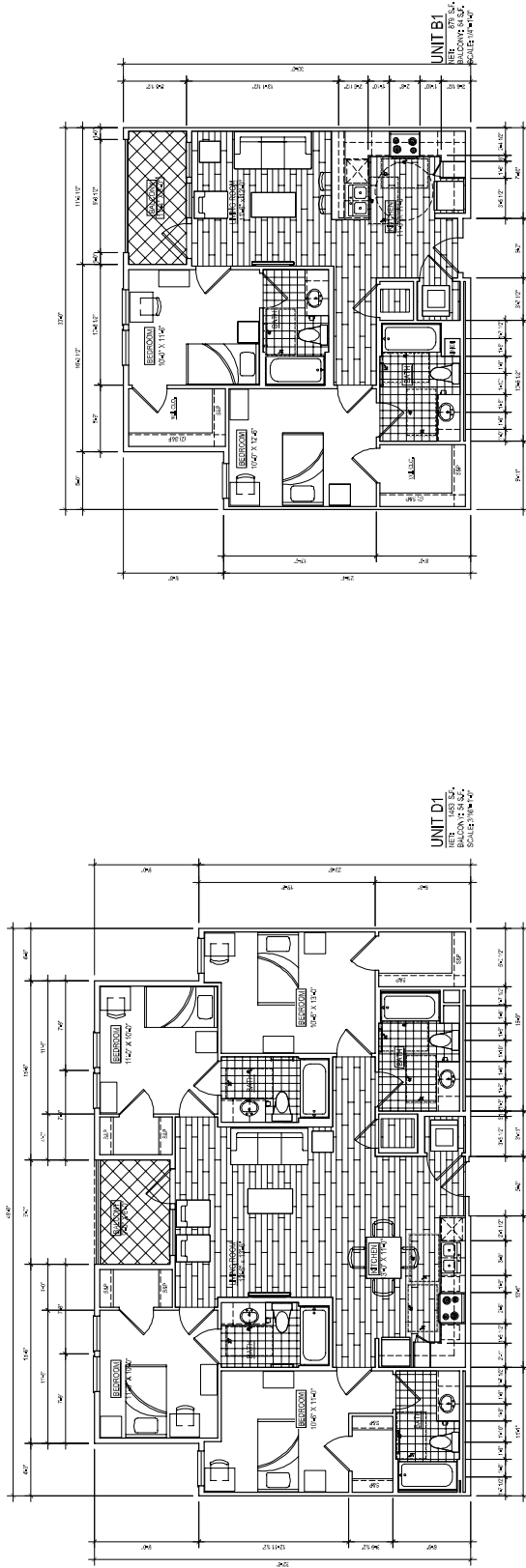


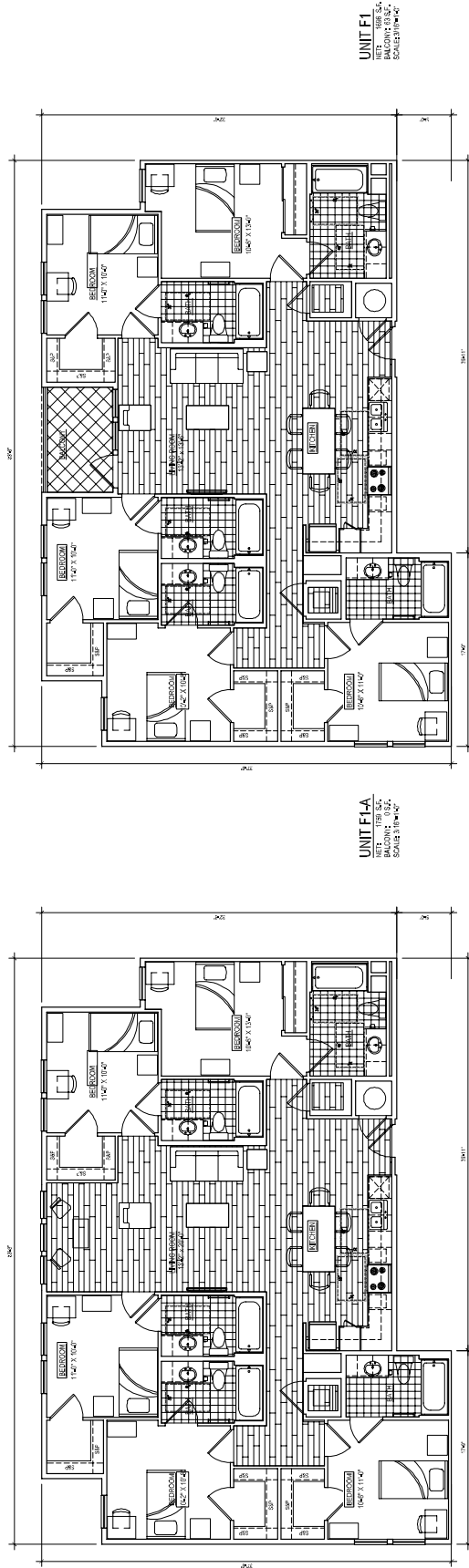


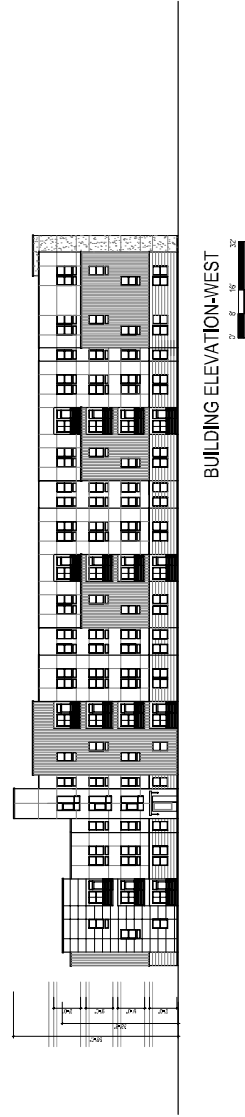
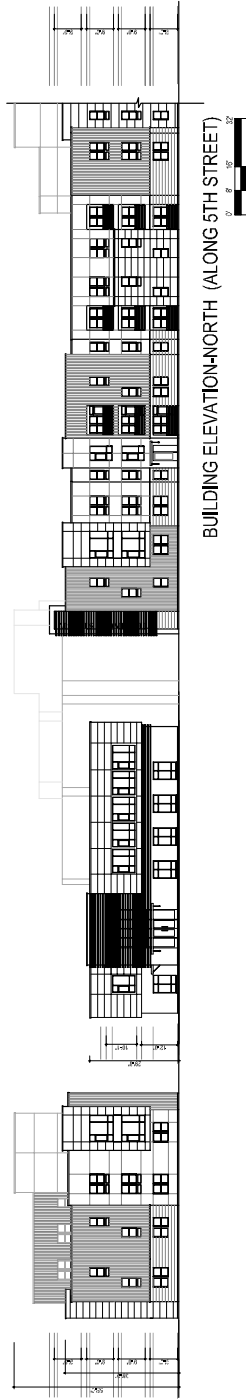
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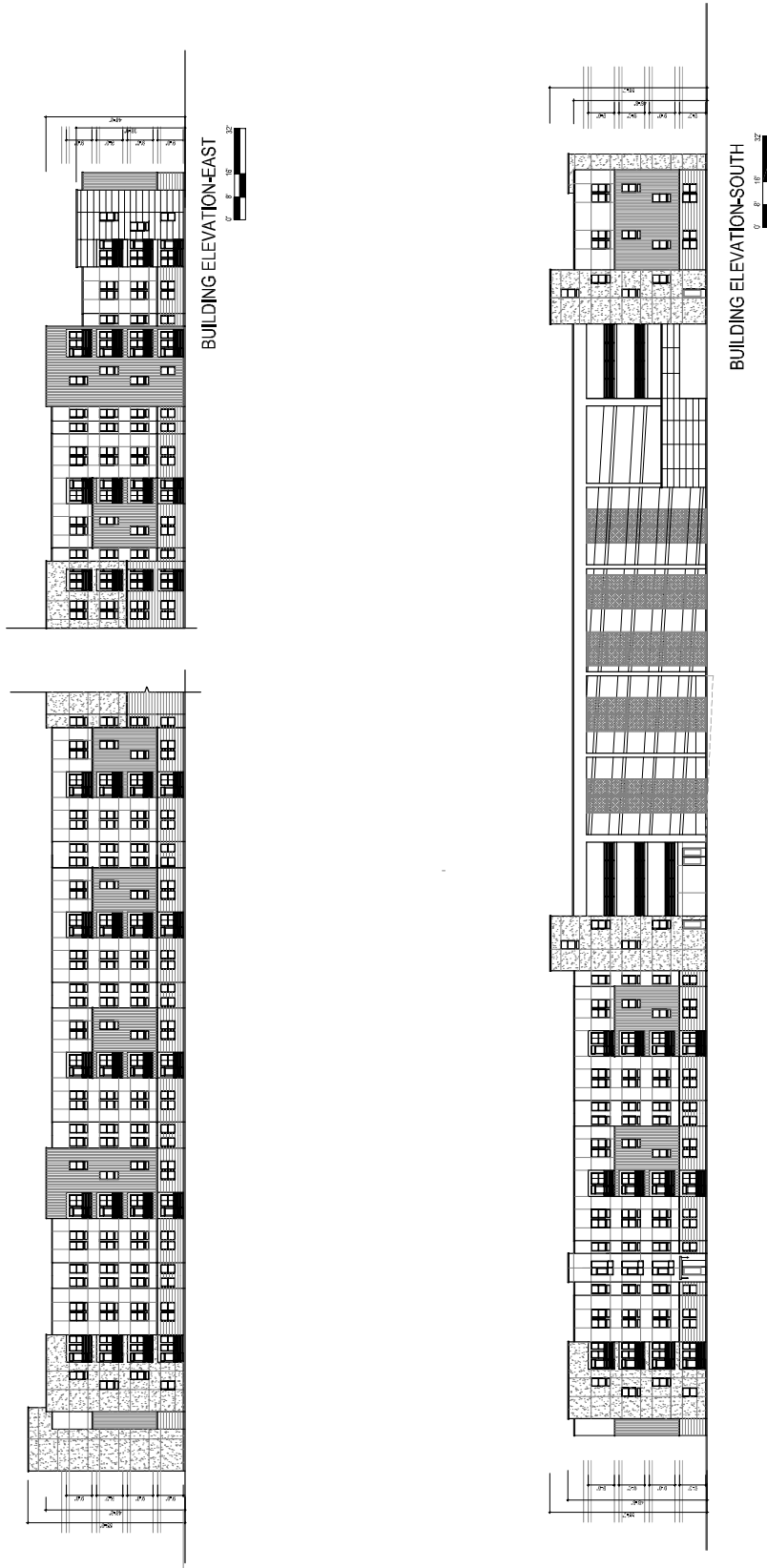


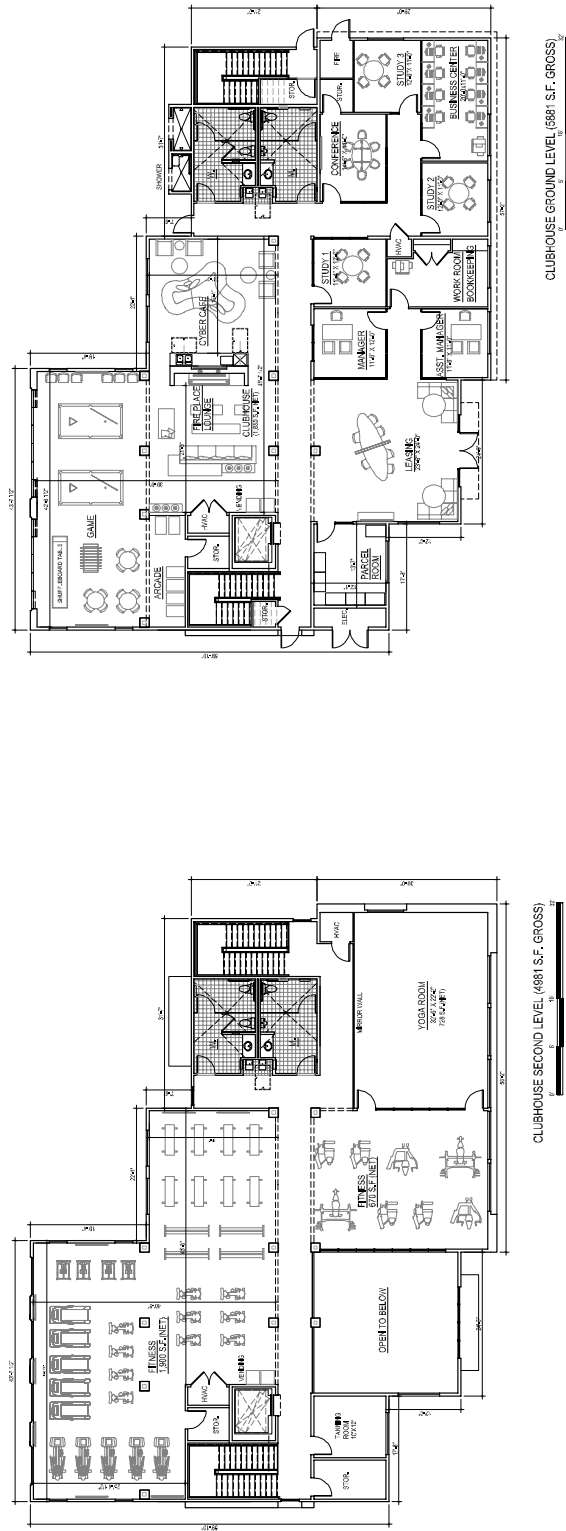
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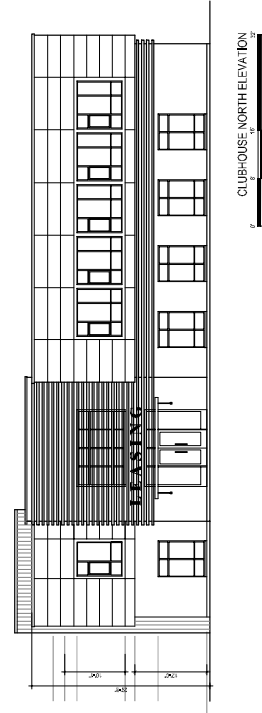
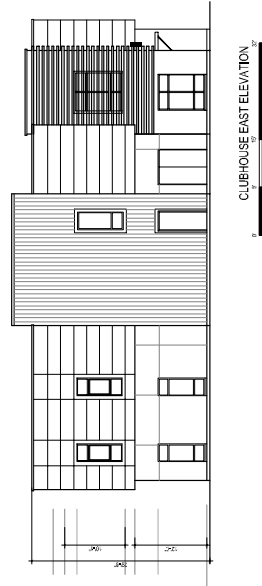
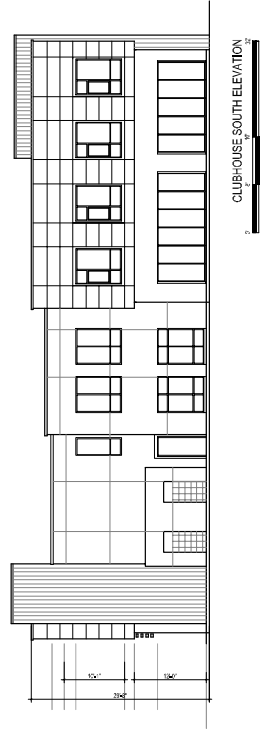
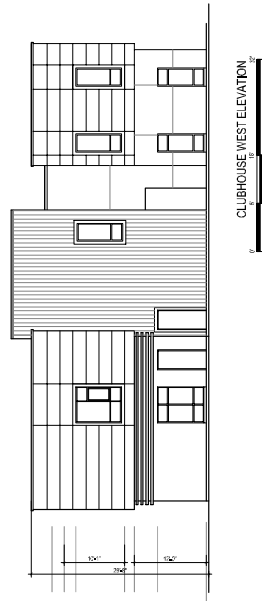






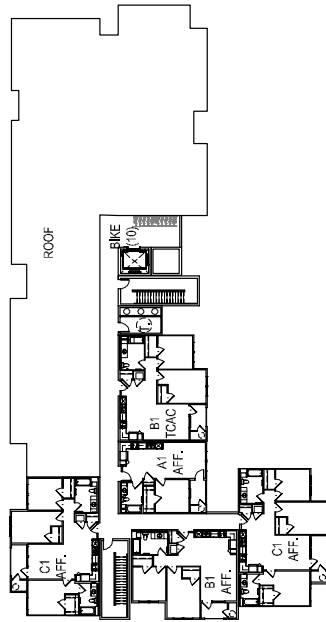




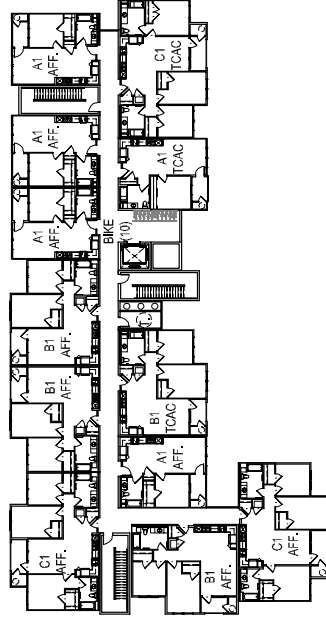


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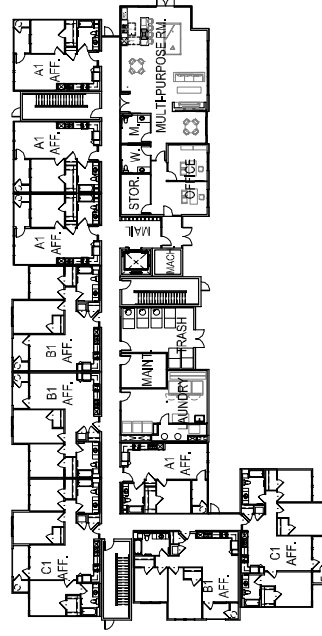




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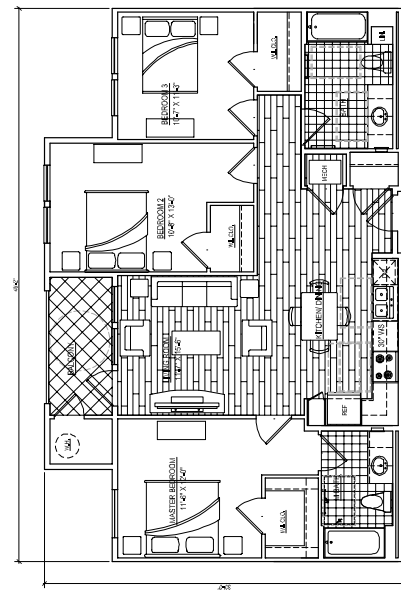
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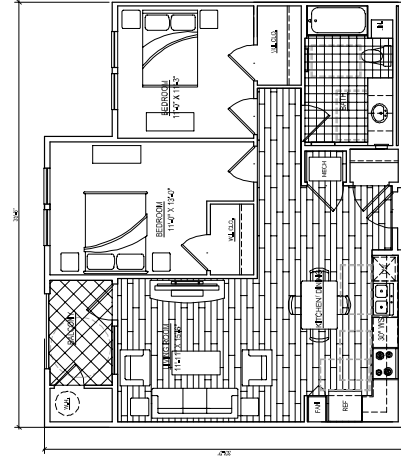
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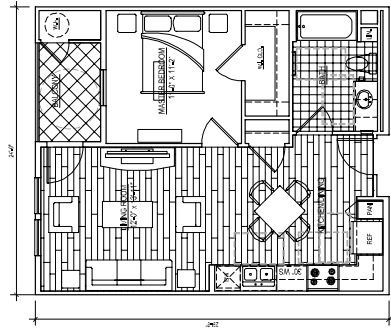
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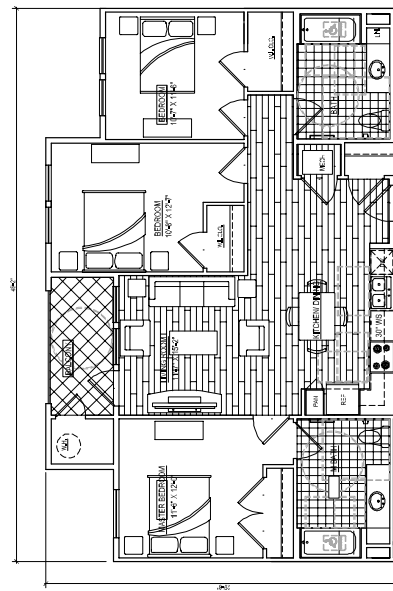
UNIT C1 AFFORD.  
 NET 951 S.F.  
 BUA 1,012 S.F.  
 SCALE 1/8" = 1'-0"



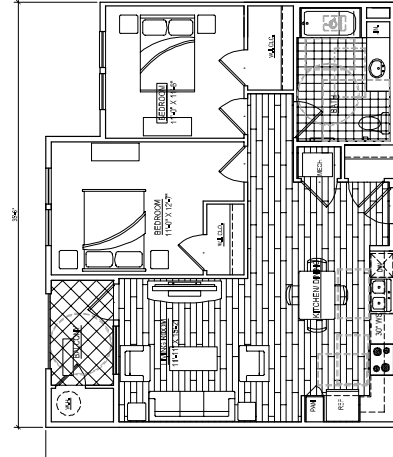
UNIT B1 AFFORD.  
 NET 951 S.F.  
 BUA 1,012 S.F.  
 SCALE 1/8" = 1'-0"



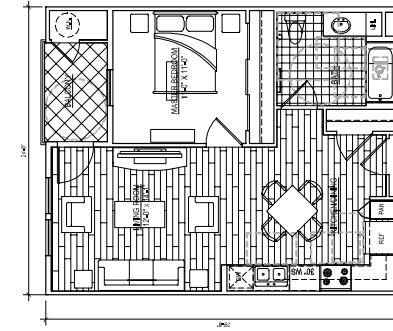
UNIT A1 AFFORD.  
 NET 951 S.F.  
 BUA 1,012 S.F.  
 SCALE 1/8" = 1'-0"



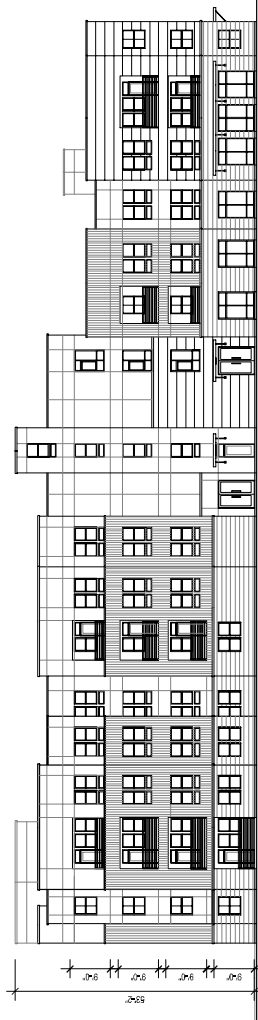
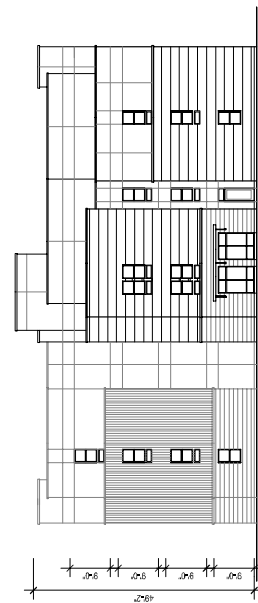
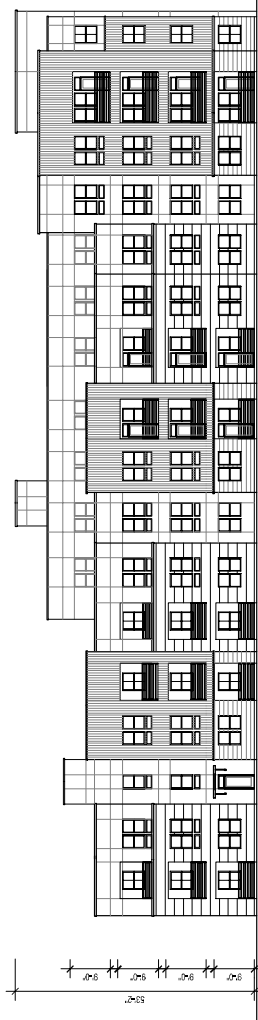
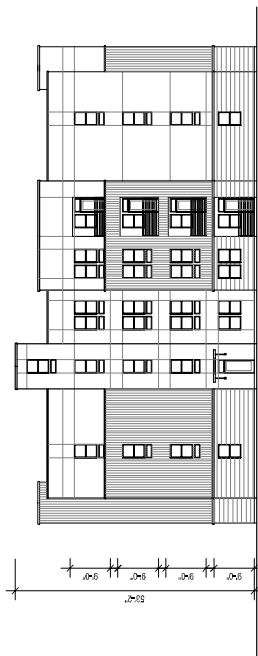
UNIT C1 TCAC  
 NET 951 S.F.  
 BUA 1,012 S.F.  
 SCALE 1/8" = 1'-0"



UNIT B1 TCAC  
 NET 951 S.F.  
 BUA 1,012 S.F.  
 SCALE 1/8" = 1'-0"



UNIT A1 TCAC  
 NET 951 S.F.  
 BUA 1,012 S.F.  
 SCALE 1/8" = 1'-0"



A-13





BUILDING ELEVATION NORTH (ALONG 5TH STREET)

BUILDING ELEVATION EAST







J. DUNN-EDWARDS  
NEW YORK - CALIFORNIA WHITE

## 2. OLUPA EDUWASOGE

J. DUANE EDWARDS  
DETROIT MODERNE CLUB4. CRUPP/2004/0035  
OBJ. 100. BL/UC/0035

**B. JAMES HARVEY VERTICAL, Siding  
NANJAO BEIGE**



Q. JAMES HADDE REVEAL, PANEL SYSTEM  
COUNTRYJANE REID



BUILDING ELEVATION-NORTH (ALONG 5TH STREET)



BUILDING ELEVATION-EAST



Building drivers in the road condition survey examples of what could be made and what progress has been made.

VISUAL SIMULATION: VIEW 1





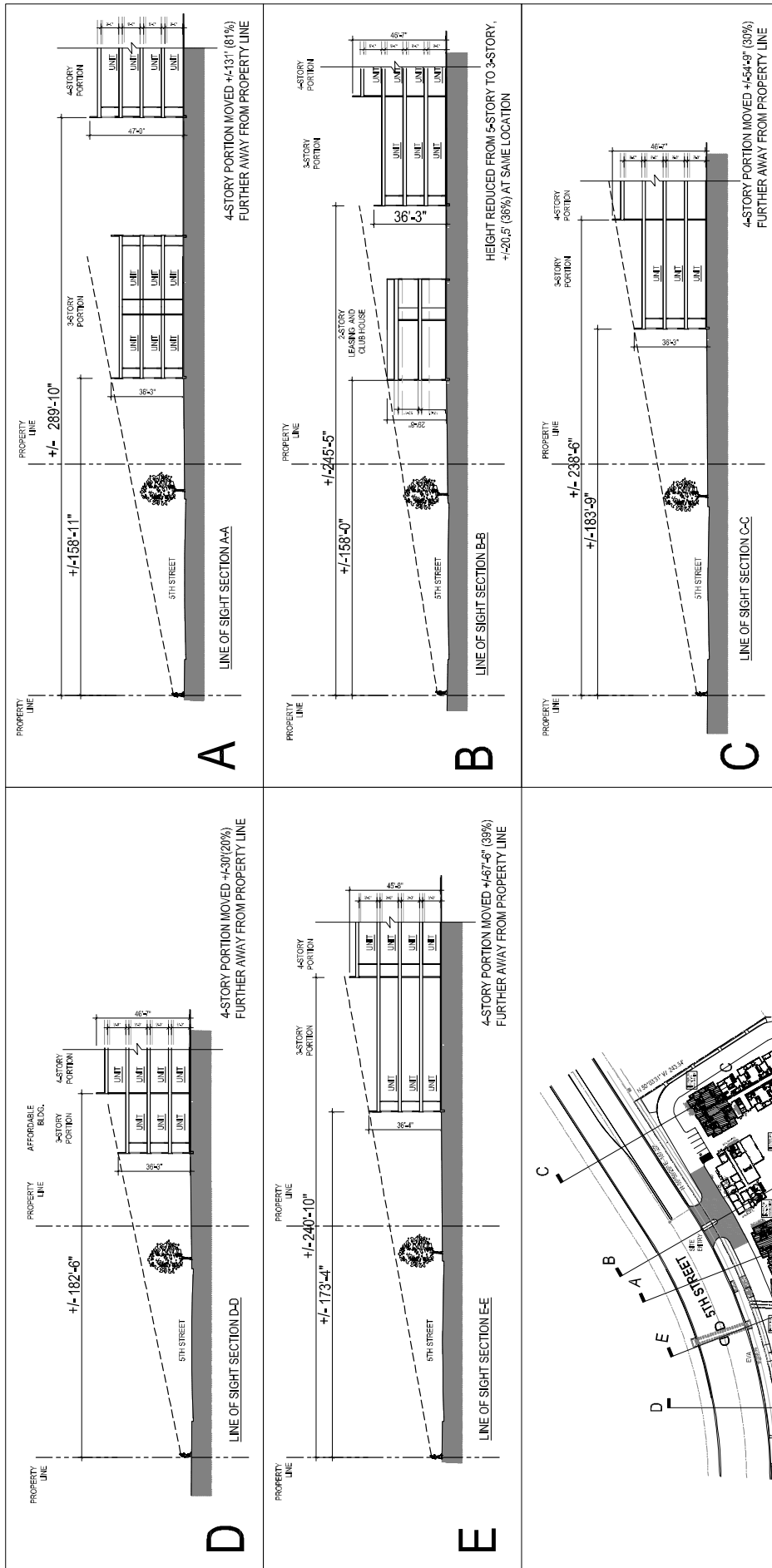




VISUAL SIMULATION: VIEW 2



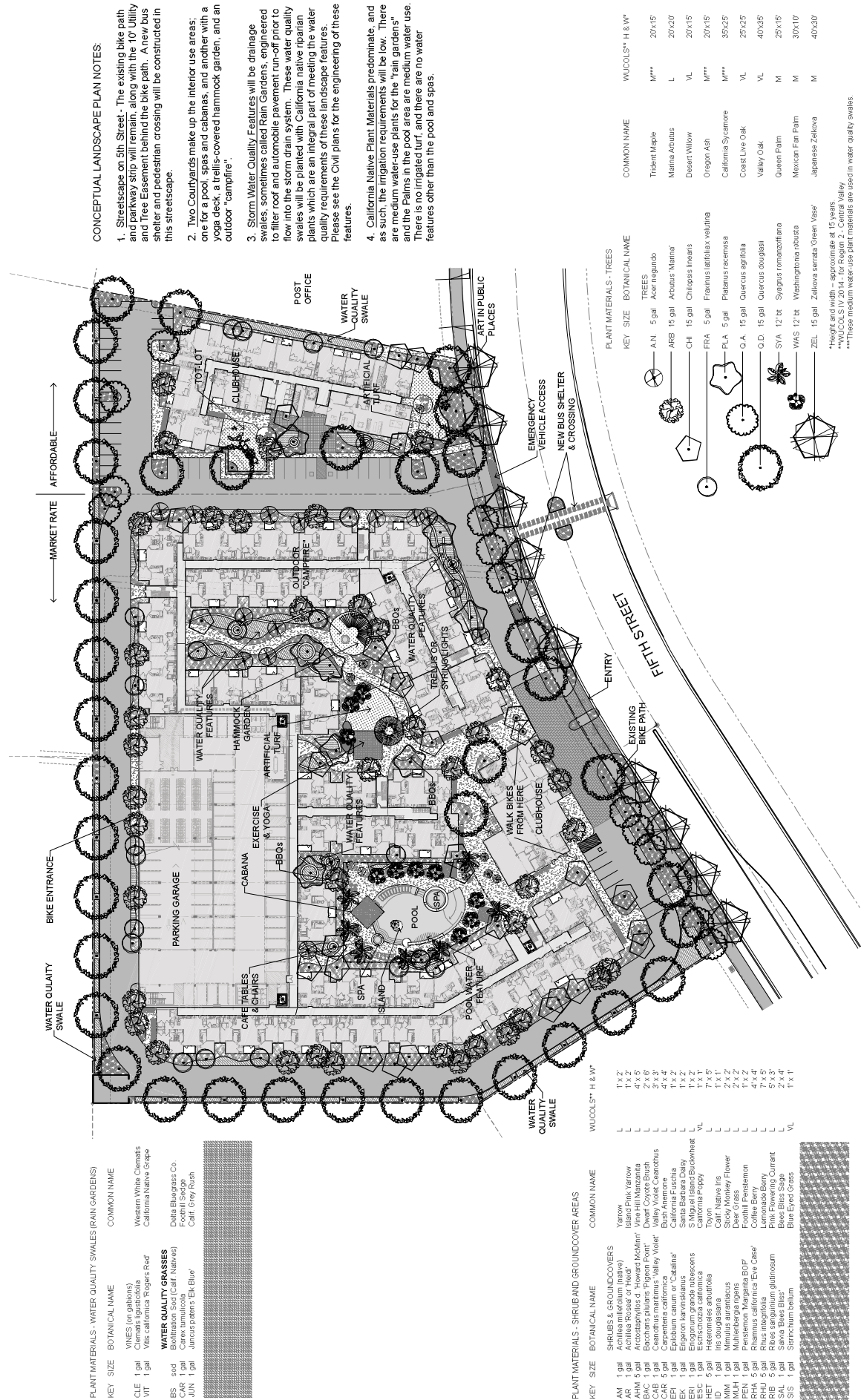
Building shown is a simulated visualization of what could be built and is not prepared for construction.



A-20







**STERLING 5th STREET APARTMENTS**

FOR  
DIN/CAL 3, INC.

**DEERING DESIGN**

SITE PLANNING  
LANDSCAPE ARCHITECTURE

2026 Carred St  
San Jose, CA 95128  
408.333.156.5256  
info@deeringdesign.com  
www.deeringdesign.com  
Voted LA #100

**DATES**

DATE	REVISION	BY	DATE	REVISION	BY
08/29/15	1	AD	11/28/15	1	AD
08/29/15	2	AD	02/24/16	1	AD
12/09/15	1	AD	03/02/16	1	AD
01/01/16	1	AD	04/06/16	1	AD

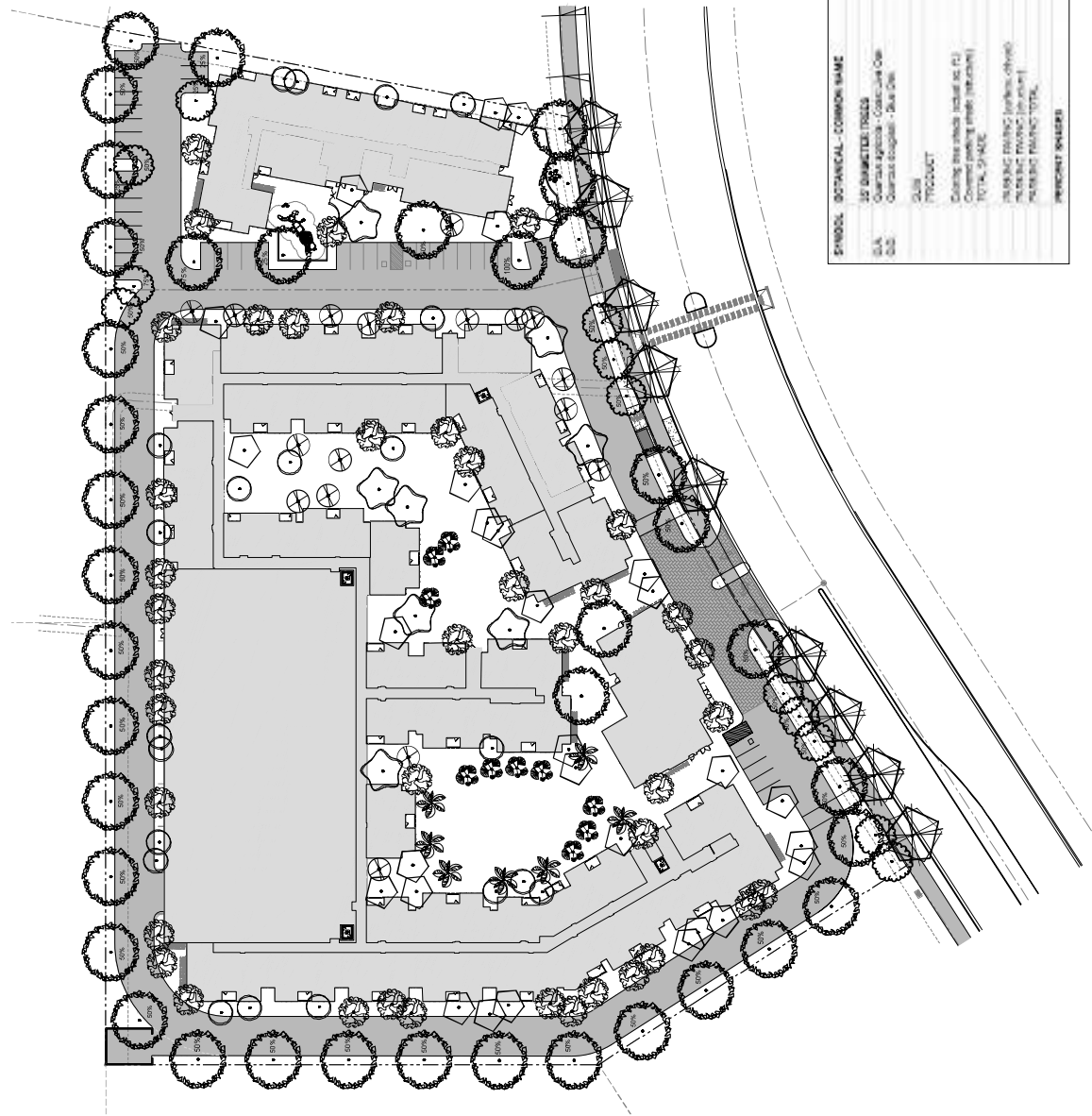
**LANDSCAPE CONCEPT**

SHEET NO. **L-1** OF **4**

**SCALE: 1"=30'**

**NORTH**





SPRINKLER	SECTIONAL - COMMON NAME	100%	75%	50%	25%	TOTAL SQ. FT.
10	10' DIAMETER TREES	1	1	1	1	1
11	11' DIAMETER TREES	1	1	1	1	1
12	12' DIAMETER TREES	1	1	1	1	1
13	13' DIAMETER TREES	1	1	1	1	1
14	14' DIAMETER TREES	1	1	1	1	1
15	15' DIAMETER TREES	1	1	1	1	1
16	16' DIAMETER TREES	1	1	1	1	1
17	17' DIAMETER TREES	1	1	1	1	1
18	18' DIAMETER TREES	1	1	1	1	1
19	19' DIAMETER TREES	1	1	1	1	1
20	20' DIAMETER TREES	1	1	1	1	1
21	21' DIAMETER TREES	1	1	1	1	1
22	22' DIAMETER TREES	1	1	1	1	1
23	23' DIAMETER TREES	1	1	1	1	1
24	24' DIAMETER TREES	1	1	1	1	1
25	25' DIAMETER TREES	1	1	1	1	1
26	26' DIAMETER TREES	1	1	1	1	1
27	27' DIAMETER TREES	1	1	1	1	1
28	28' DIAMETER TREES	1	1	1	1	1
29	29' DIAMETER TREES	1	1	1	1	1
30	30' DIAMETER TREES	1	1	1	1	1
31	31' DIAMETER TREES	1	1	1	1	1
32	32' DIAMETER TREES	1	1	1	1	1
33	33' DIAMETER TREES	1	1	1	1	1
34	34' DIAMETER TREES	1	1	1	1	1
35	35' DIAMETER TREES	1	1	1	1	1
36	36' DIAMETER TREES	1	1	1	1	1
37	37' DIAMETER TREES	1	1	1	1	1
38	38' DIAMETER TREES	1	1	1	1	1
39	39' DIAMETER TREES	1	1	1	1	1
40	40' DIAMETER TREES	1	1	1	1	1
41	41' DIAMETER TREES	1	1	1	1	1
42	42' DIAMETER TREES	1	1	1	1	1
43	43' DIAMETER TREES	1	1	1	1	1
44	44' DIAMETER TREES	1	1	1	1	1
45	45' DIAMETER TREES	1	1	1	1	1
46	46' DIAMETER TREES	1	1	1	1	1
47	47' DIAMETER TREES	1	1	1	1	1
48	48' DIAMETER TREES	1	1	1	1	1
49	49' DIAMETER TREES	1	1	1	1	1
50	50' DIAMETER TREES	1	1	1	1	1
51	51' DIAMETER TREES	1	1	1	1	1
52	52' DIAMETER TREES	1	1	1	1	1
53	53' DIAMETER TREES	1	1	1	1	1
54	54' DIAMETER TREES	1	1	1	1	1
55	55' DIAMETER TREES	1	1	1	1	1
56	56' DIAMETER TREES	1	1	1	1	1
57	57' DIAMETER TREES	1	1	1	1	1
58	58' DIAMETER TREES	1	1	1	1	1
59	59' DIAMETER TREES	1	1	1	1	1
60	60' DIAMETER TREES	1	1	1	1	1
61	61' DIAMETER TREES	1	1	1	1	1
62	62' DIAMETER TREES	1	1	1	1	1
63	63' DIAMETER TREES	1	1	1	1	1
64	64' DIAMETER TREES	1	1	1	1	1
65	65' DIAMETER TREES	1	1	1	1	1
66	66' DIAMETER TREES	1	1	1	1	1
67	67' DIAMETER TREES	1	1	1	1	1
68	68' DIAMETER TREES	1	1	1	1	1
69	69' DIAMETER TREES	1	1	1	1	1
70	70' DIAMETER TREES	1	1	1	1	1
71	71' DIAMETER TREES	1	1	1	1	1
72	72' DIAMETER TREES	1	1	1	1	1
73	73' DIAMETER TREES	1	1	1	1	1
74	74' DIAMETER TREES	1	1	1	1	1
75	75' DIAMETER TREES	1	1	1	1	1
76	76' DIAMETER TREES	1	1	1	1	1
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79	79' DIAMETER TREES	1	1	1	1	1
80	80' DIAMETER TREES	1	1	1	1	1
81	81' DIAMETER TREES	1	1	1	1	1
82	82' DIAMETER TREES	1	1	1	1	1
83	83' DIAMETER TREES	1	1	1	1	1
84	84' DIAMETER TREES	1	1	1	1	1
85	85' DIAMETER TREES	1	1	1	1	1
86	86' DIAMETER TREES	1	1	1	1	1
87	87' DIAMETER TREES	1	1	1	1	1
88	88' DIAMETER TREES	1	1	1	1	1
89	89' DIAMETER TREES	1	1	1	1	1
90	90' DIAMETER TREES	1	1	1	1	1
91	91' DIAMETER TREES	1	1	1	1	1
92	92' DIAMETER TREES	1	1	1	1	1
93	93' DIAMETER TREES	1	1	1	1	1
94	94' DIAMETER TREES	1	1	1	1	1
95	95' DIAMETER TREES	1	1	1	1	1
96	96' DIAMETER TREES	1	1	1	1	1
97	97' DIAMETER TREES	1	1	1	1	1
98	98' DIAMETER TREES	1	1	1	1	1
99	99' DIAMETER TREES	1	1	1	1	1
100	100' DIAMETER TREES	1	1	1	1	1

SCALE: 1"=30'

NORTH

PARKING LOT SHADE

SHEET NO. L-2 OF 4

# STERLING 5th STREET APARTMENTS

2100 5th Street  
San Jose, California

FOR  
DIN/CAL 3, INC.

DATES	02/03/16
02/03/16	02/03/16
02/03/16	02/03/16
02/03/16	02/03/16
02/03/16	02/03/16

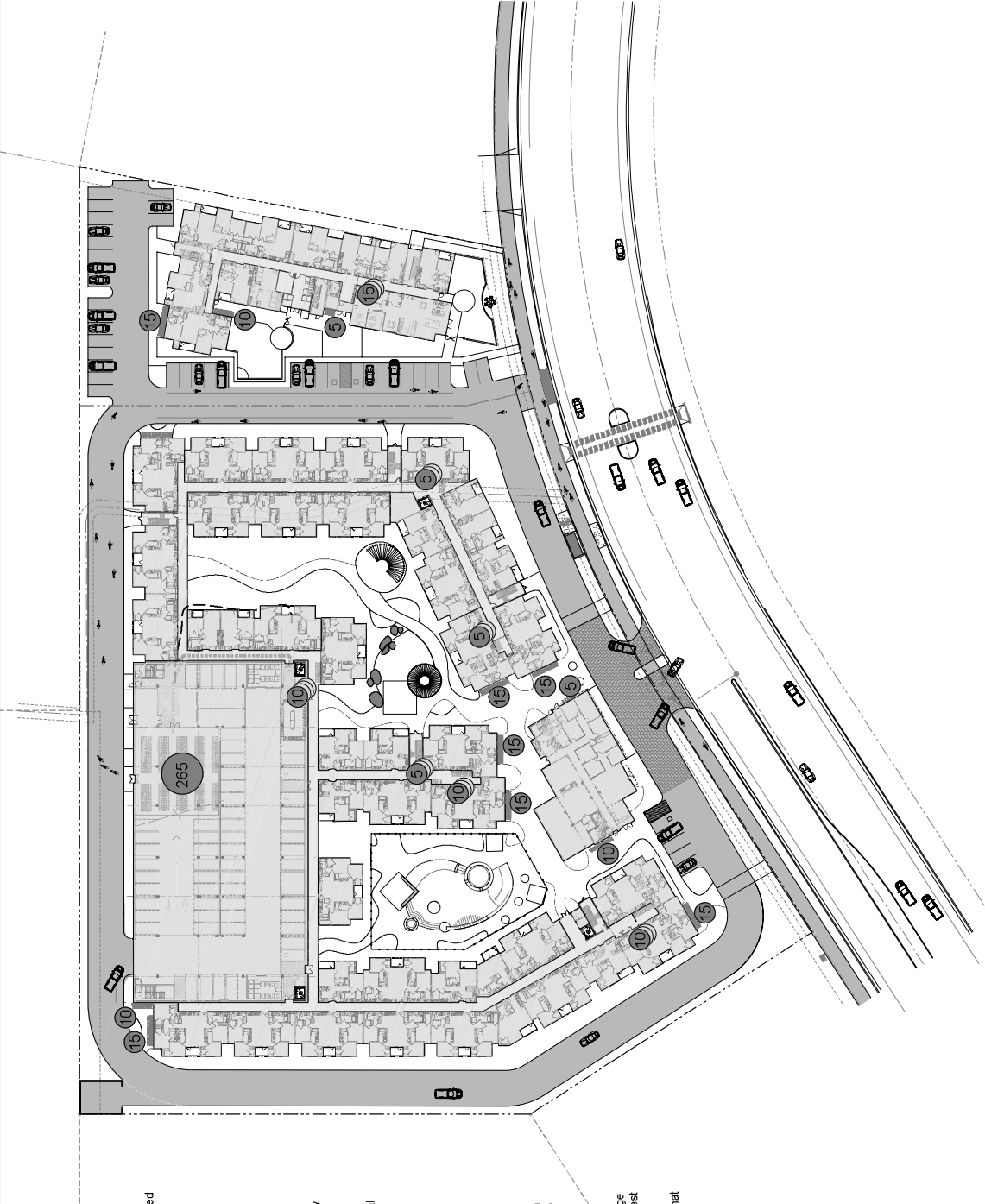
DEERING DESIGN  
3036 Camino de  
Santo Domingo  
San Jose, CA 95128  
408.263.1111  
www.deeringdesign.com

#### BIKE PARKING

- The Market Rate bike parking facilities are distributed throughout the buildings, near entrances to the buildings, and in the parking garage.
- Within the buildings, off the interior hallways near units on each floor. Numbers of racks are shown nearby - stacks indicate how many floors have matching storage.
- Near building entrances, racks provide convenient ground-level parking.
- In the garage, centrally located and secured. Easy access to a centrally located elevator.
- The Affordable project has bike parking within the building on the upper floors locations near the central elevator (not shown here because this is the ground floor plan).

#### BIKE CIRCULATION

- The 5th Street separated bike path will be the primary route from both projects to shopping, Downtown and UC Davis.
- The Emergency Vehicle Access (EVA) entry off 5th Street will act as the primary route through project to bike parking facilities.
- The site plan encourages bike and auto traffic to access parking facilities on opposite sides of the project. Autos will primarily access the parking garage from the East drive, while bikes will likely use the West drive.
- The West Drive (EVA) will be striped for bikes so that autos are aware of and expect regular bike traffic.

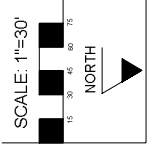


DEERING DESIGN  
SITE PLANNING  
LANDSCAPE ARCHITECTURE  
20366 Camino 25  
Suite 100  
San Jose, CA 95131  
Tel: 408.261.8256  
Fax: 408.261.8257  
www.deeringdesign.com  
info@deeringdesign.com  
Voted L.A. #100

DATES	
03/20/16	△
03/20/16	△
04/01/16	△
04/01/16	△
03/07/17	△

## STERLING 5th STREET APARTMENTS

2100 5th Street  
San Jose, California  
FOR  
DINICAL 3, INC.



BIKE PARKING  
& CIRCULATION  
SHEET NO.  
L-3  
OF  
4



**DEERING DESIGN**  
SITE PLANNING  
URBAN DESIGN  
LANDSCAPE ARCHITECTURE


26356 Carmelito St.  
Carmel, CA 93922  
5301 756-9395  
paul@deeringdesign.com  
www.deeringdesign.com  
Calif. LA #1972  
Nevada LA #151

DATES	
02/23/16	Δ
03/07/17	Δ
	Δ
	Δ

## STERLING 5th STREET APARTMENTS

2100 5th Street  
Daly City, California

SCALE: 1"=30'

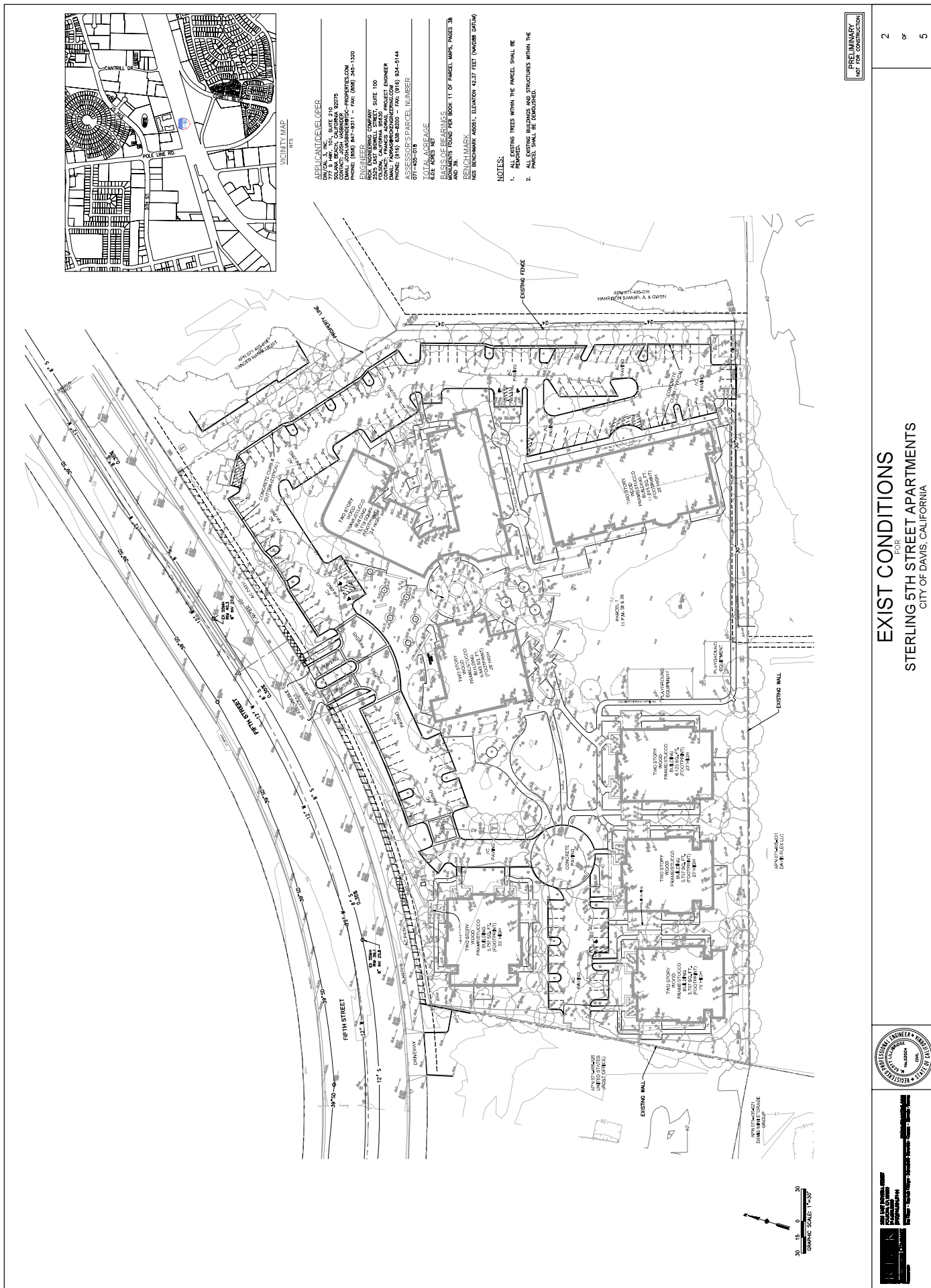


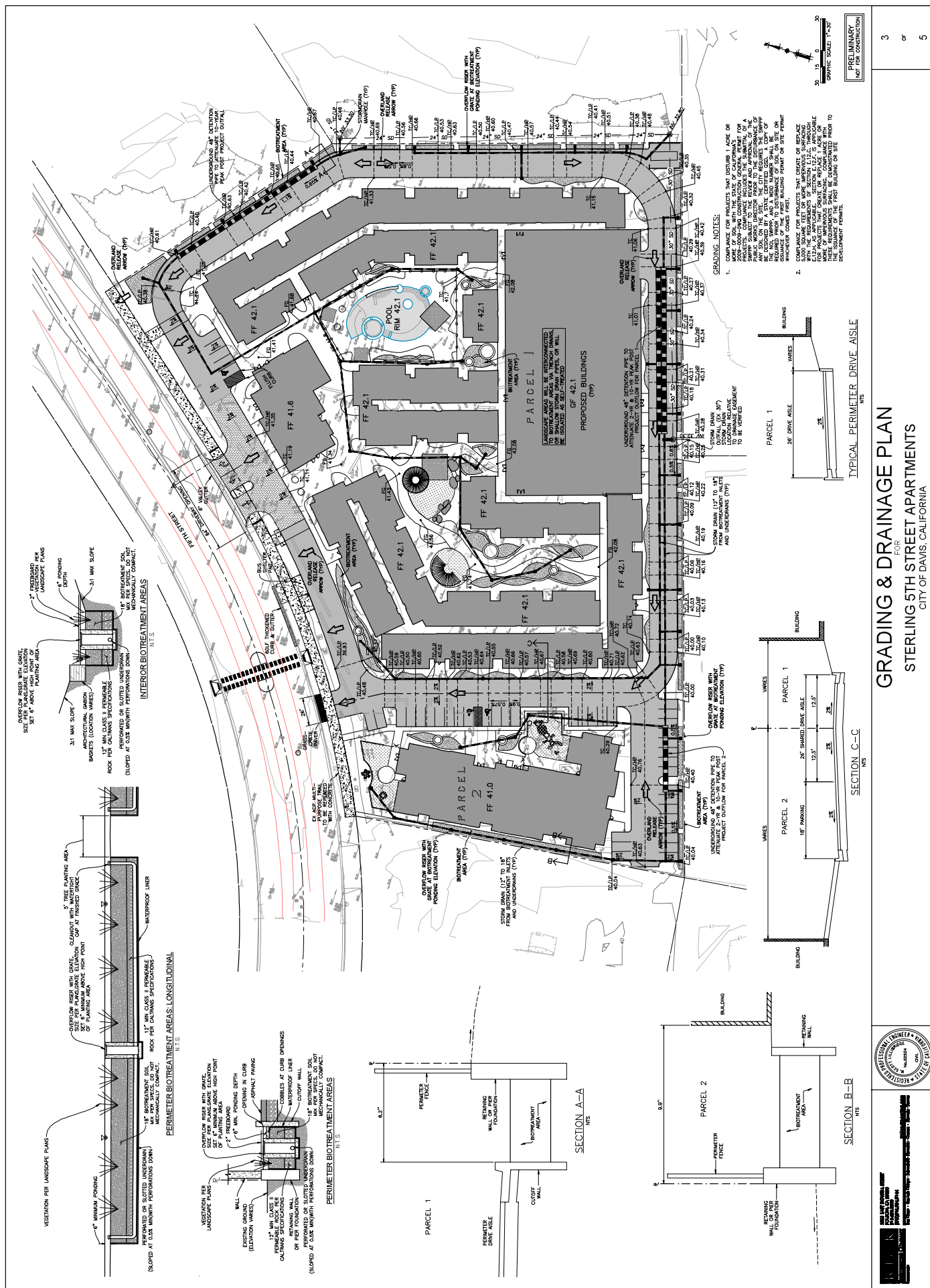
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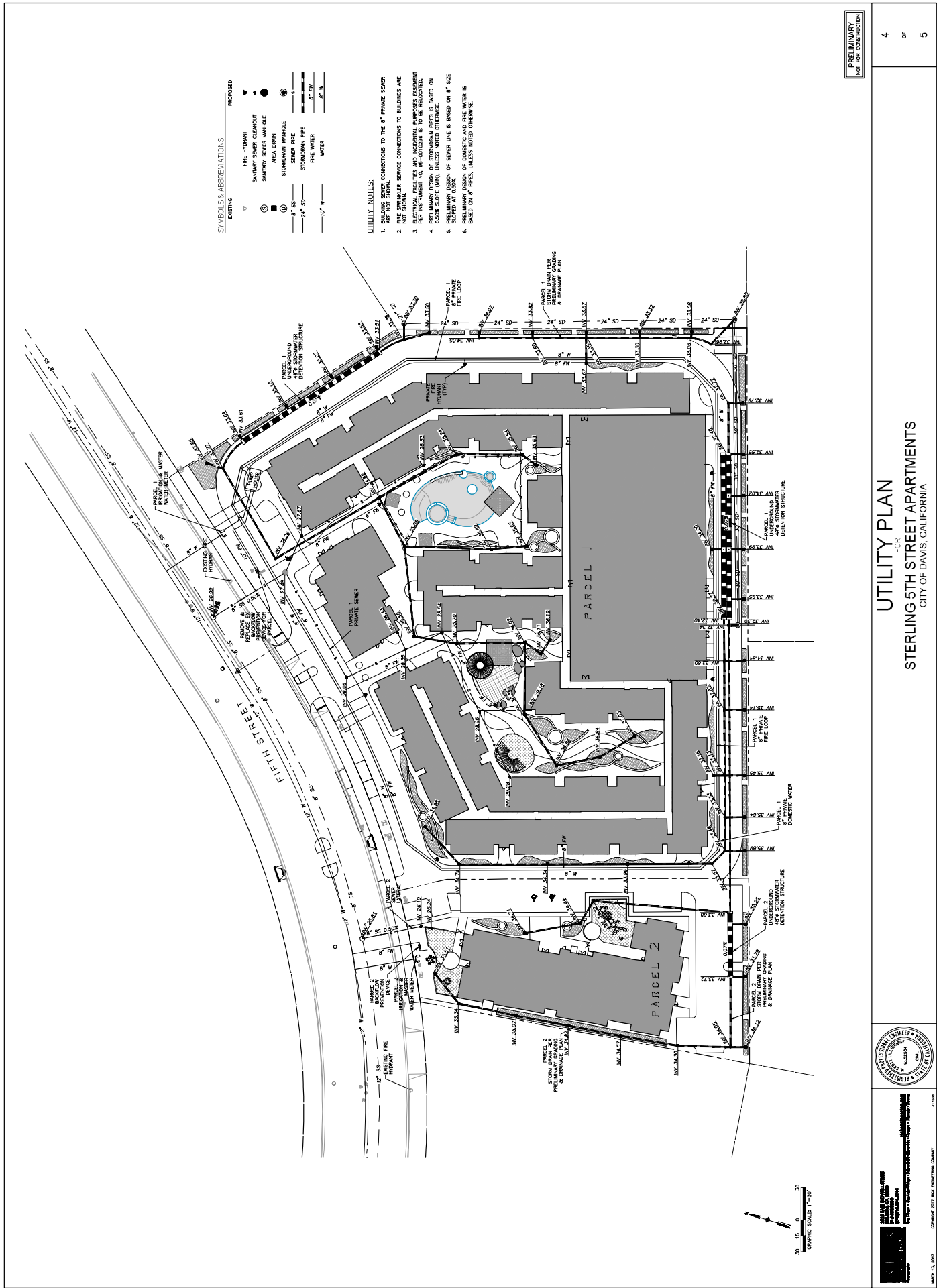
NORTH



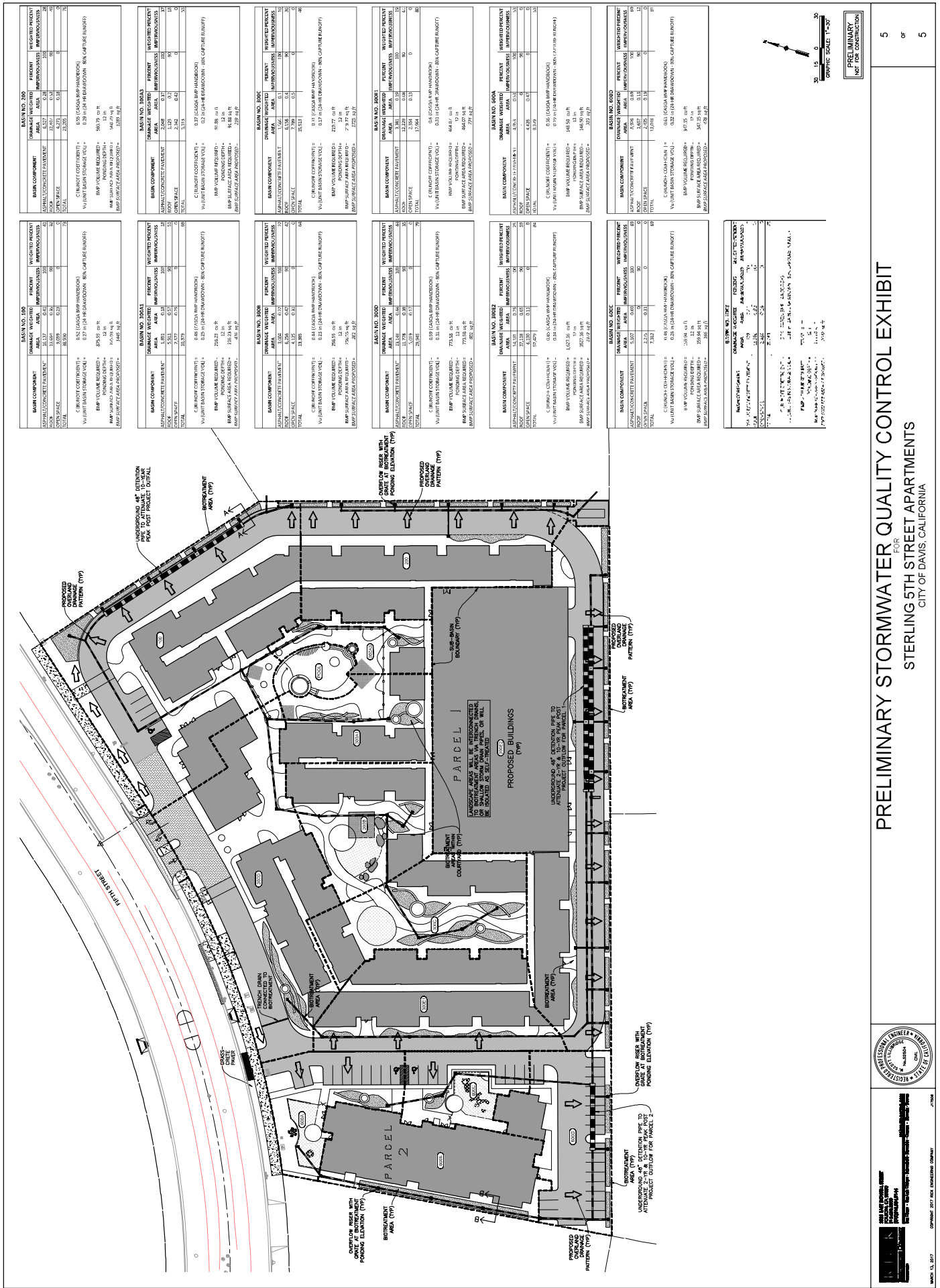












PRELIMINARY STORMWATER QUALITY CONTROL EXHIBIT  
FOR  
STERLING 5TH STREET APARTMENTS  
CITY OF DAVIS, CALIFORNIA

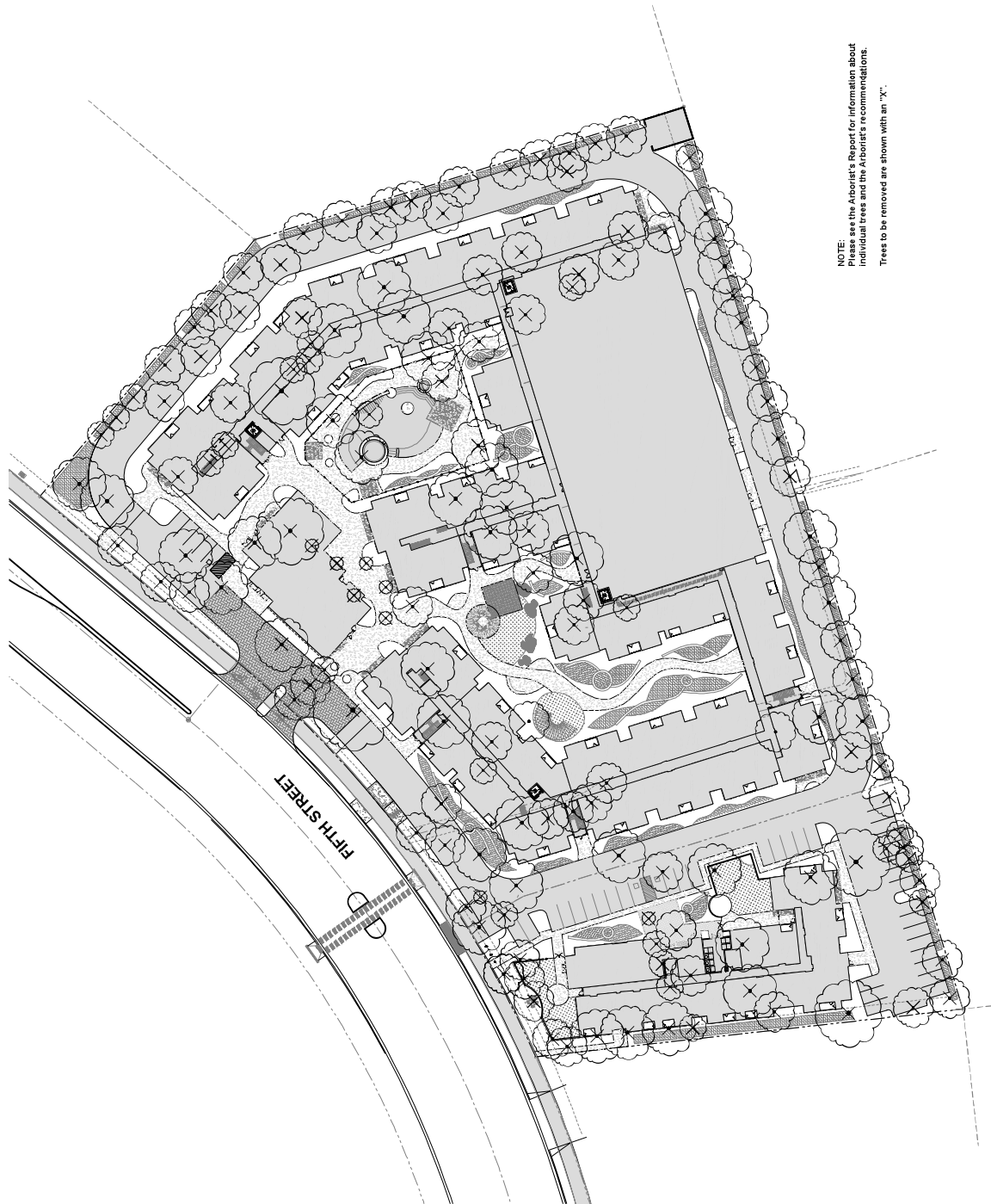
5  
of  
5



DAVID L. SMITH  
PROFESSIONAL ENGINEER  
10000  
STATE OF CALIFORNIA  
04/18/17

PRELIMINARY  
NOT FOR CONSTRUCTION

GRAPHIC SCALE 1"=50'



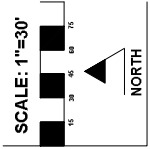
NOTE:  
Please see the Arborist's Report for information about  
individual trees and the Arborist's recommendations.  
Trees to be removed are shown with an "X".

DATES	
REVISION	DATE
1	08/20/15
2	08/19/16
3	01/09/17
4	
5	

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SITE PLANNING  
LANDSCAPE ARCHITECTURE  
20305 Canfield St.  
Cypress, TX 77429  
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Deering Design is an Equal Opportunity Employer  
Houston, TX 77058

## STERLING 5th STREET APARTMENTS

27416 9th Street  
Dallas, California  
FOR  
DIN/CAL 3, INC.



EXISTING TREES  
SHEET NO. **E** OF 1



**City of Davis**  
**Social Services Commission Meeting Minutes**  
**Community Chambers, 23 Russell Boulevard, Davis, CA 95616**  
**Monday, January 25, 2016**  
**7:00 P.M.**

Commission Members Present: Claire Goldstene, Donald Kalman, Ann Privateer,  
Bernita Toney, R. Matthew Wise (Chair)

Absent: Mindy Romero, Tracey Tomasky

Staff Present: Danielle Foster, Housing and Human Services Superintendent  
Adrienne Heinig, Administrative Aide  
Eric Lee, Assistant Planner II

Public Present: Josh Vasbinder, Don Sherman, Evelyn Prall, Nancy Redpath, Matt  
Williams, Rachel Iskow

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**1. Call to Order & Roll Call**

The meeting was called to order at 7:05 p.m. by Chairperson Wise.

**2. Approval of Agenda**

Commissioner Goldstene moved to approve the agenda. Commissioner Kalman seconded this, and the motion passed unanimously.

**3. Brief Announcements from Staff, Commissioners, and Liaisons**

Staffperson Foster provided updates on the following topics:

1. Pacifico affordable housing rehabilitation project financing
2. City Council affordable housing workshop has been rescheduled
3. The RFP for CDBG and HOME grants has been released, and the required applicant workshop was held on January 12, 2016
4. The New Pathways project will be opening soon
5. Fair Housing staff are working with the Police Department and UCD staff on tracking recent cases of housing fraud

Mayor Protempore Davis provided an update to the Commission on recent work with the Police Department and the Yolo County district attorney's office on a restorative justice diversion program for transitioning foster youth.

**4. Public Comment**

None.

**5. Consent Calendar**

**A. Approval of Minutes - November 16, 2015**

Commissioner Kalman moved to approve the minutes of November 16, 2015. This action was seconded by Commissioner Privateer. The motion passed, with Chairperson Wise abstaining due to his absence.

**B. Approval of Minutes - December 17, 2015**

Commissioner Goldstene voiced concerns that the minute record for the meeting on December 17, 2015 did not accurately reflect the full conversation Commissioners had when discussing the affordable housing ordinance revisions. She requested language be included in the record to demonstrate the Commission review of the consultant report on the feasibility of affordable housing requirements for stacked flat and mixed-use developments to better demonstrate how the recommendations had been reached.

Commissioner Goldstene then moved to approve the minutes of December 17, 2015 with this correction. This action was seconded by Commissioner Kalman. The motion passed, with Commissioner Toney abstaining due to her absence.

**6. Regular Items**

**A. 2100 Fifth Street Affordable Housing Plan**

Staffperson Foster introduced Eric Lee, Assistant Planner II in the city's Community Development Department, as well as the project developer for the site at 2100 Fifth Street, and representatives from Mutual Housing California to begin the presentation on the Sterling Fifth Street Apartments affordable housing plan. Staffperson Eric Lee stated that the developers have been in ongoing discussions with city staff as to how best incorporate the affordable housing requirements for this project. The result has been a hybrid affordable housing plan, with a portion of the requirement paid in in-lieu fees, and a portion covered by a separate 41-unit fully affordable project adjacent to the market-rate complex. The plan allows for greater affordability within the affordable rental component, with units aimed at 35-60% of Area Median Income (AMI). Project developer Josh Vashbinder with the Dinerstein Companies spoke briefly on the project, highlighting the creative ways the project intends to provide affordable housing, and introduced the developer of the affordable project, Mutual Housing California, as an agency with a long history of successful affordable housing projects, specifically projects in Davis.

This item was opened for public comment, and the following comments were received:

- Don Sherman asked the Commission for more time to review the report before they make decisions on the project, and provided written communication from a neighbor, Judy Fischette. Both were concerned with having affordable housing for families so close to a site with housing focused towards students. Mr. Sherman voiced concerns about the behavior of students, the noise and activity levels, and the volume of cars both using 5<sup>th</sup> Street and needing parking at the site.
- Evelyn Prall spoke to the Commission to ask that the site be preserved as a place of service, specifically for the treatment of mental health issues. She voiced concerns that the buildings were new, and in good shape, and should not be bulldozed, as well as concerns about the market-rate site density and traffic issues resulting from having so many new units.

- Nancy Redpath stated the planned project was too dense, and the development was outside of established general plan guidelines. She was also concerned that the affordable units onsite may not serve the population of greatest need.
- Matt Williams voiced his concerns about having families live adjacent to a large number of students, and encouraged the commission to recommend measures to incentivize reduction of cars to mitigate traffic impacts and lesson parking concerns. He also spoke in favor of the project's intended residents, stating the target demographic is most in need of housing and the project addresses key issues. He cautioned however that the projects do need to be more sensitive to the impacts on the people of Davis.

Following public comment, the Commission discussed the item. Staffperson Foster clarified some items brought up during public comment, including income qualifications, services planned to be provided at the affordable housing site, and reiterated that the discussions on developing the site are in early stages and there will still be time in the process for the public to comment, including at the Planning Commission and City Council.

When asked why the site would offer extremely low income units when another site being developed also offers extremely low income units, Staffperson Foster responded there is a significant need for deeply subsidized housing but the units are difficult to develop, and are costly to operate. Developing these units, wherever possible, contributes to filling the local gap between supply and demand.

Commissioner Kalman asked if residents of the affordable housing site would be able to access amenities of the market rate complex next door, and was concerned an agreement had not been reached between the developer of the market project and the affordable housing project to share amenities, where possible. There was also discussion of the traffic issues anticipated from such a large development, and the prior successes of affordable housing mixed with student housing in other projects in town. Commissioners agreed it was not the mix of students and affordable housing which caused concern, rather the density of the site and the volume of student-focused housing so close to families served by affordable rental housing. Mayor Protempore Davis added that although the complex is focused on student housing, workforce housing needs could also be met through the site, as there is not limitation to students.

During this discussion, Chairperson Wise moved, seconded by Commissioner Kalman, to approve staff recommendations 3A and 3C in the staff report, and to request the remaining items be brought back for further consideration. This motion failed on a 2-3 vote, with Wise and Kalman for, and Goldstene, Toney and Privateer against. Commissioner Goldstene asked about the possibility the payment of in-lieu fees for the entire affordable housing obligation for the site, and Commissioner Kalman asked for more information on how the students and affordable housing tenants would interact and share amenities.



Chairperson Wise then moved, seconded by Commissioner Kalman, to approve staff recommendations 3A and 3C, taking into account all comments made on the project during the discussion, and to recommend steps be taken to mitigate any traffic issues effecting the affordable housing project to the extent that programs can be used to encourage the reduction of car use. This motion passed 4-1, with Commissioner Goldstene dissenting.

**7. Commission and Staff Communications**

**A. Social Services Commission Workplan**

Staffperson Foster reminded the Commission that the next meeting will be the CDBG and HOME funding recommendations meeting on March 21, 2016.

**8. Adjourn**

Commissioner Kalman made a motion to adjourn the meeting, seconded by Commissioner Privateer. The motion passed unanimously. The meeting ended at 9:18 p.m.

Respectively Submitted by,

Danielle Foster  
Housing and Human Services Superintendent



**Senior Citizen Commission  
Meeting Minutes  
Community Chambers at City Hall, 23 Russell Blvd  
Thursday, June 9, 2016  
2:30 p.m.**

Commission Members Present: Evelyn Mendez-Choy (Chair), Patricia Quinn (Vice Chair), Janet Regnell, Margot Loschke, Diane Moore, Tom Powers, Bill Powell (Alternate) Tom Garberson (Alternate)

Commission Members Absent: Donald Neville

Council Liaison Present: None

Public Present: Residents from Rancho Yolo

Staff Present: Maria Lucchesi, Community Services Supervisor  
Eric Lee, Planner

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PLEASE NOTE: The numerical order of discussion items on this agenda is for convenience of reference. Items may be taken out of order upon request of the City staff or Commission members.

*The meeting of the June 9,, 2016, Senior Citizen Commission was called to order by Chair E. Mendez at 2:35 p.m.*

**1. Approval of Agenda**

*It was moved by Commissioner Loschke, and seconded by Commissioner Powell to approve the Agenda. Motion passed unanimously.*

**2. Approval of Meeting Minutes from April 14, 2016**

*It was moved by Commissioner Powell, and seconded by Commissioner Quinn, to approve the Minutes. Motion passed unanimously.*

**3. Brief Announcements from Staff, Commissioners, and Liaisons**

*Staff provided a brief update to Commissioners on Senior Services Endowment Fund balance and, timeshare presentation by Yolo County District Attorney's Office and city memo still under review..*

**4. Sterling Davis Fifth Street Apartments-2100 Fifth Street**

*Public Comment: Rancho Yolo residents expressed concerns with density, traffic impacts, and*

*projects proximity to nearby senior housing developments. The general consensus by commissioners was that the size of Sterling Development “lacked desirability and harmony with the character of the surrounding neighborhood.” Also expressed was a concern that the senior residences with a combined population of 500 seniors (Eleanor Roosevelt Circle, Carlton Plaza, and Rancho Yolo) are within the sphere of influence of the proposed project. Additionally concerns were expressed that “ the lifestyle of the general student population lends itself to activities that can impact heavily on the well-being and quality of life of seniors.” Commissioners as that “the City Council carefully consider the compatibility of the Sterling Project , both size and location, for this environment.”*

**5. Commission Announcements/Comments**

*None*

**6. Liaison Reports**

- A. City Council Liaison (Brett Lee)-*None*
- B. Evelyn Mendez Representative to the YCCA & AS-*None*

**7. Staff Reports/Updates**

*None*

**8. Future Agenda Items/Review of Long Range Calendar**

**9. Adjourn Meeting** (No Commission meetings in August or December)

*Meeting was adjourned at 4:45pm*

The Davis Senior Citizen Commission is an appointed advisory body to the Davis City Council, and is facilitated through the Community Services Department.

Meeting facilities are accessible to persons with disabilities. Requests for alternative agenda document formats, assisted listening devices or other considerations for persons with disabilities are available by contacting the City Clerk’s office by calling (530) 757-5648 (voice) or 757-5666 (TDD). Requests should be made as soon as possible, and preferably at least 24 hours prior to the meeting date.



**City of Davis**  
**Bicycling, Transportation, and Street Safety Commission (BTSSC)**  
**Minutes**  
**Community Chambers, City Hall**  
**November 10, 2016**  
**5:30 p.m.**

Commission Members: John Berg (Chair), Earl Bossard, Daniel Fuchs, Mike Mitchell (Vice Chair), Jim Skeen, Doug Waterman, Jon Watterson

Council Liaisons: Brett Lee, Robb Davis (alternative)

Staff: Brian Mickelson, Assistant City Engineer / Transportation Manager  
Brian Abbanat, Senior Transportation Planner

Absent: Commissioners Bourne, Renaud.

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**1. Call to Order & Roll Call**

Meeting called to order at 5:31 PM.

**2. Approval of Agenda**

*Motion to Approve Agenda (Jim Skeen, Daniel Fuchs)*

*Motion carries unanimously*

**3. Brief Announcements from Staff, Commissioners, and Liaisons**

Brian Abbanat announced the City learned the ATP grant applications to for the Olive Drive/Pole Line Road Connection and Montgomery E.S WBAR Improvements were not selected for funding at either the state or regional level.

**A. Standing Item: Bike/Ped Program Update**

Jennifer Donofrio shared the following:

- Next bike education class (Traffic Safety 101) is scheduled for 11/19.
- Most recent TS 101 class had 5 people who found it very helpful.
- Wayfinding public meeting was recently held and was successful, survey available online for anyone who's interested.
- Submitting monthly article to Enterprise about the importance of bike lights.
- Japanese colleagues visiting this month.
- Scavenger hunt for Car Free October was successful and will be released in the Enterprise soon.

Council Liaison Lee shared that commission interviews completed. City Council will make appointments at December meeting.

Mayor Robb Davis shared about a visit to Boulder about complete streets. Believes resources should be put into data collection at least every three years. Car trips into Boulder holding steady over last two decades, not increasing.

Commissioner Mitchell inquired about status of Cannery undercrossing.

Brian Mickelson responded the City is currently selecting a consultant to begin design.

Jon Watterson commented about the Bike/Ped Wayfinding workshop: The Group went through an array of possibilities. Tried to determine needs of different user groups.

#### **4. Public Comment**

Laura Rodman: Backyard on F Street at Grande. Increased traffic and speed. Influx of traffic speed problem.

Jane Schaeffer-Kramer: Home owner across from Sterling. Condition of bike path will make it difficult for 700 new students. Unitrans frequency needs to be increased. UCD needs to step up housing & bus service.

#### **5. Consent Calendar**

**A.** Draft Minutes: October 13, 2016

**B.** Memo: Lincoln40 Apartments

*Motion to approve with revisions to minutes (Mitchell, Watterson)*

*Motion carries unanimously.*

#### **6. Regular Items**

**A.** Sterling Apartments

Katherine Hess explained the purpose of the agenda item and is seeking feedback on policy issues of Sterling Project. Gave a project overview

##### Commissioner Questions:

Commissioner Mitchell inquired if the claim of students renting per bed can be legally binding in development approvals?

Katherine Hess responded this assumption is in the environmental review. Any increase beyond the original assumptions make the project subject to additional review. Also, entitlements run with the land. Any changes must go through proper process.

Jon Watterson inquired about traffic model detail

Katherine Hess responded they are working with consultant.

Dan Fuchs inquired about parking ratios.

Katherine Hess responded there is an inherent tradeoff between requiring adequate parking without encouraging too many cars or causing impacts to adjacent users. Ratio is .75 spaces per unit.

Public Comment:

Gerry Hattee: Not consistent with city's transportation plan. Fears action taken approves project.

Robbie Fanning: Rancho Yolo difficult to get out on Pole Line Road.

Greg Roy: Route to campus has many dangerous interactions. Businesses on Madson are concerned students will park in their lots. Concerned about Bicycle Safety. Occupancy should follow completion of mitigations.

John Reweter: Proposed Parking structure is bigger than both downtown garages. Transportation model isn't real. Assumptions change model performance. Can't see how you can support staff recommendations.

Mary Jo Bryan, Rancho Yolo resident. Davis is becoming very unfriendly to bicyclists and emergency vehicles. Adding more traffic to Fifth Street is very concerning.

Eileen Samitz: Pole Line Road is impacted more than ever. City cannot regulate the number of residents. Car versus bicycle conflicts constantly. Enormous traffic impacts. Project doesn't belong there.

Claudia Krich: Dorms need continuous monitoring. Fifth & L intersection is dangerous. Students want to bring and use their cars. Everyone is being impacted by new development. Commission should state entire project is not appropriate.

Todd Edelman: Agrees too much in the wrong place. Why no parking requirement exemption? Affordable housing project will not have access to pool.

Christy Herwig: Concerned about noise.

Marj Beech: Existing traffic is already bad. A lot more is coming. Way too dense of a project.

Commission Comments:

Commissioner Watterson commented about the project's entrance and exit. Crossing two lanes to exit is fairly dangerous. Look at safety issue or no left turn barrier.

Commissioner Bossard inquired about peds and buses.

Katherine Hess responded a crosswalk with Rapid Rectangular Flashing Beacon is proposed.

Commissioner Berg noted a section of Pole Line Road is proposed for an upgrade. Is it possible to do Fifth Street improvements between Pole Line Road and L Street before project is constructed?

Brian Mickelson responded the City is hoping to advance that project more quickly.

John Berg commented the Fifth Street road diet should continue from L Street to the roundabout at Fifth & Cantrill.

Mike Mitchell stated he has no confidence in the traffic study. It focused on a traditional apartment complex versus one intended for students. We need to wait or vote against.

Commissioner Skeen stated the study ignores existing problem. Not happy with traffic study.

Commissioner Berg stated emergency services will not be affected. Need specific, evidence-based issues. Project is very large, should have been repurposed. Project-level transportation issues are very good. Fifth Street road diet project got a lot of panicked responses. This project is not fully, but 90% of the way there.

*Motion (Mitchell): Commission does not find the project is consistent with city and SACOG transportation guidelines.*

*Motion withdrawn.*

*Motion (Fuchs, Watterson ): Not find consistent at this point in time because we don't have adequate traffic studies reflecting transportation patterns of a largely student population.*

Commissioner Mitchell suggested left turn refuge on westbound Fifth Street from primary project entrance/exit.

Commissioner Fuchs stated infill development is desperately needed.

Commissioner Mike Mitchell stated he's not opposed to a project at this site. We need a new model.

*Motion carries 6-0-1 (Berg Abstention).*

## **B. Draft Richards Blvd / Olive Drive Corridor Plan**

Brian Abbanat (City staff) and Garry Horton (Mark Thomas & Co.) gave a presentation on the infrastructure options studied, their feasibility, costs, their anticipated effects on traffic circulation, and proposed prioritization of projects.

Commissioner Bossard stated a preference for the Pole Line Road / Olive Drive connection.

**Natural Resources Commission Minutes  
December 5, 2016**

Present: Mark Braly, Kristin Burford, Michelle Millet, Alan Pryor,  
Steven Westhoff

Absent: Matt Holland, John Johnston, Anya McCann (Alt)  
Staff: Mitch Sears, Sustainability Manager

Council Liaison: Rochelle Swanson

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**1. Approval of Agenda** - Approved unanimously

**2. Brief Announcements from Staff, Commissioners, and Liaisons** – Commissioner Pryor reminded the Commission about the upcoming IPM Forum scheduled for December 7, 2016.

**3. Public Communications** – Robert Arlyn(sp?) introduced his company drone technology Spectral Solutions.

**4. Consent Calendar** – Approved (A) October 24, 2016 minutes (B) Safe Water Drinking Act information item (4-0-1; Westhoff).

**5. Regular Items**

- a) **Sterling 5<sup>th</sup> Street Apartments Project Draft Sustainability Plan** City staff, reviewed the project and reminded the Commission and members of the public that the NRC had considered the DEIR at its previous meeting. City staff, City DEIR consultant, and project proponents presented the draft Sustainability Plan and responded to questions. Commissioners and members of the public provided comments which are included as Attachment 1 to these minutes.

Following discussion, on a motion by Pryor, seconded by, Braly, the Commission made the following recommendation to the City Council:

Request that the applicant to upgrade the project's Draft Sustainability Implementation Plan as follows:

- That the project meet minimum LEED Gold;
- Commitment to provide a minimum of 50% of the project's energy use with on-site PV or on-site renewable sources with the remaining amount of energy purchased from the Community Energy Choice with 100% green tariffs.
- Provide a maximum parking ratio of 0.50 spaces per bedroom.
- Charge for parking as a proportion of the square footage of the units.
- Provide individual Smart water meters for each unit.
- Divert a minimum 75% of the project's solid waste from the landfill.

Motion passed 5-0.

On a second motion by Burford, Seconded by Pryor, the Commission recommended to the City Council that the commitments made in the Draft Sustainability Implementation Plan be incorporated in the Development Agreement.

Motion passed 5-0.

**b) Subcommittee reports**

- i. **Energy Subcommittee Report – Options for energy efficiency in new and existing structures.** Commissioner Braly briefly summarized the Subcommittee's research of programs from Berkeley and Boulder, CO and its intent to meet with City staff to outline a set of recommendations for consideration by the full Commission.
- ii. **Hazardous Waste Subcommittee – Annual Hazardous Materials Sites Update Report.**



Commissioner Westhoff summarized the report and provided updates on the Frontier Fertilizer site, Davis Enterprise site, and Lewis Cleaners. No additional action was recommended at this time.

c) **Water Conservation Program Update** – Brief update provided on water use in the City.

d) **Subcommittee Updates** –

- Water – No update.
- Energy – No update – see item 5b.i above.
- Solid Waste – Requested status update on compostable ordinance.
- Haz Mat – See item 5.b.ii above.
- GHG – No update.

**6. Commission and Staff Communications**

- a) **Long Range Calendar/Future Agenda Items.** Reviewed
- b) **Upcoming meeting items/events.** Next regular meeting January 23, 2017.

**7. Adjourn:** 9:35 p.m.

## ATTACHMENT 1

### Natural Resources Commission (NRC) December 5, 2016 Meeting Comments and Recommendation on Sterling Apartments Project Draft Sustainability Implementation Plan

#### Commissioner Comments

After staff and applicant presentations, NRC had some general comments and questions.

- Asked why the project is not proposing a higher level of efficiency than CALGreen Tier 1, which is city's minimum requirement.
- Observed that other projects have proposed LEED Gold
- Observed that other projects have agreed to PV installation.
- Asked what the status was for on-site PV.
- Asked about the difference in design and efficiency standards between the market-rate student site and the affordable site.
- Asked about individual metering for the units.

Brief applicant responses.

- Affordable site will be turned over to the affordable developer, Mutual Housing, who will develop that site. Does not want to speak for Mutual Housing which will have their own considerations with financing and other issues that need to be balanced.
- Requirement to individually meter electricity will be in place by code.
- Applicant is open to submetering water and can look at options.
- Interested to hear what the NRC finds acceptable.

NRC provided comments under the four general categories outlined in the projects Draft Sustainability Implementation Plan.

#### Energy

Commissioner comments:

- Project should achieve a minimum level of LEED Gold and a minimum of 50% of total energy use provided by PV.

Staff suggestion that changes be tracked in the draft plan so the NRC and other can see the changes.

#### Transportation

Commissioner comments:

- Recognize concern by neighbors about adequate parking.
- Parking needs should be carefully evaluated and parking could be reduced.
- Provide incentives for electric vehicles over conventional cars.
- Provide a middle ground for hybrid vehicles.
- Public transit is important. Work with Unitrans to increase frequency of bus service.

- Look into carshare program and having all the carshares or most of them be electric vehicles.
- Address overflow parking problem with permit parking.

Applicant indicated commitment for 1 or 2 carshare spaces based on usage at other student apartment projects the developer has with ability to add spaces based on additional demand. Applicant also noted intent to pre-plan for EV charging to allow for easy retrofit in future based on future demand for charging facilities.

#### Water

Commissioner comments:

- Impressed with project's approach to water conservation with use of swales, landscaping, and lack of turf.
- Asked about stormwater calculations and what rain event it is designed for.

#### Solid Waste

No commissioner comments. Project follows City requirements.

#### **Public Comments**

Nine members of the public made public comments. The majority opposed or had concerns about the project, its impacts and the sustainability plan. Comments included:

- Wasted water with 1 bathroom per bedroom provided.
- Commission comments too involved in minutiae of the project.
- No assurances applicant promises will be kept.
- Project is too massive and buildings too large. It is unsustainable for Davis.
- Project not doing good enough job with LEED, which is easy to meet.
- Unprecedented project which is well over the 150 unit limit in the general plan.
- Concerned that NRC comments will fall by the wayside.
- Asked about guest parking.
- Each unit should have its own water meter.
- Project density is out of line for the city.
- Yolo Bus does not service the site so lack access to regional transit.
- Existing buildings will be bulldozed and will go into the landfill.
- Should look at opportunities to rehabilitate and reuse this site.
- Air quality impacts from construction.
- Would like to see the 75% waste diversion itemized.

Other comments included:

- Did not see anything about prevailing wage in the plan.
- Prevailing wage should also apply to operations.
- Need conditions on hours of construction, night lights, trucks.
- Asked about bike sharing.

- Recurring theme of accountability.
- Examples used in plan to determine parking space needs are old and out of date. Parking is being reactive and needs to do better and reduced in number. Project can charge for parking based on percentage of the rent.
- Need water meters.
- Project should provide a LEED analysis for the project.

#### **NRC Final Discussion and Recommendation**

NRC provided additional discussion comments.

- Sympathetic to resident concerns.
- Competing interests to house increasing number of UCD students or have them driving in. City has goal to reduce GHG emissions.
- Support individual water metering.
- City policy for greater density inside the city rather than building out and expanding City boundaries. There is a need to come to terms with the issue.
- Water meters should be Smart meters.
- Parking needs to be balanced between providing too many and too few.
- Interest to phase in the parking to provide the minimum necessary, but recognize the difficulty in that with a parking structure.

## ATTACHMENT 12

### **Sterling Apartments Project Public Comments on Project and Policy Issues**

Transcribed from verbal comments made at the September 29, 2016 Community Meeting

1. Concern that the investment spent by the applicant on the project planning and processing creates an incentive to approve by the City.
2. Comment about the applicant's profit motive for the project.
3. Comment that non-profit owner will benefit financially from the property sale.
4. Question about fiscal impacts to city.
5. Concern about keeping up with potential changes to the project and having to respond to the new iterations and uncertainty about what the actual proposed project is.
6. Compatibility and neighborhood character issues. Proposed building looks like it belongs in New York or Chicago.
7. The 4- and 5-bedroom apartments are not marketable to non-students which limits the potential users.
8. Visual impact is a huge impact.
9. Design concerns about the project and buildings which are too high and too big.
10. Concern about the number of bedrooms proposed and the potential double-occupancy of the bedrooms which would drastically increase the number of residents. Comment about how to enforce a single-occupancy requirement.
11. Project disregards policies on density. The density is twice what the city allows.
12. The project's density also affects and exacerbates other issues, such as noise, traffic, waste, water use.
13. Concern about noise from the project and outdoor amenities. Confusion about the proposed amenities and what might be changed.
14. Concern about project's water use. One bathroom per bedroom is likely to result in excessive water use.
15. Insufficient parking is provided. Surrounding neighborhood will be impacted by overflow parking.
16. A water meter should be provided for each apartment.
17. Comment that left turns out of the project site onto 5<sup>th</sup> Street should be prohibited because of traffic and safety issues.
18. There is no reason why the project needs to have more than zero cars. The City should be implementing policies such as those in the Beyond Platinum Bicycle Plan intended to increase the City's bike share mode. There are measures that can be incorporated to eliminate the need for cars by the residents.
19. Concern that if on-site parking is eliminated or reduced, the project will get even larger.
20. The project density may result in a larger number of bike trips, but bike traffic is still traffic. There will be constant traffic interruption on 5<sup>th</sup> Street from bicyclists using the rapid flashing light at the proposed mid-block pedestrian crossing.
21. City's parking ratio used calculate the parking requirement is out-of-date. The requirement is the same ratio for any unit with three or more bedrooms the same.
22. There are limited connections from East Davis over railroad tracks to other parts of the city. Other projects are also potentially impacting arterials across town and access to downtown. This project will worsen the situation.

## **ATTACHMENT 12**

- 23. Comment that the project's impacts are widespread and would not only affect Rancho Yolo. Example of the Cannery project impacting Pole Line Road and Covell Road.
- 24. Question about what the proposed benefits to the City would be from the project.
- 25. This kind of project should be on campus, not in the City.
- 26. The institutional use and existing facilities provide a public use and should be maintained.

## **ATTACHMENT 13**

### **Letters of Opposition and Concern**

From: Triple Bob [mailto:bobbin\_97@yahoo.com]  
Sent: Friday, April 7, 2017 7:28 PM  
To: Eric Lee <ELee@cityofdavis.org>  
Subject: Concerning a new housing project

Dear Mr. Lee,

As a new resident of Davis, specifically since late February in Rancho Yolo, I have become aware of a housing project that is being considered nearby. I just received a notice about the “Sterling 5<sup>th</sup> Street Apartments.”

I am 85 years old, a retired public school educator, and had no idea when I purchased my unit here that the city would think of so drastically increasing the population-density and probable traffic-density so close to this senior community.

Not having been here long, I can only assume that other Rancho Yolo residents are also dismayed by --- and opposed to --- this project. **I certainly am.**

Please convey to City Council this new citizen’s feelings.

Respectfully,

Robert M. Wakefield  
164 Inner Circle



From: Airy Krich-Brinton [mailto:airykb@gmail.com]  
Sent: Thursday, April 6, 2017 12:46 PM  
To: Eric Lee <ELee@cityofdavis.org>  
Subject: Do not approve Sterling Apartments

Dear City Council,

Sterling Apartments has been presented by its developers as the solution to a valid need for affordable rental units in Davis. Sure, they want to sell us their project, but they are not interested in truly satisfying our need. The project is what it is: a huge dormitory for wealthy students, which will make the developers a lot of money.

We need to stick to our guns and reject any proposal that does not satisfy the REAL need. We need affordable rental units for families as well as students. These bedroom-bathroom units are not affordable to ordinary people. They are definitely not affordable to families. Why should we build something that doesn't solve our problem, and is guaranteed to generate more?

After building Sterling, the developers will sell it and leave with their money. UCD will be off the hook regarding student housing for another year, our roads will be increasingly congested, and we will still lack affordable apartments for families.

Thank you for your time,  
Airy Krich-Brinton  
1702 Pole Line Rd, Davis

**From:** Ron O <[ROertel@msn.com](mailto:ROertel@msn.com)>

**Date:** March 31, 2017 at 9:29:27 AM PDT

**To:** "[citycouncilmembers@cityofdavis.org](mailto:citycouncilmembers@cityofdavis.org)" <[citycouncilmembers@cityofdavis.org](mailto:citycouncilmembers@cityofdavis.org)>

**Subject:** No Sterling

To Davis City Council:

My spouse and I remain strongly opposed to the Sterling proposal. The so-called "compromise" with Rancho Yolo leadership (a relatively small reduction in the proposed size of the development) is anything but that. The developer's representative personally acknowledged to me many months ago, that the proposal would likely be reduced in size. Since this was already planned, it seems that there was essentially no meaningful concession regarding neighbors' concerns. As with the Hyatt proposal, it seems that the council essentially decides to approve a development, and then tells neighbors to "negotiate" under those conditions. (However, at least with Hyatt, a tangible benefit for the neighborhood was achieved.) In addition, Rancho Yolo's leadership does not represent the concerns of all neighbors (even those who live within Rancho Yolo).

Approving housing that's specifically intended for students (e.g., 4-5 bedrooms, separate bathrooms, each resident with their own lease) would ensure that the development is occupied primarily by students. Approving this development may enable UCD to avoid building this type of development on campus, where it belongs (and can legally be reserved for students). This would result in no net gain of student housing.

UCD's pursuit of (primarily) international students is allowing them to reap the benefits of higher tuition, while attempting to push the costs and other impacts of providing student housing onto the city. Please do not be an accomplice/enabler, regarding that plan.

I plan to send another communication within the next few weeks, to provide additional information regarding our concerns.

Thank you,

Ronald Oertel &

Som Ashton

From: Mikaela Huntzinger [mailto:pmhuntzinger@gmail.com]  
Sent: Wednesday, March 22, 2017 12:30 PM  
To: Planning Commission <PlanningCommission@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>  
Subject: reject Sterling Apartment proposal

Dear Planning Commission and Council Member Lee,

Please stop the Sterling Apartments development project. Allowing this development will encourage students to live away from campus and to drive more, especially along Fifth Street, which is already heavily impacted. If the City of Davis continues to provide student housing (often far from campus), we will never be able to convince UC Davis to house students closer to campus. Please respect Davis' commitment to both the environment and its UC Davis students by rejecting Sterling Apartments and working with UC Davis to provide closer housing for students.

Thank you,

Pamela Mikaela Huntzinger  
629 C Street  
530-753-4126

From: Christina Weber Johnson [mailto:cweberjohn@gmail.com]  
Sent: Wednesday, March 22, 2017 10:56 AM  
To: Planning Commission <PlanningCommission@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>  
Subject: Sterling Apartments site rezoning

2019 Whittier Drive

Davis, Ca 95618

March 21, 2017

Dear Davis Planning Commissioners:

I do not support changing the city zoning on the site of the Sterling Project, which would permit the destruction of the FamiliesFirst structures. Having worked for ten years as a City of Davis Child Care Services program coordinator helping to get parents connected with needed resources followed by thirteen years with DJUSD working daily with students for whose families social services are indispensable, I think it is tragic to raze buildings which could be put to good use housing resources which I know first-hand are crucial for so many people in Davis.

Some suggested uses that would be beneficial to many in Davis include using some of the space for expanding services such as Bridge to Housing and the Yolo Crisis Nursery that help families get back on their feet. Counseling services for parents with children in crisis or Veterans who need housing and special services might find a home at the FamiliesFirst site. At the other end of the life spectrum, perhaps some space could be used for a Davis Adult Day Center and/or senior education programs.

I urge the Planning Commission not to change the zoning on the site. Please don't raze the buildings; work on raising the funds to put this existing site with all its useful buildings to good use for the people of Davis. I expect to see that corporate profits will be allowed by the folks in Washington, DC to trump the provision of human services, but not in Davis. Please don't disappoint.

Thank you for your time.

Sincerely,

Chris Weber-Johnson

[cweberjohn@gmail.com](mailto:cweberjohn@gmail.com)

[530-753-4788](tel:530-753-4788)

-----Original Message-----

From: Barbara Anderson [mailto:babz44@comcast.net]

Sent: Wednesday, March 22, 2017 4:11 PM

To: Planning Commission <PlanningCommission@cityofdavis.org>

Cc: Eric Lee <ELee@cityofdavis.org>

Subject: Sterling Apartments

Dear Commissioners,

I have serious concerns regarding the proposed Sterling Apartments project. Allowing a developer to build housing that clearly is meant to house students in suites of 4 and 5 bedrooms seems contrary to what housing in Davis should consist of—apartments that can house families.

This is another regrettable example of the failure of UC Davis to provide sufficient housing for its students; instead, the campus expects the city to absorb them. That situation must stop, and, in my view, the only way to stop it is for the city to refuse to do it. If developers want to build housing in Davis, they should build for all residents, not just, or only, students.

Thank you for considering my opinion on this project. I look forward to learning how the commission responds to this proposed project.

Barbara Anderson  
2550 Sycamore Lane, Unit 2E  
Davis 95616  
(530) 758-3692

From: jasontybur@aol.com [mailto:jasontybur@aol.com]

Sent: Wednesday, March 22, 2017 4:46 PM

To: Planning Commission <PlanningCommission@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>

Subject: No to Sterling Apts

Commissioners,

**Say no to the Sterling Apartment proposal.**

The people of Davis voted and affirmed that we should "grow as slowly as legally possible".

The City of Davis is hard pressed for **sufficient** revenue, generated by light industry, commercial and **their resulting sales taxes**, resulting in the inability to maintain failing infrastructure.

Housing costs the City in the long term.

**So stop** converting the revenue **areas** of the City as designed in the General Plan, to residential, especially when the University of California creates the problem, **which** they should fix.

Thank you.

Jason Tyburczy

3401 Koso St.

Davis CA 95618

From: Elizabeth Reay [mailto:ereay@ucdavis.edu]  
Sent: Wednesday, March 22, 2017 4:45 PM  
To: Planning Commission <PlanningCommission@cityofdavis.org>  
Cc: Eric Lee <ELee@cityofdavis.org>  
Subject: Sterling Apts. project

The proposed housing is too large, destroys a lot of mature trees on the property and does not address the shortage of single family homes in Davis. Having seen a friend be a part of these dense living arrangements (Adobe in west Davis), I found them to be highly non-communal: they were so crowded that the units became trashed and were noisy.

Additionally, this intersection, and the entrance to the post office is, for bikes, quite tricky and dangerous. As a P.O. Box holder for 25 years, I go to the Davis Post Office almost daily and see bike traffic nearly be run down at this site. The entrance to this Post Office is quite busy, so a lot of bike riders will be in danger.

Lastly: why do all mature trees need to be wiped out at the whim of the developers?? There should be a requirement that the trees be left alone on each new development site. This will force developers to be more creative and increase the livability of any development that goes in at that site. Please leave the trees alone. They have done nothing but help this busy intersection that generates a lot of car/exhaust pollution.

Elizabeth Reay

Ph: 530-752-7508

From: JoanAMoses@aol.com [mailto:JoanAMoses@aol.com]  
Sent: Wednesday, March 22, 2017 5:17 PM  
To: Planning Commission <PlanningCommission@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>  
Subject: Sterling apartments and semiconductor growth lab

Dear Members of the Planning Commission:

I am opposed to demolishing the Families First campus and replacing it with a gigantic apartment complex for students.

1. Several proposals have been generated for use of the Families First campus which would be of value to our community. The well designed and constructed buildings could be converted to a variety of uses. I was on the campus a few years ago when I volunteered for activities with boys who lived at Progress Ranch Treatment Services for Children house.

2. The proposed Sterling apartments would create a hazardous traffic situation at the Post Office corner and all the way through the center of Davis to the UCD campus. A waiting line for traffic in all directions exists now at the corner of the Post Office. Adding hundreds more drivers and bicyclists from the proposed Sterling apartments would put lives at risk. Permitting the construction of the Sterling Apartments at this location is irresponsible.

3. The UCD proposal to locate a semiconductor growth lab at 2900 Spafford should not be permitted due to hazardous waste products in an inhabited area.

4. The above 2 proposals are not appropriate nor acceptable to people who expect to live a healthy life in the community of Davis, now and in the future.

Respectfully,

Joan M. Moses



-----Original Message-----

From: Marti Vinson [mailto:mvinson@omsoft.com]

Sent: Wednesday, March 22, 2017 5:56 PM

To: Eric Lee <ELee@cityofdavis.org>; Planning Commission <PlanningCommission@cityofdavis.org>

Subject: Sterling Apartments

March 22, 2017

To the Davis City Planning Commission:

Re: The proposed Sterling Apartments

From: Jay Feldman and Marti Vinson

We are opposed to this development for the following reasons.

- \* It is still too big.

- \* It will increase both automobile and bicycle traffic in an already congested intersection and City Streets.

- \* There is no good reason to destroy the existing infrastructure on that site. It is relatively new, and the setting is peaceful.

- \* The destruction and rebuilding will be cause pollution into the atmosphere, noise to the existing neighborhoods, and burden the landfills.

- \* The noise from the tenants and the pollution from the automobiles will impact the existing neighborhoods forevermore.

- \* The water use will increase exponentially.

- \* Question:

Why are we building student dormitories in the city, when they should be built on the University campus? There is plenty of room for them there. After all, the University has been remiss in its obligation and promise to provide and build more student housing. This is especially critical, since the University has projected a huge number of new students for the coming years. UCD has the second fewest number of students housed on Campus in the UC System.

From: Phyllis Graham [mailto:phyllisagraham@gmail.com]  
Sent: Thursday, March 23, 2017 9:01 AM  
To: Planning Commission <PlanningCommission@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>  
Cc: bdunning@davisenterprise.net  
Subject: Sterling proposal

Dear Commission and Council Members,

One begins to wonder if City officials are intentionally turning a deaf ear to the voices of Davis residents who unfailingly resist and point out the inherent problems of development proposals such as the Sterling project.

Once again, we are confronted with the prospect of another oversized and inappropriately designed apartment project, essentially a rent-by-the-bed mega dorm of the sort that so obviously belongs NOT in residential Davis but on the UCD Campus.

The area in question, already deficient in most qualities that comprise a welcoming, attractive neighborhood, is also overly burdened with traffic in its present state and would be overwhelmed with the intrusion of a giant, high-density apartment complex catering to unrelated individuals in Davis for the short-term.

One can only wonder what stake planners and elected officials have in maintaining Davis's unique qualities. Please seek alternative ways of grubbing for tax revenue (try repealing Prop 13, for one, so everyone is paying a fair share).

It's time to show some deference to the concerns of long-term constituents, to promote housing projects that blend comfortably with the fabric of Davis, and that will attract young families and first-time homeowners.

Respectfully,

Phyllis Graham

Davis



**From:** Sherrill Futrell <[safutrell@ucdavis.edu](mailto:safutrell@ucdavis.edu)>

**Date:** March 21, 2017 at 10:10:05 PM PDT

**To:** "[planningcommission@cityofdavis.org](mailto:planningcommission@cityofdavis.org)" <[planningcommission@cityofdavis.org](mailto:planningcommission@cityofdavis.org)>

**Cc:** "[citycouncilmembers@cityofdavis.org](mailto:citycouncilmembers@cityofdavis.org)" <[citycouncilmembers@cityofdavis.org](mailto:citycouncilmembers@cityofdavis.org)>

**Subject:** **NO on Sterling maxi dorms. Let us breathe free - or at least pretend to!**

The traffic at Poleline and Fifth is already horrible at many hours of the day. Rather than afflict us afflicted East Davisites even more than you already have, I suggest putting this monstrosity in North Davis - say by Dave Rosenberg's house. There's plenty of room up there! Or you could of course get serious with UCD and say, "Solve your problems yourself." We all know that additional housing NEVER pays for itself, and it won't, again. And have a look at the Cannery, where the stoplights on Covell work great, especially when there's one car going north or south and the light holds up 40 cars going east-west. Brilliant. Sorry to be so negative. I've been reading the news. Thanks.

- Sherrill Futrell, 151 Inner Cir, 756-6426

From: Rena Nayyar [mailto:renanayyar@hotmail.com]  
Sent: Monday, March 20, 2017 7:48 PM  
To: Planning Commission <PlanningCommission@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>  
Subject: Sterling Apts

Hi,

I am concerned about the proposed Sterling Apts at the former Families First site which as i understand it are geared for students. We need housing that people who work in Davis or who want to downsize can afford. UCD needs to provide more student housing on campus to free up housing in Davis. New housing in the city should be for everyone not just designed for students. It should be built well but simple to keep costs down and not be near a freeway due to air quality. The Cannery was going to be this way as discussed at the meetings I attended but the actual project is ridiculously expensive. I also question the one bed per student model which may sacrifice a quality of life for the sake of packing people in. Also, housing geared to students should be near campus (without impacting the historical neighborhoods) not in east Davis. I agree we need dense housing to save ag land and keep our town compact with a small town atmosphere that also allows public transportation to be viable, but the density of a project should also consider the neighborhood it is located in. Please do not support the Sterling Apts in the present form.

Thank you,  
Rena Nayyar

From: David Robertson [mailto:robertsondl@sbcglobal.net]  
Sent: Tuesday, March 21, 2017 6:59 PM  
To: Eric Lee <ELee@cityofdavis.org>  
Subject: Re: Sterling Apts - one more comment

The following message came to me. Can you distribute to the PC members please. David

In addition to saving Central Park, the people of Davis have responded to and supported other projects/structures of significance;  
The Hunt-Boyer Home  
The [Varsity Theater](#)  
The Train Station  
The 1927 High School which is now City Hall  
The Senior Center  
The loss of the Families First Campus would be a tremendous lost to the City and Community.  
We can and we will find a way to save this structure for the good of the community and for future generations.

Maynard Skinner  
Former member of the City Council and Mayor

March 21, 2017

Dear Planning Commissioners,

I am writing in regard to many concerns about the Sterling Apartments which I am listing below.

- 1) **Project size and are still too large:** though it is appreciated that the project has been reduced in size, the project mass and density is still far too much for that site. It is not compatible with the surrounding areas. The overall effect along 5<sup>th</sup> Street on the south side just west of Pole Line Road would be like a huge wall effect. The General Plan is clear on the need for compatibility of new projects, particularly infill projects, to “fit in” with its surroundings. The enormous Sterling “mega-dorm” project proposal is still way out of proportion and needs to be downsized even more for a number of reasons including the other impacts it would bring as proposed.
- 2) **“Mega-dorms” like Sterling are suitable only for students, and belong on the UCD campus, not in the City:** The Sterling project with its exclusionary design of their market rate 4- and 5-bedroom “suite” apartments dominating the market rate apartments (82 and 26 respectively) are essentially an “apartment-within-an-apartment” which, by design, exclude non-students. The enormous 4- and 5- bedroom apartment “suites” are not marketable to our workforce and families because their huge square footage and multi-bathrooms would make them cost prohibitive for our workforce and families to rent. The cost of these large 4- and 5- bedroom suite apartments would be high, and a family would instead purchase a home rather than spend the money on ultra-high rent. The format of the Sterling apartments are exclusive by design since they are of no use for rental to non-students including our workforce and families needing rental housing in Davis. New apartments in the City should have the traditional 1-, 2-, and 3-bedroom format to be marketable to non-students and they have the added benefit of being flexible for all segments of the population into the future. In addition, these traditional formats they allow even students to choose their own roommates, rather than the Sterling management determining their co-residents.

UCD is the largest campus with 5,300 acres, yet historically has provided the least amount of on-campus student housing. UCD students have been demanding more on-campus student housing for higher densities for more sustainable planning and to avoid unnecessary commuting by the students since on-campus housing would be far closer to their classes. This in turn helps reduce our carbon footprint and reduce our impacts on our environment. UCD’s LRDP proposal is inadequate and needs to provide the 50/100 plan of providing on-campus housing for their students. UCD students have agreed and UCD’s ASUCD has passed a Resolution mirroring the City Council’s Resolution also asking UCD to build far more on-campus housing with the “50/100” plan. The 50/100 plan was first proposed by the Davis community for UCD to incorporate into its LRDP update due to the need for far more on campus housing and the fact that the other UC’s are providing this amount of on-campus housing. The “50/100” plan refers to the need for UCD to provide on-campus housing for at least 50% of its total student population and 100% of the projected student enrollment growth, including all new incoming students. Approval of mega-dorms in the City like Sterling just enables UCD to continue deflecting their housing needs onto the City.

- 3) **Single-room-occupancy design of the 4- and 5- bedroom apartments each with an individual bathroom, to target student residents is exclusionary:** The Sterling single-room occupancy (SRO) mega-dorm suites situation, by design, essentially excludes average families and workforce from being able to rent them. The 4- and 5- bedroom suites particularly are an “apartment-within-an-apartment” situation since it includes a single-room-occupancy situation limiting its rentability to only students, since average non-students would not want to live in it. The resident has two sets of keys, one for the apartment front door, then another for their “single-room-occupancy” room. This “mega-dorm suites” housing format is not appropriated in the City since they are not marketable to non-students, such as our workforce and families needing rental housing in Davis. Everything from how kitchens would be shared (food storage, cooking) or carpooling usage is not the same in the apartment suites with single-room-occupancy since the management of the facility determines who lives in each of the 4- and 5- bedroom suites, rather than the tenants choosing their co-tenants. An obvious question is how many refrigerators per 4- and 5- bedroom apartment and how much food storage area? Also, how are energy bills and water bills divided up per 4- and 5- bedroom suite?

Since the tenants for the “suite” bedrooms would be selected by the Sterling management, rather than the co-tenants choosing their own roommates in most cases, there is likely to be incompatibilities due to differences in personalities, living habits, life styles, smoker or non-smoker, etc., of the tenants per apartment “suite”. These types of incompatibilities typically get worked out by the students in a standard non-suite apartment situation since they choose their own roommates to begin with. By contrast, the suite apartment roommates will, instead, be determined by the Sterling rental manager. Any co-tenant incompatibilities and disputes need to be handled by the Sterling Apts. management and must not impose costs or involvement by the City. Suggested conditions of approval to address this are covered later in this communication.

In contrast, the important benefit of traditional 1,2, and 3-bedroom apartment complexes is that they are not exclusive by design and allow *any* resident to live in it (i.e. workforce, families). Davis can use more 1,2, and 3 bedroom apartments which would be available to all resident, and not dormitory styled “mega-dorm 4- and 5- bedroom suites” which do not have the same flexibility due to the single-room-occupancy design targeting only students.

These “mega dorms” are a housing format that excludes our workforce and families, since they would not be able to use this “suite” format, nor be able to afford these enormous apartment suites. Furthermore, there would not be enough parking to accommodate them since most workers and families generally need a car.

This new proposed format of “suite” apartment housing for the Sterling Apt. and Lincoln40 proposals are *not* of any use to our City’s workforce and families because, by design and cost, they exclude that major segment of our community from being able to rent these 4- and 5-bedroom suite apartments. Therefore these “mega-dorm” projects should *not* be approved. Again, this format of housing belongs on the UCD campus, *not* in the City since the university has the ability and leverage to manage the tenant situation on-campus, unlike in the City.

- 4) **Single-room-occupancy limit is unenforceable:** While the developers claim, they will control the limit of residents of the single-room-occupancy units, it is unenforceable in the City.



There would be notification of inspections, and that allows time for the “roommate” to clear out what might appear to be a second resident’s belongings. Otherwise the legal tenant could simply claim all the belongings are theirs. In addition, while couples are allowed a single-room-occupancy, what if the wife becomes pregnant? Does this mean they will be evicted? If so would the Sterling landlords enforce the eviction? Who would carry out the eviction? Would City police need to be called in? This whole situation would wind up coming to the City to be resolved and cost time and resources to sort out. These are issues which the campus can enforce because UCD has the leverage of expulsion if there is non-compliance with campus rules. Again, these reasons are why “mega-dorms” like Sterling belong on the UCD campus, not in the City, since the university has the ability to manage the tenant situation on-campus.

5) **“Mega-dorm” 4- and 5- bedroom suites bring significantly more impacts due to significantly more residents on our infrastructure.** An added consideration is that these number of residents is *dramatically* increased with these proposed 4- and 5- bedroom single-room-occupancy apartments which are intended solely for university students and has other impacts and consequences. These “mega-dorm” apartment complexes need to be located on the UCD campus, and *not* in the City, also due to their enormous impacts on our City’s infrastructure including traffic, waste water, water, as well as City services (fire, police, etc.) as well as the commuting needs it would impose on thousands of students since this site is far from UCD and all of the associated environmental impacts.

These enormous apartments with 4- and 5- bedrooms and so many individual bathrooms would have a significant impact on our City’s water and wastewater, impacting capacity needed for future growth of RHNA Fair Share growth requirements. That next threshold is October 2021 for the next RHNA cycle

The Fifth St. and Pole Line areas together with the Pole Line Overcrossing nearby is a particularly impacted vicinity with traffic already. There would be literally be more than a thousand more bicycle trips trying to get to and from the UCD campus on Fifth St. which is to be narrowed on the east end near Sterling which will only exacerbate the situation. The safety of these bicyclists is of great concern due to the heavily impacted traffic already on Fifth St.. These many bicycles would also need to cross the street constantly interrupting the traffic signals backing up car traffic even more all along Fifth Street.

5) **Water meters need to be installed per apartment and bedroom in 4- and 5- bedroom apartments.** All new apartments need to be water-metered by the apartment and it is important that this requirement be imposed on this project given its enormous size and number of bathrooms. Senate Bill 7 by Senator Lois Wolk I believe has been passed now but uncertain when it takes effect. However, Davis needs to enforce it now for any new multi-family housing. One question is these “suite” apartments are water metered, if there is high water usage in any of the 4- or 5- bedroom apartments would how would the Sterling project owners determine which of the single-room-occupancy-units would be the high water user(s)? How would this be dealt with to discourage excessive water use since 4- and 5- bathrooms would be in each of these apartment “suites”? One West Village student resident interviewed stated in the media that long showers were common there because the units included covering water costs and electricity and

therefore there was no incentive to conserve water or energy. Water conservation is critical since California is still coming out of a drought.

- 6) **Inadequate Parking.** The parking is inadequate for the number of bedrooms. It is astonishing that the parking capacity was reduced to only 348 parking spaces for 540 single-room-occupancy beds. The City's current parking requirements were increased in South Davis to better deal with the larger multi-bedroom apartments accommodating many student residents because the standard parking ratio was not working. This should have been made the policy City-wide for multi-family housing since it just pushes the parking shortage problem onto the surrounding neighborhoods. As a result, the 4- and 5- bedroom apartments would not adequate parking and since this project is relatively far from the campus, and housing many students, there will be a significant deficit of parking.

The parking is inadequate for the number of bedrooms. It is astonishing that the parking capacity was reduced to only 348 parking spaces for 540 single-room-occupancy beds. As a result, the 4- and 5- bedroom suite apartments would not adequate parking. This project is relatively far from the campus, and housing many students, there will be a significant deficit of parking. It has been pointed out by Councilmembers recently, and developers in the past, that parking is intended to store cars and does not directly translate into generating traffic. Students particularly want to travel home to visit family and recreate, so renters need a place to store their cars.

This parking ratio is significantly deficient. It is unclear where the 0.64 parking per bedroom came from, but if it is at all related to West Village that is not a comparable ratio since those students already living on campus in close proximity to their classrooms. Since this is entirely single-room-occupancy it needs to be looked at from a perspective of 540 single bedroom apartments. Typical 2 and 3 bedroom apartments have roommates who have chosen each other and therefore there is a greater likelihood of shared car usage since there is a social connection between the roommates. The 4- and 5- bedroom apartment suites are rented by the bedroom and the tenants are chosen by the Sterling management typically, rather than the students choosing, so this same type of social connection is not as likely. As a result, there is not likely to be as much carpooling.

The City needs to address the need for more parking at the Sterling Apts.. South Davis multi-family parking requirements had to be increased because they simply were not working for that area due to so many apartment complexes.

- 7) **Significantly increased traffic, dangerous conditions for many bicyclists:** The traffic impacts from this project would be enormous all along 5<sup>th</sup> Street, which is already heavily impacted since it was narrowed at the west end and will be even more impacted when the east end is narrowed. More than a thousand more bikes trips, plus many cars heading west every day will cause significant traffic impacts, particularly at intersections like Pole Line and 5th Street. The safety of these bicyclists is of great concern. Since the 5<sup>th</sup> Street narrowing has not happened yet, and will impact traffic, the project should not be approved until 5<sup>th</sup> Street is narrowed to accurately evaluate the projected traffic impacts. There should be no rush to approve this project now considering the impacts and consequences that would come with it that need to be fully understood.

At least a thousand bicycles trips will be added of students trying to get back and forth daily to and from the UCD campus, which will cause unavoidable interruptions at signal light intersections, which will interrupt the flow of traffic. Additionally, the interactions of car versus bicycle incidences need to be accessed since we should not invite bicycle injuries, or worse yet possibly fatalities by allowing this project to move forward now. Bicycle safety as well as the massively increased traffic will be a huge problem. Fifth Street is already heavily impacted and the added bicycles and car traffic will make it even more dangerous for the many student bicyclists trying to cross Fifth St. to get to and from the campus daily. This would be particularly dangerous for the bicyclists in winters conditions at night and in adverse weather conditions.

- 8) **Davis would get no RHNA Fair Share credit for the Sterling project.** The City of Davis would not get any SACOG RHNA Fair Share credit if it were to be approved and built before 2021 which is the threshold of when the next SACOG fair share allocation begins. Our City gets a significant amount of housing unit credits towards its SACOG RHNA “fair share” allocations with multifamily housing, particularly affordable housing units. Therefore, this would an enormous loss for the City because of the timing of the project which would be likely to be built by 2021 if it were approved now. However, the Sterling project should not be approved for many reasons including the issues covered in this communication.
- 9) **Additional Unitrans:** If the Sterling Apts. project were approved, additional costs need to be factored into developer impacts fees or however else implemented, that additional Unitrans buses would be needed to service at least 540 students commuting to UCD daily, particularly in adverse weather. The City should not absorb this increased cost.
- 10) **Sterling Management responsibilities:** If the Sterling Apts. project is approved, the developer agreement should include clauses that if mediation services are required in the Sterling Apts. project, which is very likely due to the single-room-occupancy format, that they will absorb all costs and legal liability. It is best if Sterling has its own internal mediation services that they staff and operate themselves. Since this would be a “rental by the bedroom” situation, it is likely that there will be a fair number of incompatible apartment co-resident situations, particularly in the 4- and 5- bedroom suites, and Sterling needs to be responsible for resolving these disputes. The City should not have to spend time and costs for services for these situations, which are likely given that there are 82 4-bedroom suites and 26 5-bedroom suites.
- 11) **City Services:** If the Sterling Apts. project is approved, the development agreement needs to include a clause that would require the Sterling Apts. owners to absorb any additional costs for police and fire department services if there were excessive calls at the Sterling Apts.. Excessive calls would need to be defined, such as more calls than a specific number per week or month by the police and fire departments. The City should not have the cost or liability of excessive police and fire department calls. Increases in these City services have been noted in other college towns such as San Luis Obispo and UC San Diego.
- 12) **City property tax protection:** If this project were approved, it needs to have clauses in the development agreement where the project owners agree that: 1) Sterling would never “master lease” to UCD; and 2) the project owners would neve sell the project to UCD which would deny the City of an enormous amount of property tax revenue since UCD is tax exempt.

I urge the Planning Commission to deny the Sterling Apartments proposal or at the very least, recommend that the project design be redesigned to eliminate the 4- and 5- bedroom suites which are not flexible for rental for non-students and instead have 1,2 and 3 bedroom apartments which are a better format for both students and non-students as well as our City.

Thank you for your time and consideration,

Eileen M. Samitz

(530) 756-5165

**From:** David Wesley [mailto:david\_wesley@ymail.com]

**Sent:** Tuesday, March 21, 2017 5:11 PM

**To:** Eric Lee <ELee@cityofdavis.org>

**Subject:** Placing a stop sign on Southbound Pole Line to make southbound egress from S Diameter safer.

The updated EIR addressed part of our (Rancho Yolo) aforementioned concerns of southbound egress from Rancho Yolo (Senior Adult Community) on S Diameter Road.

The Pole Line northbound bicycle lane was rerouted to make egress easier. (Thank you...)

However:

- The distance to the Two Way Turn Lane is still the same because the Stop Sign Line on S Diameter did not move.
- We are dealing with a community of seniors, who have a myriad of challenges (physical, visual, and other). Seniors are just not as quick on the move as the general populace. Trying to discern a safe turn is harder, and greater opportunity for safe turning needs to be provided.

Several solutions were discussed in the revised EIR. The only possibility they came up with was moving the bike lane.

However, a single stop sign on southbound Pole Line was not discussed.

- It would provide greater opportunities for southbound turns from S Diameter.
- It also provides the possibility to cross the southbound lane to make the right turn onto westbound 5'th.
- There is no hindrance of traffic northbound.
- The perceived hindrance for southbound traffic is minimized because the traffic is approaching an intersection already.

I feel that this would be inexpensive to implement, and provide the best and safest opportunity for egress.

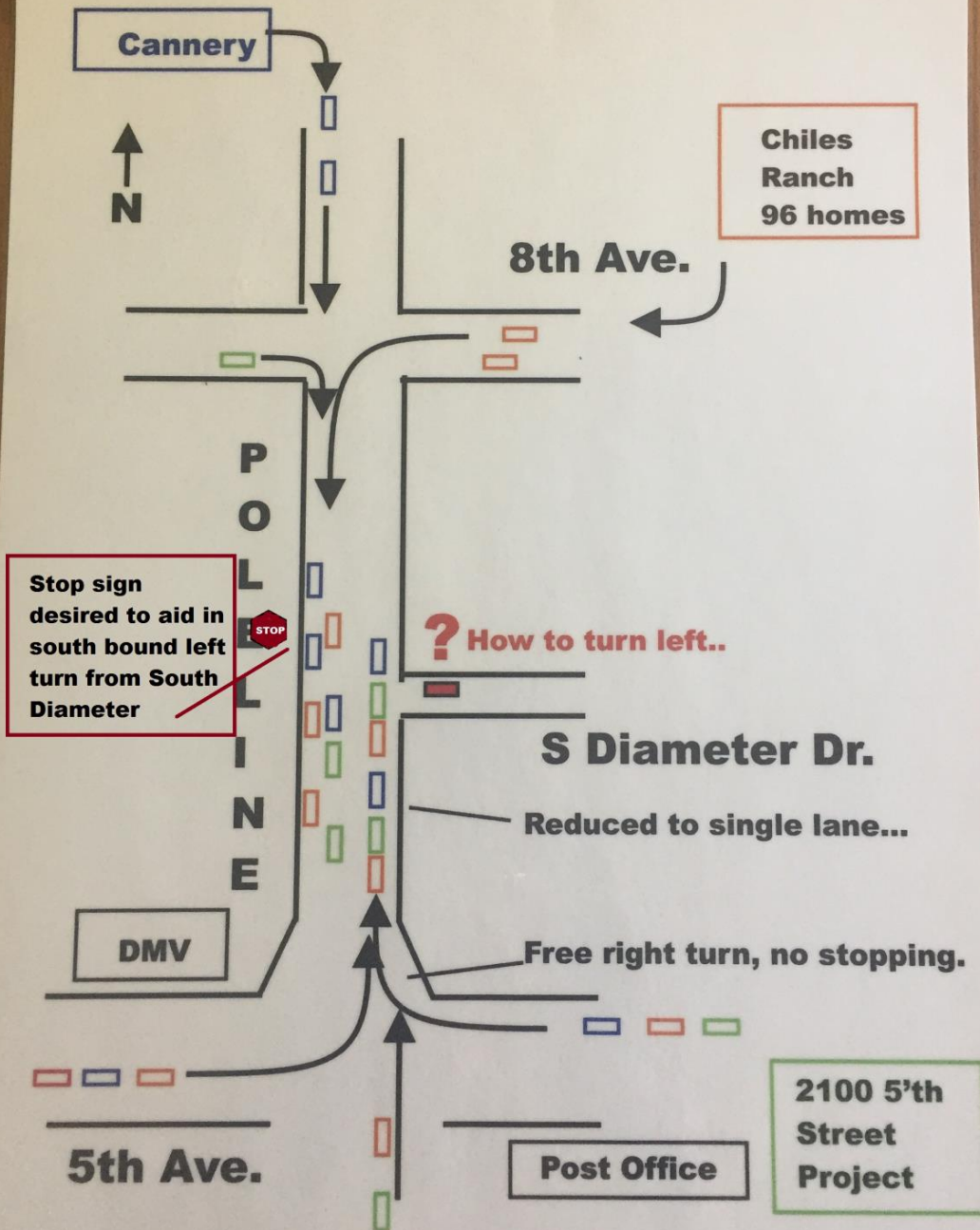
Thanks for your time and consideration.

David Wesley  
133 Full Circle  
206-718-4774

attachments:

- diagram of streets
- recent south pointing picture of existing traffic on Pole Line at S Diameter

**Additional traffic makes egress from S Diameter Drive even more dangerous for the 55 and older community.**





-----Original Message-----

From: C.M. Kriens [mailto:cmkriens@gmail.com]

Sent: Wednesday, March 22, 2017 12:26 AM

To: Eric Lee <ELee@cityofdavis.org>

Subject: Sterling 5th Street Apartments

Dear Planning Commission,

Within the 'Environmental Review:' it stated "Potentially significant impacts related to aesthetics, air quality, biological, cultural, geology, greenhouse gases, hazardous materials, hydrology, and transportation were identified, but impacts were reduced to a less-than-significant level through the implementation of mitigation measures. All other impacts were determined to be less than significant." NOT TRUE!!!

This project will change the present open sky neighborhood to an above eye level of solid wood, stucco, or concrete walls with dormitory-like buildings surrounded by heavy traffic and population growth from this development on the sidewalks to and from the DMV, the Post Office, and the grocery stores nearby. There is a great deal of concern with fear of unexpected contact with strangers walking the sidewalks, or automobile accidents happening with speeding bicycles, and environmental increases in noise created by the abundant activities day and night from the apartment property.

These are not "less-than-significant levels" but are greatly felt collisions in our daily lives with an expected freedom to choose our place of security and comfort.

Please keep the many college students in the University campus neighborhood and not in our quiet elderly community where we ARE CONCERNED about safety walking in our Park, entering and leaving the Rancho Yolo (262 plus residents) Community Park onto Pole Line Road, the noise level, the traffic, and the disappearance of the First Families garden property.

Keep the college students in the immense open spaces on the west side of town or on the campus close to their ambitions with your decision to build there.

Respectfully,  
C. Kriens  
Davis, CA



-----Original Message-----

From: Craig Blomberg [mailto:cyclrn@me.com]

Sent: Tuesday, March 21, 2017 7:12 PM

To: Eric Lee <ELee@cityofdavis.org>

Subject: Concerned with Sterling Project

Hi,

My wife and I live in the Davis Manor Neighborhood. We have learned that the former convalescent hospital on Pole Line is being considered for conversion to high density apartments. The Sterling Project, as presently being considered, would add significant density to this area of town. Further, it would not allow anything other than college students. The city is in desperate need of affordable housing for many different individuals and families (i.e working class individuals and families). We are slowly eliminating the stock of housing for many of the individuals that keep our local businesses and schools open.

We are opposed to the present design of the Sterling Apartments.

Thank you for your interest in this matter,

Craig and Darien Blomberg  
733 N Street

From: Todd Edelman [<mailto:toddedelman1@gmail.com>]  
Sent: Monday, March 20, 2017 9:30 AM  
To: City Council Members; Brian Mickelson; Ashley Feeney  
Subject: BTSSC needs to be allowed to re-visit Sterling proposal

Dear Councilmembers of the City of Davis, Planning Commissioners\* and BTSS Commissioners\*,

\* Dear Mr Mickelson and Mr Feeney, please forward this to the Commission for which you are the liaison.

I urge that your three bodies come to a consensus or adequately support further review/re-examination of the Sterling Apartments proposal by the BTSSC.

From the very first meeting of the new BTSSC in January and through subsequent meetings in February - I was not at the March meeting - and at the recent City Council-BTSSC joint meeting there has continuous and growing support for BTSSC having a higher level of participation in and responsibility for individual development plans in Davis - and also for the creation of a BTSSC sub-committee focused on public transport.

After the now former BTSSC's term ended in December 2016 and its new form - with four of its nine its members being new to this Commission - the Sterling Apartment project proposal underwent significant modifications which have impact on traffic on Davis. It's not about projected increased impacts or decreased impacts -- the direction does not matter: The main issue is that there's been a big change which may have affects which about half of its members were not able to review at all, and a secondary issue is that the other half saw a much different proposal than what is now being considered.

In an environment where a project is hotly contested, does not benefit from the new input possible on the BTSSC since it was reviewed by a significantly-different Commission last year, and where there is support for a new mission for this body, it is in the best interest of respect, democracy and solidarity in our City for Sterling to be re-examined by the current BTSSC by postposting its review by the Planning Commission or at least in some way creating a legally-acceptable diversion, exception etc. for the continued formally-normal movement of the Sterling documents through City Hall.

Sincerely,

--

Todd Edelman  
Urban Interactions Facilitator  
Deep Streets Davis

2855 Bidwell St. Apt. 2  
Davis, CA 95618  
[415-613-0304](tel:415-613-0304)  
skype: toddedelman

From: Ron O [mailto:ROertel@msn.com]  
Sent: Monday, March 20, 2017 10:43 AM  
To: Planning Commission <PlanningCommission@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>  
Subject: No Sterling!

To Davis Planning Commission (and Mr. Lee):

We are strongly opposed to the revised Sterling proposal.

The original proposal was apparently a "straw man" proposal, with no realistic chance of going forward. However, the revised proposal is still not appropriate for the site.

"Megadorm-type" structures such as Sterling (which is primarily oriented toward students - by design) belong on campus. The proposed Sterling development would encourage commuting between the site and campus, through a congested city. This commute could occur several times each day (for each student), in between classes. Even if a large number of students commute via bicycle, this would nevertheless have significant risks and drawbacks, as well.

UCD's LRDP is not finalized, and there's still opportunities to encourage developments such as Sterling on campus, which would provide greater convenience and safety for everyone. In addition, having such developments located on campus would ensure that UCD would shoulder the responsibility of its planned increase in enrollment, including the need and cost for public services such as police, fire, water/sewer, etc.

There is also the matter of automobile traffic, even if students primarily choose another method to get to campus. A lack of parking does not necessarily correspond with a lack of automobile usage, or the need for parking to store cars that are not necessarily in daily use. For example, the site is located far from the city's core, the Amtrak station, grocery and other stores, entertainment venues, etc. It seems likely that students will rely upon motor vehicles for daily living activities, and to travel to sites that aren't well-served by public transit.

Sincerely,

Ronald Oertel &  
Som Ashton

**From:** "Marjorie Beach" <[marjbeach@gmail.com](mailto:marjbeach@gmail.com)>

**To:** [planningcommission@cityofdavis.org](mailto:planningcommission@cityofdavis.org)

**Sent:** Monday, March 20, 2017 11:42:41 AM

**Subject:** Sterling Project Proposal

Dear Members of the Planning Commission -

I will be out of town this coming Wednesday, but would like to voice my serious concerns re: the revision of the proposed Sterling Project near the intersection of 5th St. And Pole Line Rd.

As a citizen of East Davis since 1999, my concerns are these:

- though the revision proposes a downsizing, the new size is still far too large for the space
- such a mega dorm should be located on the UCD campus, not in a neighborhood area removed from the campus, for the benefit of the students as well as the citizenry of Davis
- the mega dorm is suited only for housing students, not for the families who need housing in our city
- the congestion at that intersection is already considerable, and would be made far worse with that number of new apartments at that site

Thank you for your work. I trust that this Project can be adapted enough to truly benefit the city and citizens of Davis, or that this former location of Families First can be used in another way that does not sacrifice the buildings and the flora/fauna of that area.

Thank you again,

Marge Beach

Marjorie Beach  
(916)798-8724

-----Original Message-----

From: Helen Thomson [mailto:[helenmthomson@comcast.net](mailto:helenmthomson@comcast.net)]

Sent: Monday, March 20, 2017 11:08 AM

To: Planning Commission <[PlanningCommission@cityofdavis.org](mailto:PlanningCommission@cityofdavis.org)>

Cc: Eric Lee <[ELee@cityofdavis.org](mailto:ELee@cityofdavis.org)>

Subject: Re: Sterling Apartment Project

On Mar 20, 2017, at 11:05 AM, Helen Thomson <[helenmthomson@comcast.net](mailto:helenmthomson@comcast.net)> wrote:

Dear Commission Members,

I am sorry to see that the Sterling project has gotten so far as to have a zoning change before you for a decision.

I feel the tearing down of these substantial and attractive buildings is a complete waste of resources. There are so many uses that could be accommodated by the use of these buildings. There is even a pretty decent sized gym! And an administrative office building that is as attractive as most in town, especially with a new coat of paint. So many youth groups looking for meeting spaces, homeless families needing shelter, people needing affordable housing, and the community organizations spending scarce monies on rent and overhead that could be accommodated for less in a single cooperative and coordinated effort. The children that were housed there are still in need of housing and services, the mentally ill in need of housing, and services as well. They didn't disappear into thin air.

I am sad to see that there was not the civic energy, nor political leadership to try to work something better out than a huge and not very attractive, nor affordable complex of apartment blocks. Please consider this decision carefully as it will set the precedent for an attitude of tear down instead of creatively working with what is there already!

"Recycle, restore, renew" applies to buildings as well as plastic bottles!

Sincerely,  
Helen M. Thomson

**From:** "Farrokh Revand" <[frevand@hotmail.com](mailto:frevand@hotmail.com)>

**To:** [planningcommission@cityofdavis.org](mailto:planningcommission@cityofdavis.org)

**Sent:** Monday, March 20, 2017 9:10:00 AM

**Subject:** input on Sterling Apartments proposal

1) The Sterling project should be denied in its present form proposed due to its exclusionary design of 4- and 5- bedroom apartment "suites" which would not provide housing for average non-students needing rental housing (i.e. particularly families) since they are a single-room-occupancy format.

2) If considered for approval the project need to eliminate the 4-bedroom and 5-bedroom apartment "suites" targeting only students, and instead, provide traditional 1,2 and 3 bedroom apartments that anyone can rent.

3) The project is still too massive and needs to be downsized.

4) Projects like the Sterling "mega-dorm" belongs on-campus, not in the City. UCD needs to provide far more on-campus housing than it is proposing for its own growth, rather than forcing its growth needs on Davis and surrounding cities.

5) The City would not even get RHNA "fair share" credit for this enormous project if it was built before 2021.

Farrokh Revand  
resident, Davis

From: Airy Krich-Brinton [mailto:airykb@gmail.com]  
Sent: Monday, March 20, 2017 8:59 AM  
To: Planning Commission <PlanningCommission@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>  
Subject: Stirling Apartments complex is too big

Dear Planning Commission,

I am very concerned to hear that the Stirling project at the Families First location is still being seriously considered.

This project is far too big for that location. The objections from the community living in Rancho Yolo mobile home park alone should be sufficient to cancel it until the size has been reduced. However, the other very pressing concerns include traffic increases and parking allotments, and the effect of 540 student beds with no supervision far from campus. A dorm such as this, designed for students, belongs on campus where there can be supervision without constant intervention by police when parties get out of hand.

Finally, the project does not alleviate the need for ordinary apartments and rental units among middle-class citizens, which is Davis' primary need.

I live in proximity to the proposed project site and use the 5th St/Pole Line intersection regularly. The traffic there is already near maximum capacity, and anyone who uses that intersection knows it.

Please do not approve this mega-dorm in its present form.

Airy Krich-Brinton

Engineer

Davis, CA

**From:** "Pam Helm" <[pamhelm@omsoft.com](mailto:pamhelm@omsoft.com)>  
**To:** [planningcommission@cityofdavis.org](mailto:planningcommission@cityofdavis.org)  
**Sent:** Sunday, March 19, 2017 4:18:28 PM  
**Subject:** Sterling Apartments megadorm project

I want to go on record as being opposed to this project. I work Tuesday and Wednesday evenings and can't attend Council meetings. I live on K Street between East 8th and Alice. Over the years I have watched Davis outgrow itself on so many levels. The air pollution and traffic in this part of town is already as bad as Sacramento. From my house to downtown sacramento once took 20 minutes. It now takes longer than that to reach the freeway. Nearby Rancho Yolo and the skilled nursing facility both house aged and disabled persons whose lives and safety will be impacted. There are myriad other reasons, environmental ones and ones dating back to the original limited growth plan which have been totally ignored over and over. So my vote is no. No more. UCD can build its own dorms on UCD property if we must have more dorms. The dust has barely cleared from the cannery project and we are still choking from all that contaminated stuff in the wind from that God foresaken project.

Pam Helm



From: JILL HENDERSON [mailto:jillhe@comcast.net]  
Sent: Friday, March 17, 2017 6:01 PM  
To: Eric Lee <ELee@cityofdavis.org>  
Subject: Sterling Project on 5TH ST

I and many friends are outraged that government funding spent building the Families First campus would be just wasted and the whole place just demolished. What kind of responsibility is that to taxpayers and to our children? That campus was built to last over 50 years. Sterling couldn't build in a different, empty area? Allowing this to take place is disrespectful and a squandering waste of our taxes, not to mention all the man hours and materials spent building the campus. How sad that we've come to be so wasteful. Shame.

Besides the obvious waste of a beautiful campus, traffic is barely accommodated now. You'd have three story garage traffic going into a one lane road which is presently supposed to accommodate four busses, a police department and a fire department. Does Davis still have a city planning commission?

From: Don Sherman [mailto:donsherman@mac.com]  
Sent: Friday, March 17, 2017 5:13 PM  
To: Eric Lee <ELee@cityofdavis.org>  
Subject: Please distribute this comment to Planning Commission members

Hello, Eric

Please distribute this comment to Planning Commission members and Council liaison enough in advance of next Wednesday's meeting, for their consideration prior.

In reviewing the developer's current submittal package for "Sterling@5th Street", one notices that the architect's rendering at the top of the document shows half the number of trees in front of the project along Fifth Street as does the one at the bottom.

We feel it is important both aesthetically and for noise and air pollution reduction that at least the number of trees between the street and the mini-city be the larger number shown in the bottom graphic.





— Maggie and Don Sherman  
Davis

**From:** "Claudia Krich" <[claudiakrich@gmail.com](mailto:claudiakrich@gmail.com)>  
**To:** [planningcommission@cityofdavis.org](mailto:planningcommission@cityofdavis.org)  
**Sent:** Friday, March 17, 2017 1:07:32 PM  
**Subject:** Please read and consider these new issues re Sterling

Dear Planning Commissioners,

I have attended your previous meetings and spoken against the Sterling dormitory proposal. I feel the "new" proposed size is what they expected and planned to get in the first place, and we are still against it.

1) As far as I know, all other Sterling dormitories in the country are either on campus or right next to campus. They are NOT a few miles away with the only route to campus being the most traffic impacted street in the city---Russell/Fifth.

2) The Sterling Company that builds these big box dormitories is a BIG BOX "store," like Walmart, which supposedly Davis is against.

3) For ME, the most important part is IT IS A DORMITORY. IT IS NOT AN APARTMENT COMPLEX. IT DOES NOT BELONG IN OUR OVERLOADED NEIGHBORHOOD. IF THERE HAS TO BE AN APARTMENT

COMPLEX, LET IT BE A **REAL** ONE, BUILT BY A DIFFERENT COMPANY.

4) According to the Davis General Plan, re-zoning should only happen "FOR THE GOOD OF THE NEIGHBORHOOD." This proposal negatively impacts not just the surrounding neighborhood but **EVERYONE** east and south of campus, since it will further clog traffic on Russell/Fifth, the only artery to and from campus.

Thank you for reading this,

Claudia Krich

I do NOT live in Rancho Yolo, but I do live east of it in Mace Ranch. However, my mother lives on Magnolia near Covell and is equally adamantly opposed, as are many other citizens of Davis.

From: veronicastanton@comcast.net [mailto:veronicastanton@comcast.net]  
Sent: Tuesday, March 14, 2017 3:49 PM  
To: Eric Lee <ELee@cityofdavis.org>  
Subject: Re: Sterling Apartments Project - Planning Commission Meeting Notice

Dear Eric,

I really hate the idea of the Sterling development in East Davis. I live in South Davis and sometimes its practically impossible to get into Davis through the tunnel at Olive Drive. Its going to get worse there once more development happens on Olive Drive and the new hotel goes in at the Cafe Italia site.

I now prefer to take the overpass on Pole Line Road and turn left onto 5th Street at the Post Office. Imagine how much worse that turn is going to be when there are 611 new bedrooms in the Sterling development.

The City of Davis should be looking after the interests of Davis Citizens first and foremost, not the interests of UC Davis and its students, and not the interests of developers. The Citizens have spoken - they want "slow growth". The development at the Cannery has satisfied our growth.

UC Davis has a lot of land, they should be building their own apartment complexes for their students. Students should not be across town in East Davis.

I strongly protest the City of Davis considering the approval of the Sterling development.

Veronica Stanton  
2613 Regatta Lane,  
Davis, 95618

From: F G [mailto:ysjs7978@gmail.com]  
Sent: Monday, April 10, 2017 4:45 PM  
To: Eric Lee <ELee@cityofdavis.org>  
Subject: RE: Sterling 5th Street Apartments

Hi Eric,

I would like to add another comment. I am wondering if Davis has one residential building that is four stories or more. At least in east Davis I have not found one. This project, with several four-story buildings and five-level parking structure, will change Davis landscape forever by setting a precedent. Will such a change be consistent with the city's general development plan and zoning designation? Again, I am opposed to this proposal as it is currently designed, because I believe it has a negative impact on everyone living nearby.

Thank,  
Yuhang Shi  
2043 5th st.

From: F G [mailto:ysjs7978@gmail.com]  
Sent: Monday, March 13, 2017 7:52 PM  
To: Eric Lee <ELee@cityofdavis.org>  
Subject: Sterling 5th Street Apartments

Dear Mr. Lee,

I am homeowner of a Sequoia Villa condo, directly across from the post office. I have not completed examining all the environmental impact analysis. I just looked at the chapter on transportation. To my surprise, the author of the study has taken a biased approach instead of offering an impartial, fact-based analysis. For example, the traffic volume on 5th Street near Pole Line was conducted in October 2014, two and half years old. From my personal experience of driving, biking and walking on this street every day, the estimate of the traffic volume is way too low. These days, for instance, it is difficult for me to exit the complex and make a left turn during the day. Biking is certainly more dangerous unless on the walkway. The population to be housed in the new apartments will definitely increase traffic volume several times, making things significantly worse. And I don't trust the mitigation measures will work. In fact, the author of the study relied almost on the hardly substantiated claim that apartment residents generate low traffic green-area residents. The two are not comparable in the city of Davis, for one is students and one is residents. This is a flawed analysis.

Why does the city allow such a high-density apartment complex to be added to an area that has already been saturated with highly-dense apartments? Just for the traffic sake alone, I am firmly against this project as it is currently designed.

Thanks,  
Yuhang Shi  
2043 5th Street

**From:** <[jacobsen.peter@yahoo.com](mailto:jacobsen.peter@yahoo.com)>  
**Date:** January 23, 2017 at 6:53:20 PM PST  
**To:** "[citycouncilmembers@cityofdavis.org](mailto:citycouncilmembers@cityofdavis.org)" <[citycouncilmembers@cityofdavis.org](mailto:citycouncilmembers@cityofdavis.org)>  
**Subject:** Sterling Apartments parking  
**Reply-To:** <[jacobsen.peter@yahoo.com](mailto:jacobsen.peter@yahoo.com)>

Honorable Council Members,

I attended the BTSSC on the November night when the Sterling Apartments proposal was presented. I heard many conflicting goals:

- The neighbors expressed concern about traffic and congestion
- The need for affordable housing
- Neighbors concerned about parking spilling over into their neighborhoods
- Conflicts between residents driving from apartment and other residents crossing 5th Street to get to the transit stop

The developer proposes building a 7-story-high parking structure. (Would this be the tallest building in Davis?)

I propose a solution:

- Require the developer to "unbundle" the parking. That is, tenants would rent the parking space separately. Presumably, the developer would be free to set the price.
- The City should negotiate with the developer to reduce the number of parking spaces.

These two changes address all the concerns:

- With fewer parking spaces, there will be fewer cars to congest traffic.
- Tenants will have the option whether to pay for storing a car. Parking structures cost a lot of money to build. Evidence (1) shows that a multi-story parking structure costs between \$15,000 and \$25,000 per space, and the annualized cost is between \$2000 and \$3000 per space. In Los Angeles, the difference in rent is \$200/month.(2)
- This site is favorably located to minimize potential parking spillover. To the north, Rancho Yolo has little opportunity for non-resident parking. The railroad tracks and I-80 create somewhat of a barrier to the south. The commercial area to the east will likely experience parking issues, and either parking meters or enforcement will be required.
- Fewer cars parked on-site reduces car use, which will reduce conflicts with residents walking to transit.

In addition, this site is well-served with transit, and is within a mile and a half bike ride to campus.

Other cities have unbundled parking, and their experience may help Davis: San Francisco, Oakland, Berkeley, and Santa Cruz.(3)

Thank you for your consideration.

Peter Jacobsen  
827 Santa Paula Way  
Davis, California

References:

1. <http://www.vtpi.org/tca/tca0504.pdf>
2. <http://www.accessmagazine.org/articles/spring-2014/parking-requirements-housing-development-regulation-reform-los-angeles/>
3. <http://pdxshoupistas.com/diversifying-portlands-parking.../>



## PETITION TO CITY COUNCIL TO REJECT STERLING PROJECT

OCT 27 2016

We, the undersigned, urge you to reject the huge dormitory proposal at the Families First location on Fifth Street. Four, five, and six story buildings and parking garages for undergrads in "apartments" of four and five bedrooms, each bedroom with its own bathroom, are not "family housing," as the proposal states. It is a crowded multi bed dormitory, without any supervision.

The proposal includes an open amphitheater, pool, cabanas, beach, barbecue pits and more for the students. It also calls for cutting down 150 large, established trees and will have little open space.

Most of these undergrads will drive, and in fact may choose to live there primarily because they can have a car, since on-campus dorms do not allow cars.

They will have parties and friends, and the friends will come primarily by car. There won't be room for them to park at the site, so they may park at the post office or the police station or anywhere in the neighborhood. They will have amplified concerts and events that will affect the surrounding neighborhoods.

The intersection of Pole Line and Fifth will be greatly impacted, including the post office, the DMV, and the major artery to and from South Davis, including the Safeway, where exiting to go north will become more difficult.

There will be between 800 and 1800 students, depending on how many beds are rented in each room. Noise and trash will inevitably increase. Parties will increase. Drunkenness will increase. Police and fire sirens and visits will increase. Traffic congestion will increase. Water consumption will increase dramatically. There is NO excuse for giving each dormitory bedroom a private bathroom.

Such a structure belongs either nowhere, or on campus. A small development might be appropriate in WEST Davis, near the university. But no such student structure belongs in east Davis, far from the university. East Davis already has its share of student apartments and their cars, and new developments, at Pena/Fifth, Chiles Ranch, and the Cannery, affecting all three arteries between east Davis and downtown.

The city owes these out-of-town developers absolutely nothing. This project brings no cultural or aesthetic or even useful benefit to Davis, except that it houses students, for profit. This is unacceptable.



3045 Bryant Pl.

Mary Ann Harrison 324 Anza Ave., Davis

Jayce Trujillo 407 Red Oro Ave.

Larry Dean 619 Mockingbird Pl. Davis

RECEIVED

OCT 27 2016

City of Davis  
Community Development

Will W Davis

916 ZARAGOZA

Justin Giovannetone

806 La Corona

Richard D. Nave

409 La Corona

Andy

808 LA CORUNO STREET

Ady

861 San Rafael St. Davis, CA

Uggrovar

800 LA CORUNO ST

Britton

969 Zaragoza St.

Joe Joe

951 Zaragoza St

Mel

975 Zaragoza St

Valerie Noble

1209 COVELL PL Davis

Rita Brich

1815 Magnolia Pl 95618

Yvonne Butler

161 Inner Circle 95618

Barbara Krupper

107 Tree Circle 95618

Linda Robert

230 Cortez Ave. 95616

## PETITION TO CITY COUNCIL TO REJECT STERLING PROJECT

OCT 27 2016

We, the undersigned, urge you to reject the huge dormitory proposal at the Families First location on Fifth Street. Four, five, and six story buildings and parking garages for undergrads in "apartments" of four and five bedrooms, each bedroom with its own bathroom, are not "family housing," as the proposal states. It is a crowded multi bed dormitory, without any supervision.

The proposal includes an open amphitheater, pool, cabanas, beach, barbecue pits and more for the students. It also calls for cutting down 150 large, established trees and will have little open space.

Most of these undergrads will drive, and in fact may choose to live there primarily because they can have a car, since on-campus dorms do not allow cars.


They will have parties and friends, and the friends will come primarily by car. There won't be room for them to park at the site, so they may park at the post office or the police station or anywhere in the neighborhood. They will have amplified concerts and events that will affect the surrounding neighborhoods.

The intersection of Pole Line and Fifth will be greatly impacted, including the post office, the DMV, and the major artery to and from South Davis, including the Safeway, where exiting to go north will become more difficult.

There will be between 800 and 1800 students, depending on how many beds are rented in each room. Noise and trash will inevitably increase. Parties will increase. Drunkenness will increase. Police and fire sirens and visits will increase. Traffic congestion will increase. Water consumption will increase dramatically. There is NO excuse for giving each dormitory bedroom a private bathroom.

Such a structure belongs either nowhere, or on campus. A small development might be appropriate in WEST Davis, near the university. But no such student structure belongs in east Davis, far from the university. East Davis already has its share of student apartments and their cars, and new developments, at Pena/Fifth, Chiles Ranch, and the Cannery, affecting all three arteries between east Davis and downtown.

The city owes these out-of-town developers absolutely nothing. This project brings no cultural or aesthetic or even useful benefit to Davis, except that it houses students, for profit. This is unacceptable.

Nina Watson 2000 Loyola Dr. 

Joanne Hokanson 966 Zaragoza St.

Giusea Schubert 927 La Corona St.

Andrew Morris 812 Zaragoza St.



OCT 27 2016

City of Davis

Community Development

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Ed Deacon 972 Zaragoza St.

Leo Burton 945 Zaragoza St.

Maria Kalesik 975 Zaragoza St.

Airy Krich-Brinton 1702 Pole Line Rd

OCT 27 2016

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Serena Brenner 933 Zaragoza St.

Shuryl Bernauer 924 Zaragoza St

George Patena 921 La Coruna St

Alan R. Schuman 916 Zaragoza St

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Scott Cavanaugh 2718 Montefrio Ln.  
 Keri Cavanaugh 2718 Montefrio Ln.  
 RB 801 Zaragoza St.  
 Curtis Krich 919 Zaragoza

PETITION TO CITY COUNCIL TO REJECT STERLING PROJECT

RECEIVED

OCT 27 2016

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W. David Haggerty 314 Mills Drive, Davis 95616

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Janreen A. Cox 1509 El Capitan St., Davis, 95616

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Robert A. Ernst 601 Mockingbird Pl. Davis 95614

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Beth Seger 143 Innercircle Davis ca 95618

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Marlene Skaler 2812 Corona Dr, Davis Ca

Kathleen Friehtshausen 930 San Tomas St, Davis 95618

CHRISTOPHER MAYEDA 922 ZANAGORA ST. DAVIS, CA 95618

Saul Mayeda 922 Zanagora St. Davis, CA



## **ATTACHMENT 14**

### **Letters of Support and Reference Letters**



## Promote ~ Support ~ Advocate

April 5, 2017

### Board of Directors

Executive Committee  
Jason Taormino - Chair  
*West Davis Active Adult Community*  
Rob White – Vice Chair  
*Sierra Energy*  
Carolyn Stiver – 2<sup>nd</sup> Vice Chair  
*Edward Jones Investments*  
Christina Horne - Treasurer  
*Brooks Painting*  
Justin Lowenthal - Secretary  
*Lowenthal Realty Co.*  
Jennifer Nitzkowski –  
Imm. Past Chair  
*Carbahal & Company*

### Directors

Nichole Arnold  
*Mother and Baby Source*  
Bryan Belden  
*Sutter Davis Hospital Foundation*  
Bruce Colby  
*DJUSD*  
Joe DiNunzio  
*Davis Roots*  
Jay Errecarte  
*SunWest Foods*  
Nancy Hannell  
*Davis Enterprise*  
Susan Kirby  
*Da Vinci Charter Academy*  
Amit Pal  
*PG&E*  
Ted Parks  
*Woodstock's Pizza*  
Don Palm  
*Sacramento City College*  
Mabel Salon  
*UC Davis*

### Chamber Staff

Christina Blackman  
*Chief Executive Officer*  
Mischa Erickson  
*Director of Marketing & Events*  
Bobbi Vaughn  
*Membership & Office Administration*

Mayor Robb Davis and City Council Members  
City of Davis  
23 Russell Boulevard  
Davis, CA 95616

RE: Sterling Housing Project

Honorable Mayor and City Council Members:

The Davis Chamber of Commerce Board of Directors has voted in support of the proposed Sterling Housing project (see attached). The Davis community has a broad residential base with varying housing needs. This project will help to increase our housing supply for the anticipated growth in the UCD student population over the next several years.

The Davis Chamber of Commerce is an independent, membership-supported organization and supports local economic development through strategic and thoughtful planning. The Davis Chamber's mission is to promote, support, and advocate the general economic vitality of its membership and the quality of life for the community.

Our core purposes are:

- To help create a strong local economy
- To promote the community
- To provide networking opportunities
- To represent the interests of business with government

Sincerely,

Christina Blackman | CEO

Rob White | GRC Chair

Cc: Dirk Brazil, City Manager  
Mike Webb, Assistant City Manager  
Diane Parro, Chief Innovation Officer  
Josh Vasbinder, TDC Properties

Letter originally submitted to council - May 10, 2016

# POSITION STATEMENT



## **Sterling Fifth Street Housing Project**

**April 28, 2016**

*Adopted by the DCOC Executive Board of Directors*

The Davis Chamber of Commerce Board of Directors supports The Dinerstein Companies Sterling student housing project proposed at 2100 Fifth Street. Based on the project as presented, the Davis Chamber Board of Directors supports the current design at expected density or higher.

The Dinerstein Companies is the largest builder/developer of off-campus student housing in the country and the leading green developer with \$1.91 billion in LEED Silver/Gold apartment product completed or currently in development.

The Sterling project is slated to include 203 market rate units with an additional 41 affordable housing units. The plan incorporates a dense, compact design to make the best use of the site space available. The Sterling project will help to provide much need supply to the housing market for the influx of students that UC Davis expects to add over the next three years.

### ***Chamber Position***

#### **Housing Supply**

The Davis Chamber of Commerce generally supports the goals and policies of the Davis General Plan's Housing Element which promotes an adequate supply of affordable ownership and rental housing for local employees, students, low income and disabled persons, and seniors (2001 General Plan Goals 6.1 and 6.2).

Specifically, the chamber supports the city standards and actions which implement these goals and policies, including:

- Providing a range of unit sizes and a mix of housing types, densities, designs, prices, and rents (General Plan Policy 1.1);
- Providing a buyer's selection process for low, moderate, and middle income ownership units which gives the highest priority to households with a member of the local workforce (General Plan Policy 4.3); and
- Encouraging a variety of housing types and care choices for seniors of all income levels (General Plan Policy 1.8).

The mission of the Davis Chamber of Commerce is to promote, support and advocate on the general economic vitality of its membership and the quality of life for the community.

From: Larry Ferlazzo [mailto:larryferlazzo@gmail.com]  
Sent: Wednesday, April 12, 2017 4:20 AM  
To: Eric Lee <ELee@cityofdavis.org>  
Cc: rachel@mutualhousing.com  
Subject: Fifth Street Housing Proposal

Dear Mr. Lee,

I am a longtime Davis homeowner (815 A Street) and a high school teacher.

I am writing to support the Fifth Street housing proposal. I am a strong advocate of diversity, and feel that the more student housing that is available, the more likely students from Sacramento high school will be able to realize their dreams of attending UCD and not have to deal with the added complication of commuting because they can't find a place to live here.

I don't think there is any question that the University needs to build more student housing. However, I strongly question any political equation that says rejection by the city of this project will result in UCD building more housing. Any rationale like that just doesn't pass the "smell" test.

Many public institutions should do more to respond to challenges facing communities. That doesn't stop us from recognizing that we live in the world as it is, not as we would like it to be. For example, the state should spend more money on schools. That recognition does not prevent us teachers from buying supplies out of own pocket, and it doesn't prevent Davis residents from contributing to the Davis Schools Foundation.

Don't let the perfect be the enemy of the good.

Finally, I'm also an advocate of affordable housing, and there is no question that Davis needs more of it. This project is lucky enough to including an affordable housing component built by one of the most respected, if not THE most respected nonprofit housing developer in the state. It would not be wise to pass on that opportunity.

Please vote to support this project.

Larry Ferlazzo

## Bree Toller

---

**From:** Mindy Romero <msromero@ucdavis.edu>  
**Sent:** Wednesday, March 22, 2017 6:48 PM  
**To:** Planning Commission  
**Subject:** Fifth Street Project Support

Dear Davis Planning Commission Members:

I am currently the vice chair of the Davis Social Service Commission, as well as the chair of Mutual Housing. However, I write this letter in my capacity as a long time Davis resident and a former resident of affordable housing here in town.

Eighteen years ago, I moved to Davis to attend UC Davis as an undergraduate. I brought my children with me in this endeavor and immediately found the Davis housing market extremely prohibitive. If it were not for the availability of affordable housing, I would not have been able to attend UCD. Today, I hold a doctorate from UCD and teach and work with students on campus everyday. I raised my children in Davis schools and they are all now all college students themselves.

The lack of affordable student housing in Davis impacts not only students but everyone. The very high occupancy rate creates higher rents for all. Student housing is not only important for our students but also for an inclusive housing market for everyone in the city. It is my belief that the city of Davis does have a deep responsibility to house its students who are important and productive contributors to our community, some of whom stay on to live in our city and raise their families. When members of our community object to student housing being built it can send a message to students that they are not welcome and not valued in our community. Our city has the ability to counter this message by approving inclusive multifamily housing that includes design elements that are practical and welcoming to students.

I strongly urge you to approve the fifth street project as currently presented to the commission.

Sincerely,  
Mindy Romero

---  
Mindy Romero, Ph.D.  
Director  
California Civic Engagement Project  
Center for Regional Change  
University of California, Davis  
[ccep.ucdavis.edu](http://ccep.ucdavis.edu)  
(530) 665-3010  
*Follow me on Twitter @MindySRomero*  
**View My Tedx Talk on the Power of the Youth Vote**

**From:** Judy Moores [mailto:jemoores@aol.com]

**Sent:** Tuesday, March 21, 2017 11:52 AM

**To:** Planning Commission <PlanningCommission@cityofdavis.org>; Eric Lee <ELee@cityofdavis.org>

**Subject:**

To the Esteemed Members to the Davis Planning Commission:

As you know, Davis needs more housing - especially diverse housing types, and more specifically housing for students and for working families. While I believe that UCD needs to add much more housing for students, I also believe that it is time to start to densify Davis to deal with the growing student population and those with lower income who will live in town. Adding more housing means fewer students and others working in the city and on campus having to drive long distances to Davis, and thus, adding to the carbon emissions in our environment now and in the future.

Dinerstein modified its design of the student-oriented housing to include a 25% reduction in the project scale and density since discussions in January and February. With regard to parking, from what I understand, fewer students are using cars, and more and more are using bikes and buses, such that fewer parking places will be needed in the future. Also, I have used the bus system myself and most recently, the buses I rode have always been full - which did not use to be the case.

Mutual Housing, was selected by Dinerstein to develop the required affordable housing under the inclusionary housing requirement. Their portion will be on a separate adjacent parcel and will be 1, 2 and 3 bedroom apartments for rent to low wage workers, seniors, student families with children, etc.

I have met with Rachel Ikow in the past and have toured New Harmony, which I believe is the most recent of their completed Davis projects. I came away impressed on every level - the quality of the buildings, the thoughtful designs, the efforts to build for and maintain a very low carbon footprint, and to keep their renters happy and engaged. And very important - they work to keep good relations with their neighbors. The complex is probably the best in town with regard to being sensitive to others in the neighborhood.

This paragraph comes from a Cool Davis article about Mutual Housing when it became a part of the CD Coalition:

*Mutual Housing is committed to green construction and renovation, and it is now on the cutting edge of green affordable housing. For the past fifteen*

*years, it has incorporated green principles into every element of its work. Its five multifamily properties in Davis are all solar energy producers, and their New Harmony Mutual Housing is designed produce energy equivalent to 80% of electricity used on-site. ... Mutual Housing's most recent project, Spring Lake in Woodland, is the nation's first certified zero net energy rental development and has been certified as LEED Platinum.*

Now Mutual Housing needs the Planning Committee's support to

1. Certify the Environmental Impact Report prepared for the project and adopt the Findings of Fact with the Statement of Overriding Considerations and Mitigation Monitoring Plan; and
2. Approve the following planning applications for the project including:
  - a. General Plan Amendment;
  - b. Rezoning and Preliminary Planned Development;
  - c. Final Planned Development;
  - d. Tentative Parcel Map;
  - e. Demolition and Design Review;
  - f. Development Agreement; and
  - g. Affordable Housing Plan.

Please help approve this plan and move it along and do not give into the nay-sayers.

Many thanks, Judy

Judy Moores

[jemoores@aol.com](mailto:jemoores@aol.com)

Greg Rowe  
1610 Pismo Court  
Davis, CA 95616; [gregrowe50@comcast.net](mailto:gregrowe50@comcast.net)  
March 21, 2017

Katherine Hess, Community Development Administrator  
City of Davis - 23 Russell Boulevard  
Davis, CA 95616

Subject: Planning Commission Comments - Sterling 5<sup>th</sup> Street Apartments – March 22 Public Hearing

Dear Ms. Hess:

This letter is submitted for distribution to the Planning Commission. My letter to the Commission on October 6, 2016 supported the DEIR Reduced Student Density alternative, identified as the Environmentally Superior Alternative (ESA). I support the modified project because it is similar to the ESA in many respects, and for the other reasons listed below. My only reservation is that Sterling's approval could be mistakenly interpreted by UC Davis as signaling a City intention to continue providing the majority of UCD student housing. Thus far UCD has seemingly ignored the City's December 20, 2016 resolution urging UCD to house 50% of the 2027-28 student population on campus, along with 100% of enrollment growth in the coming decade. I hope that Sterling's approval will instead demonstrate that Davis is willing to do its part, thereby convincing UCD that it must begin making a substantive commitment to building many more on-campus student apartments.

I'm also concerned that Sterling's approval will start a deluge of similar student-oriented apartment proposals, following the Lincoln40 project and the recent proposal for 179 units of student housing at the intersection of Research Drive and Cowell Boulevard. I therefore suggest it is time for the City to follow up on its December 2016 action by considering a city-wide policy addressing the optimum number of student housing units.

In summary, I support the revised Sterling project proposal for the following reasons:

- It appears to be a reasonable accommodation that addresses many of the community's initial concerns.
- It will return to productive use a parcel that has been vacant for more than 3 years. Having worked in urban redevelopment for 6 years (Oakland and Sacramento), I understand how difficult it is to align the many factors needed to revive an under-utilized property such as the Families First site.
- It will hopefully reduce the pressure for conversion of single family homes to student "mini-dorms."
- Even if UCD were to immediately start building a lot more on-campus student apartments, it would take many years to catch up with the backlog and then start keeping pace with UCD's aggressive expansion.
- The affordable housing component has been retained as a separate parcel from the student units.
- The development agreement includes occupancy management measures and a security plan in response to community concerns about "doubling up" and inappropriate activities. These components will create a far more controlled environment than is typically found in neighborhood mini-dorms.

Thank you for considering my comments.

Sincerely,  
*Greg Rowe*  
Greg Rowe



From: gregrowe50@comcast.net [mailto:gregrowe50@comcast.net]  
Sent: Friday, March 17, 2017 8:28 AM  
To: Eric Lee <ELee@cityofdavis.org>  
Cc: Ashley Feeney <AFeeney@cityofdavis.org>; Mike Webb <MWebb@cityofdavis.org>; Katherine Hess <KHess@cityofdavis.org>  
Subject: Re: Sterling Apartments Project - Planning Commission Meeting Notice

Eric: OK, that makes sense. I would prefer that UCD finally step up and build substantially more on-campus housing ASAP, but recognize that even if UCD moved quickly to accommodate no less than 50% of the students on campus, the projected growth will still necessitate some additional off-campus housing. I read the FEIR and believe that the proponent's program for limiting the number of occupants will help control "bad behavior" by students. It will essentially be a semi-controlled environment. I met several months ago with George Phillips (who I know from my 13 years working for the Sac County Dept of Airports) and Josh Vasbinder. Based on that discussion and the revised project information, I feel comfortable with the project. My biggest concern remains having the new bicycle infrastructure improvements in place before occupancy. In any case, I believe the project would be preferable to continued proliferation of student mini-dorms throughout Davis neighborhoods. I would prefer that no more empty beer bottles bounce off my home at 2:00 AM. I therefore support the revised project.

Regards, Greg Rowe

From: Michael Zwahlen [mailto:mcezwahlen@gmail.com]  
Sent: Monday, March 13, 2017 9:56 AM  
To: Eric Lee <ELee@cityofdavis.org>  
Subject: Sterling 5th Street Apartments - Letter of Support

Dear Eric Lee,

As an east Davis resident, I fully support this proposal and hope the city does more infill projects like this to help meet the housing demands of Davis.

This location is ideal with a bus routes on 5th Street as well as a short walk from two shopping centers, one on 8th Street where there is both a Grocery Outlet and Dollar Store are and another at the corner of Pole Line Road and Cowell Blvd.

I'm encouraging the Panning Commission to approve this project.

Thank you,  
-Michael Zwahlen  
1425 Santander Court  
Davis, CA 95618  
(916) 206-1676  
[mcezwahlen@gmail.com](mailto:mcezwahlen@gmail.com)



Tony Nix - General Manager

RE: Sterling Highlander

To Whom It May Concern:

Arriving to UC Riverside as the General Manager for Highlanders Sports Properties I was uncertain what I would be walking into when meeting the Sterling staff for the first time. Apartment developments are only as good as the staff managing them and Sterling Highlander has proven to be the best of the best. From the top down, Dinerstein has an operational plan which has allowed Sterling Highlander to separate themselves and stand above the rest as one of the best housing options for students in the Riverside Community.

Outside of operating a great complex, Sterling goes above and beyond to involve themselves with the surrounding community. The leasing manager takes it upon herself to actively engage campus groups in order to establish mutually beneficial relationships while also building relationships off campus throughout the community.

Sterling Highlander has been a joy to partner with and have cemented themselves as a staple in the Riverside Community.

Best regards,

A handwritten signature in black ink, appearing to be 'Tony Nix', written over a horizontal line.

Tony Nix

General Manager – Highlanders Sports Properties

Email: [tnix@highlanderssportsproperties.com](mailto:tnix@highlanderssportsproperties.com)

Phone: 951-827-5926



UNIVERSITY OF  
ARKANSAS

Student Affairs  
Off-Campus Student Services

Off-Campus Student Services  
Division of Student Affairs  
479-575-7351  
479-575-4162 (Fax)

Arkansas Union 632  
University of Arkansas  
Fayetteville, Arkansas  
72701-1201

To Whom It May Concern:

Off Campus Connections, soon to be Off-Campus Student Services, at the University of Arkansas is thrilled to have Sterling District as one of our Partner Properties. While the University does not endorse any off-campus properties, we have a select number of area complexes that are approved as Partner Properties. These properties want student renters, abide by university policy and procedures outlined in each property's contract with Off Campus Partners (the university's official off-campus housing website provider), and agree to work with our office in mediating student issues, when necessary. In return for being a Partner Property, these complexes get access to campus and students that others do not.

In the short time Sterling District has been in Fayetteville, we had a great relationship with their regional manager before their leasing office was open and now have continued that relationship with their property manager, Zachary, and leasing manager, William, during their lease up. Sterling District always quickly responds to inquiries from myself and my office, has great attendance at our Partner Property manager meetings every other month, and has helped numerous student organizations on campus with their donations for events. They welcome our staff at their office anytime and are always available to take our calls.

Our campus has a very strict no-solicitation policy, but Sterling District always plays by the rules and William always communicates any questions he may have to make sure they are not in violation of university policies. Out of all of our 26 Partner Properties, I can say our partnership with the staff at Sterling District is undoubtedly one of the best. I would recommend any university to partner with The Dinerstein Companies if they have the opportunity to.

Sincerely,

*Samantha Higgins*

Samantha Higgins

Assistant Director, Off-Campus Student Services

To whom it may concern,

The Arkansas Alpha chapter of Sigma Phi Epsilon at the University of Arkansas offers our recommendation to anyone that has the opportunity to work with Sterling District, a Dinerstein Company.

The University of Arkansas is home to some of the largest greek organizations in the nation, and our chapter is no exception with over 150 current undergraduate members. With such a large chapter, one of our biggest issues is finding housing accommodations that keeps everyone together. Sterling District has gone above and beyond to help accommodate our needs when it comes to finding living situations. They have proactively reached out to our members, sponsored fraternity events, fundraisers, and have partnered with us for our philanthropic work. For every ten brothers that sign to live at Sterling District, the company donates \$1000 to Big Brothers/Big Sisters of northwest Arkansas. Sterling District is invested in the students they house and our greater community.

Although Sterling District is a new property, we have prior relationships with the company from having brothers stay at their other properties. We value the hard work and time they put into the community they build. We strive to have a tight knit community within SigEp and we see it in Sterling District now.

Sterling District and the Dinerstein Company is a place of business that we recommend to all who are presented the opportunity. We say this because we have brothers who live there, brothers who work there, and every member knows how much they care and support our chapter and the University of Arkansas. We value them as a partner, as well as a supporter of the community.

Sincerely,

X 

---

Matt Sheppard  
President, AR Alpha Chapter of SigEp



SAN DIEGO STATE  
UNIVERSITY

American Language Institute  
College of Extended Studies  
San Diego State University  
5250 Campanile Drive  
San Diego, CA 92182 · 1914  
Tel: 619 · 594 · 5907  
Fax: 619 · 287 · 2735  
Email: [ali@mail.sdsu.edu](mailto:ali@mail.sdsu.edu)  
[www.ali.sdsu.edu](http://www.ali.sdsu.edu)

Dear Sir or Madam,

I'm writing to provide some background on our relationship with The Dinerstein Companies, and more specifically with the housing units at Sterling Alvarado near the San Diego State University (SDSU) campus. Our relationship with Sterling Alvarado and the The Dinerstein Companies began just prior to the completion and grand opening of the units in 2013.

We were looking for some alternative housing options for our international students, many of whom were requesting private rooms and private baths, an option that was difficult to find around SDSU before Sterling Alvarado was built. At first we were working towards a master lease, but that did not materialize for a variety of reasons. We then looked at the option of referring our students directly to Sterling Alvarado. In collaboration with Sterling Alvarado management, specialized flyers were designed and created for our international students to be placed on our information rack. We also included Sterling Alvarado information on our website as one of the options for off-campus housing. In the first year, there were more than 200 of our students who resided at Sterling Alvarado and nearly 500 students since.

During this period, we have received just two complaints from students. We spoke to the Property Manager, Troy Dodgion, about the complaints and Mr. Dodgion resolved both very quickly.

Our experience with working with the The Dinerstein Companies has been positive and fruitful, especially for our students. Management at Sterling Alvarado understands that to be successful, you must also be successful in listening to the needs of the university and the community. In the three years we have been working with Sterling Alvarado, they have become the primary off-campus housing option for our students. This is, I believe, a direct benefit of the cooperative efforts of management at The Dinerstein Companies.

If there is any other information with which I could assist, please do not hesitate to email me - [thilanto@mail.sdsu.edu](mailto:thilanto@mail.sdsu.edu) - or call me at (619) 594-5143.

With best regards,

Tom

Tom Hilanto - Director of Operations  
San Diego State University - Research Foundation  
American Language Institute  
email: [thilanto@mail.sdsu.edu](mailto:thilanto@mail.sdsu.edu)  
Phone: (619) 594-5143

To whom it may concern,

My name is Blake Nahlen and I'm the Manager of Business Development for Wolf Pack Sports Properties at the University of Nevada. We have had the privilege of working with the staff at Sterling Summit for about 6 months now and I have nothing but good things to report.

The entire staff at your community has been incredible. Our interactions with the Sherman, Karyn, Trevor and the rest of the team at Sterling Summit has been one of the true benefits of our partnership with The Dinerstein Companies. They all are great to work with and it's easy to tell that they truly have our University of Nevada students and athletes' best interests at heart.

The Sterling Summit community is coming at a time of need for our University as enrollment has increased by 22% in the past six years and is projected to reach 25,000 by 2017. Your staff here is very active on-campus at our Wolf Pack Athletics events and the student fan group, the "Blue Crew" loved the rally towels that Sterling Summit provided. The halftime shooting promotion during our men's basketball games was also a great way to gain exposure and create a memorable atmosphere for fans throughout the Northern Nevada community.

We have worked with other University Housing partners in the past and the amenities and customer service that the Sterling Summit offers are second to none. We truly value this partnership and look forward to working hand in hand for many years to come.

Thanks for all that you do to support this University and Wolf Pack Athletics. If you have any follow up questions please feel free to call me anytime. Go Wolf Pack!

Sincerely,



Blake Nahlen  
Manager of Business Development – Wolf Pack Sports Properties  
University of Nevada, Reno  
775-327-2073

Wolf Pack Sports Properties  
University of Nevada  
Legacy Hall/232  
Reno, NV 89557-0232



775.327.2070 **P**

775.327.2075 **F**

Meera Patel  
Associated Student Government  
University of Arkansas  
1 University of Arkansas  
Arkansas Union, A672  
[asgsec@uark.edu](mailto:asgsec@uark.edu)

To Whom It May Concern:

My name is Meera Patel and I am currently serving as the student body Secretary at the University of Arkansas in Fayetteville, AR. As secretary my duties includes increasing communication and transparency within the organization, and increasing promotion to the student body. In accordance, I work with businesses around Fayetteville in order to increase student reach.

In January, a Sterling District employee, Ryann Andres, approached me and explained that Sterling District was interested in partnering with us. During our initial meeting, I had the fortunate opportunity to meet Christina Joiner, Operations Specialist, on behalf of the company. Her charismatic and personable character resonated immediately throughout the meeting. After discussing some events and philanthropic initiatives that my executive team and I were working on with the rest of the organization, Sterling was happy to help in whatever caliber we needed them. Additionally, Christina offered ways in which Sterling District could help us, all of which were great ideas.

In the three short months that we have been working with Sterling District, the help has been in abundance. They have catered our RED Talks, a series we created that takes the place of traditional TED Talks. They have catered our All Calls, meetings in which we bring in the 300 members of our organization. They offered to donate \$1500 towards our Pizza Wars, an event that aims to raise money for a student endowment fund. Additionally, they are working with us on our annual "Ask ASG Day," in which we set up tables around campus in order to get student feedback about things they would like to see happening on campus. They will be catering this event.

As can be seen through the examples above, Sterling has been prompt and constant in their partnership and has helped us enhance and reach more students. Christina and her team come to every event with great attitudes and thankfulness. They are professional and a great company to work with.

As their primary contact, I would personally recommend considering working with Sterling District. If you should have any additional questions please feel free to contact me at [asgsec@uark.edu](mailto:asgsec@uark.edu).

Best,

Meera Patel





Tuesday March, 2017

To Whom It May Concern,

I am writing you this letter to recommend the services of Dinerstein Companies. Over the past 3 years I have had the pleasure of working with one of Dinerstein's properties (Sterling Campus Center Apartments) at the College of Charleston in Charleston, SC.

Over all, they provide a top notch accommodation for students attending the College of Charleston. There management and staff have been nothing but professional and courteous and I have no reservations recommending other colleges and universities to use their properties.

Sincerely,

Mat Garrison, M. Ed., Ph. D.  
Coordinator for Veteran, Military and ROTC Recruitment  
Office of Admissions  
College of Charleston

ELI Controls, LLC  
1002 Shull Street  
W. Columbia SC 29169



Tel (803) 712-3547  
Fax (803) 728-0121  
E-Mail: [info@elicontrols.com](mailto:info@elicontrols.com)

March 21, 2017

The Dinerstein Companies  
3411 Richmond Ave.  
Houston TX 77046

Subject: Reference Letter

To whom it may concern,

Eli Controls is pleased to provide The Dinerstein Co. a positive reference letter. We have enjoyed working with the staff and management within the corporation. We look forward to continuing our services for The Dinerstein Co. soon.

If you have any questions or concerns, please feel free to call our office at any time to discuss.

Sincerely,  
*Blake Sanborn*  
Blake Sanborn  
Sr. Project Manager  
843-343-4412

# FedEx Office

509 University Dr. W  
College Station TX. 77840  
979.846.8721  
[usa0121@fedex.com](mailto:usa0121@fedex.com)

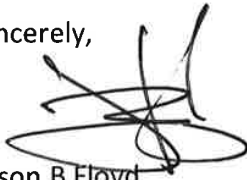
To whom it may concern,

My name is Jason Floyd and I am the Center Manager of FedEx Office in College Station. We have neighbored the staff at Sterling for about a year now. The entire staff at the A&M location has been excellent neighbors while the leasing office has been here. Sherman and his team have been professional and you can tell they enjoy what they do.

We have been neighbored by other housing companies leasing the office next door, and I would say Sherman and his team have been much more pleasant and enjoyable.

I look forward to a partnership in business for years to come. Helping with any services we may offer in center and throughout the FedEx Company.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason B Floyd', with a large, stylized flourish at the end.

Jason B Floyd  
Center Manager  
FedEx Office  
509 University Dr W  
College Station, TX 77840  
1.979.846.8721 TEL  
1.979.846.7133 FAX  
[Jason.Floyd@FedEx.com](mailto:Jason.Floyd@FedEx.com)  
[Fedex.com/us](http://Fedex.com/us)



To Whom it May Concern,

Since 2010 we have had the pleasure of calling 411 Sterling Lofts our home. Our company owns and operates a range of locations throughout downtown Ann Arbor and our retail location here in Sterling 411 is our most prized. From the very beginning of the lease negotiations with The Dinerstein Group we were met with first class service and attention and knew we'd found the right group to be entering a long term lease with. There is a very personal, human element that is present when dealing with anyone from the President of the company to the Maintenance team and everyone inbetween, coming from a service industry background it is very appreciated to see the commitment of service and going above and beyond for their tenants.

I personally am consistently impressed by the management team and the way that they engage with their predominantly student based tenants to create such a sense of community providing engaging programs and events and having one of the most pristine and safe buildings for the students to call home. When my kids are off to college this is exactly the kind of place I want them to live and thrive.

Respectfully,

Alfred Lelcaj, Owner



To Whom It May Concern,

Progressively Reaching Excellence in Professionalism (PREP) is elated to have Sterling Northgate as one of our sponsors and one of our community's apartments. PREP is a Freshman Leadership Organization at Texas A&M University. We recently had our Fifth Annual Flo-Cup Fundraiser where Sterling Northgate was one of our Platinum Sponsors.

Since Sterling Northgate is new to College Station, this was our first time to be able to work with Sterling Northgate, and they were incredible. It was an amazing experience working with the staff at Sterling Northgate leading up to our event as well as at our event. They are all very professional and welcoming to all of the students at Texas A&M, and that is one of the many reasons we were so ecstatic to have them as a sponsor. When we were working with Sterling Northgate for them to become one of our sponsors, they were always very prompt and helpful with their responses. Each one of their staff made sure that PREP as well as our fundraiser participants were well taken care of all day at our event. The staff made personable relationships with us and genuinely got to know our members. Sterling Northgate brought all types of great giveaways for our participants which they all loved. They even brought umbrellas which was great as it started raining in the middle of our event. They made an effort that showed us they seemed like they wanted to keep a partnership with us for a long time and genuinely wanted to see our organization thrive which is not something you usually get from a sponsor.

There are a lot of rules enforced by Texas A&M University for concessions but Sherman, as well as all of the other staff, made sure to follow all of the rules and kept us well informed of all of the great things they would be bringing to our event. We have several members within PREP that will be living at Sterling Northgate next year, and we know they will all love living there. We cannot wait until we get to work with Sterling Northgate again! I would highly recommend anyone to partner with Sterling Northgate. If you have any other questions about our experience, please feel free to reach out to us.

Sincerely,

*Trey Thompson*

Trey Thompson

PREP Member, Finance Committee

Texas A&M University

936.525.0883

ththompson1201@tamu.edu



To Whom it May Concern,

My name is Sterling Woerner and I am the assistant director of Spirit of Texas Festival. We have had the privilege of partnering with Sterling Northgate in efforts to benefit local charity, businesses, students and the community through the Spirit of Texas Festival. It was the housing community's profound love for the Brazos Valley that made them the leading choice as the official Spirit of Texas Premier Housing Community sponsor.

The staff at Sterling Northgate have been nothing but helpful and supportive in the Spirit of Texas Festival's success. Their loyalty towards our efforts, especially with it being our start up year stood out amongst every other sponsor. They were great to work with and their love for the community is shown through each interaction I had the pleasure of having with them.

The Spirit of Texas admires Sterling Northgate's principals and vision on enhancing the community and having them as the premier housing sponsor only added value to our multi-day, multi-faceted efforts to benefit the community. The staff was overwhelmingly supportive of our goal and instantly adopted it as one of their own. The benefits of the partnership were far greater than the dollar amount donated. We look forward to a continuous and prosperous relationship with Sterling Northgate in the future. We truly value this partnership and look forward to working hand in hand for many years to come.

The Spirit of Texas fully supports any endeavors the Dinerstein Company pursues. We hope that you see the potential benefits this company has to offer.

Regards,

Sterling Woerner  
Assistant Director  
Spirit of Texas Festival  
College Station, Tx. 77845

Cynthia Caronna  
Executive Director  
Spirit Of Texas Festival  
College Station, Tx. 77845



For Additional Information Contact **Cynthia Caronna**

 979-571-8891

 CAC@SOTFair.com



The  
Torres  
Touch

843-259-1159  
thetorrestouch@gmail.com

P.O. Box 20174  
Charleston, SC  
29413

March 1, 2017

Alley Mitchell- Community Manager  
Sterling Campus Center  
50 George Street  
Charleston, SC, 29401

Dear Alley and Team,

We wanted to take some time to write you this letter of reference in hopes that other companies that you may collaborate with can better appreciate the opportunity they have to work with you all.

We began our partnership in 2016 with supporting you all with the turnover project for Campus Center Apartments. We were so glad that we were able to cross paths and be able to work on that project with you all. One of the **many** things that we appreciate about our partnership is how you all work as a team and how you treat vendors such as ourselves. In our past experiences, we have serviced clients that we felt didn't appreciate our work and would make demands that were beyond unreasonable. You all however, are so flexible, generous, and supportive. You all *always* make sure that we are set up to succeed so that, in turn, you all succeed with having beautifully cleaned living spaces that exceed the standards of the tenants that live in them.

Your entire staff is first-class in every sense of the word. We don't say this lightly, but we really do enjoy having you all as clients. Your entire staff is a joy to see during our visits and we have to believe that type of attitude is a reflection of the leadership. If what you all do here in Charleston is a reflection of The Dinerstein Companies as whole, then we have to believe you all have an opportunity to expand your reach and we hope you all do!

We are thrilled and honored to be YOUR cleaning company of choice and we're excited for the work we'll be doing together this year and in the coming years. It's our hope that other companies that may read this reference letter will understand just how amazing you all are and the opportunity that sits before them to start a great working partnership. We know we've been blessed to have this partnership with you all and we are grateful. We thank you!

Sincerely yours,

Jason & Milady Torres

Co-Founders

The Torres Touch, LLC

---

## WE Housing, Inc

7041 Koll Center Pkwy  
Pleasanton, CA 94566  
(510) 761-8000  
lli@worldelites.com



March 19, 2017

To whom it may concern,

This is Libby Xiaoming Li, COO from WE Housing, Inc. I am writing this letter to support The Dinerstein Companies for their application to build a new property in UC Davis named Sterling 5<sup>th</sup> Street Davis.

Founded in 2012, WE Housing, Inc ([www.we-housing.com](http://www.we-housing.com)) is a leading online booking website for international students living in the U.S. We have established long term partnerships with many student housing companies. More than 500 apartments are listed on our website and, so far, WE Housing has provided housing consulting service to over 100,000 international students; more than 10,000 has signed leases with total leasing value of 60 Million dollars. In Davis, we cooperate with the apartments: Aggie Square, Fountain Circle, Drake and Anderson, J Street, University Court, The U and West Village.

We have been in cooperation with The Dinerstein Companies since we signed a master lease with The Dinerstein Companies in Sterling 411 Lofts, Ann Arbor Michigan. The contracting process is very smooth and professional. Our customers also report that the service and support in the property is very well-organized and their staff show great concern to the tenants. And we are going to have further cooperation with The Dinerstein Companies in the property, Sterling Highlander, Riverside California.

I am more than happy to recommend The Dinerstein Companies to build the property. And I believe they will do a great job. If you have any additional questions, please feel free to contact me.

Best regards,

Libby Xiaoming Li

COO, WE Housing, Inc





201 SOUTHWEST PKWY. E ★ P.O. BOX 10091 ★ COLLEGE STATION ★ TEXAS 77842 ★ (979) 696-1440 ★ (800) 999-0310  
[www.aggielandcu.org](http://www.aggielandcu.org)

Mary Hauffe  
Branch Manager  
Aggieland Credit Union  
501 University Dr.  
College Station, TX 77840  
979-694-3772  
[Mary.hauffe@aggielandcu.org](mailto:Mary.hauffe@aggielandcu.org)

March 21, 2017

To whom it may concern:

Aggieland Credit Union is thrilled to have Sterling Northgate as our neighbors. We have had many businesses at that particular location, and I can say that Sterling Northgate has been my favorite. I have had several interactions with Sherman Modeste the Community Manager at Sterling Northgate. Sherman and his staff are always welcoming and so very friendly. I honestly can say I have never met nicer people. Rarely do you find a business that truly cares about the students and our community. They are a pleasure to have as neighbors and I would highly recommend any business or university to partner with Sterling Northgate.

Sincerely,

Mary Hauffe  
Branch Manager  
Aggieland Credit Union



Attention:  
Scott Dills  
642 S Clark St.  
Chicago, IL 60605  
March 21, 2017

Dear Scott Dills,

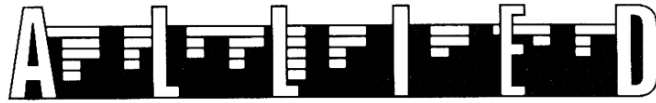
It is with great pleasure that I have the opportunity to recommend Dinerstein Companies for a development project in Davis, CA. My name is Derek Pearson and I am currently a Regional Manager with Airwave Networks and have been working with the property management at Dwight Lofts in downtown Chicago, IL since they opened. Since then, over the years we have worked to provide an excellent service for the residents at this property.

We have partnered with Dinerstein Companies to help support the local community that lives on property to provide Internet and Cable TV services to all the residents. We have positions for On-Site Technicians, which is an entry level for students who show interest in the IT field. We have employed various students in the community to fulfill this role over the years at multiple properties in the state of Illinois.

In summary, working with Dinerstein Companies has provided a very beneficial environment for the residents at their properties.

Sincerely,

**Derek Pearson**  
Regional Manager  
Airwave Networks Inc.  
1997 Annapolis Exchange Pkwy Suite 300  
Annapolis, MD 21401



To whom it may concern,

March 21, 2017

As Account Manager of Allied Building Services I am writing a reference letter for The Dinerstein Companies/Sterling 411. I have been working with them as a vendor for several years and want to express my appreciation for The Dinerstein Companies/Sterling 411 in their contribution in making the process of accomplishing goals simple by communication and being easy to work with. I look forward to continuing doing business with you in the future years to come and highly recommend them to develop a property at UC Davis.

Thank you again. Customers like you are truly appreciated.

Cheryl Mitchell  
Account Manager  
Allied Building Services  
<http://www.teamallied.com/>  
[cmitchell@teamallied.com](mailto:cmitchell@teamallied.com)  
Cell: 313-316-8420  
Direct: 313-230-0816  
Fax: 313-230-0810



# ALUMNI ASSOCIATION

To Whom It May Concern,

The Student Alumni Association, a part of the Arkansas Alumni Association, has a commitment to the students, family members, and faculty members of the University of Arkansas. As an organization who prides itself on our commitment to bettering our community at the University of Arkansas, as well as the greater Fayetteville community, we seek out organizations and companies who have the same commitment. Since Sterling District has become a part of this community, their values and student outreach efforts has left an incredibly positive impression on this University and this town.

Sterling District has a fantastic reputation among our students and our student's family members. Creating an atmosphere that is welcoming, caring, and a home away from home has become synonymous with Sterling District and their team. Their efforts to reach out to registered student organizations, Greek organizations, and local Fayetteville business has put them on our list as a truly community minded business. Sterling has also excelled at catering to the specific needs of our students, such as providing free testing materials to their residents. The attention to small details like this has set Sterling District apart from other student housing properties in the area.

I highly recommend The Dinerstein Companies and encourage any organization to work with them if given the opportunity. If you have any questions, feel free to contact me using the information below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ashlyn Smith'.

Ashlyn Smith  
President, Student Alumni Association  
(870) 208-7103



Tuesday March, 2017

To Whom It May Concern,

I am writing you this letter to recommend the services of Dinerstein Companies. Over the past 3 years I have had the pleasure of working with one of Dinerstein's properties (Sterling Campus Center Apartments) at the College of Charleston in Charleston, SC.

Over all, they provide a top notch accommodation for students attending the College of Charleston. There management and staff have been nothing but professional and courteous and I have no reservations recommending other colleges and universities to use their properties.

Sincerely,

Mat Garrison, M. Ed., Ph. D.  
Coordinator for Veteran, Military and ROTC Recruitment  
Office of Admissions  
College of Charleston



To Whom It May Concern:

I am writing this letter to detail how beneficial and rewarding it has been working with Sterling District over the last two years. As Catering Director for our restaurant, I have had the opportunity to work with numerous managers over the last few years, and I can honestly say that Sterling District/The Dinerstein Companies is the best I've worked with.

Our relationship with William, manager of Sterling District, began in early 2015. Since then, we have had the opportunity to cater several marketing events, and the team at the property is always extremely organized and conveys exactly what they need. Not only does organization and communication benefit our clients, it also makes our jobs easier: providing exceptional customer service and quality food.

In short, I would recommend The Dinerstein Companies to anyone who has the privilege of working with them in the future. Their staff is always professional, courteous and easy to work with.

Respectfully,

Sarah Russell  
Catering Director

1369 W Martin Luther King Blvd | Fayetteville, AR 72701 | (479) 444-6570

ELI Controls, LLC  
1002 Shull Street  
W. Columbia SC 29169



Tel (803) 712-3547  
Fax (803) 728-0121  
E-Mail: [info@elicontrols.com](mailto:info@elicontrols.com)

March 21, 2017

The Dinerstein Companies  
3411 Richmond Ave.  
Houston TX 77046

Subject: Reference Letter

To whom it may concern,

Eli Controls is pleased to provide The Dinerstein Co. a positive reference letter. We have enjoyed working with the staff and management within the corporation. We look forward to continuing our services for The Dinerstein Co. soon.

If you have any questions or concerns, please feel free to call our office at any time to discuss.

Sincerely,  
*Blake Sanborn*  
Blake Sanborn  
Sr. Project Manager  
843-343-4412

3/20/2017

To Whom It May Concern:

From:

Ryan M. Johnson  
Vice President  
Exclusive Construction Services, Inc.

Subject: Recommendation for The Dinerstein Companies.

I am pleased to offer this letter of recommendation for the Dinerstein Companies to any company, owner, vendor and municipality that would like a breath of fresh air within their team.

We have had the pleasure of serving one of their marquee properties, specifically the Dwight Lofts, 642 S. Clark St. Chicago, IL 60605 for the last 4 years.

We have worked with and for multiple student housing facilities throughout the Chicago metropolitan area for many years. Our current working portfolio includes 12 buildings, which serve multiple universities throughout our area.

Dwight Lofts and The Dinerstein Companies are truly far above the competition. From multiple firsthand experiences, I can offer you our honest opinion about their ethics, leadership and values all while comparing them to the other owner operators in the area.

Having served this location during the previous ownership I can tell you that the safety of the students is clearly first and foremost. We have seen them upgrade all aspect of security in order to keep their students safe and secure. They have also display a commitment to sustainable practices that others do not. This was an older building initially constructed near the turn of the century which has since been upgraded the correct, safe way the first time. This has only been noticed since the building was purchased from the Dinerstein Companies just a few years ago.

Leadership has done a fantastic job at creating a healthy, positive and successful environment that reflects in everyone from the day-staff, security, engineers and property managers unequivocally. They are truly a world-class team as they are a group that others should take note and most certainly look up to.

We value our working relationship, share the commitment to our communities, work ethic and positive environment that The Dinerstein Companies has provided their residents and wish them nothing but the best going forward. As a father, college graduate and member of the community I whole-heartedly thank you for considering them to enrich the lives of students and future leaders that they serve.

Thank you.

Ryan M. Johnson  
Vice President  
Exclusive Construction Services, Inc.



# FedEx Office

509 University Dr. W  
College Station TX. 77840  
979.846.8721  
[usa0121@fedex.com](mailto:usa0121@fedex.com)

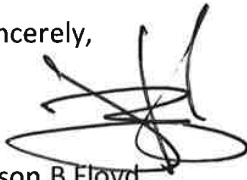
To whom it may concern,

My name is Jason Floyd and I am the Center Manager of FedEx Office in College Station. We have neighbored the staff at Sterling for about a year now. The entire staff at the A&M location has been excellent neighbors while the leasing office has been here. Sherman and his team have been professional and you can tell they enjoy what they do.

We have been neighbored by other housing companies leasing the office next door, and I would say Sherman and his team have been much more pleasant and enjoyable.

I look forward to a partnership in business for years to come. Helping with any services we may offer in center and throughout the FedEx Company.

Sincerely,



Jason B Floyd  
Center Manager  
FedEx Office  
509 University Dr W  
College Station, TX 77840  
1.979.846.8721 TEL  
1.979.846.7133 FAX  
[Jason.Floyd@FedEx.com](mailto:Jason.Floyd@FedEx.com)  
[Fedex.com/us](http://Fedex.com/us)



To Whom it May Concern,

Since 2010 we have had the pleasure of calling 411 Sterling Lofts our home. Our company owns and operates a range of locations throughout downtown Ann Arbor and our retail location here in Sterling 411 is our most prized. From the very beginning of the lease negotiations with The Dinerstein Group we were met with first class service and attention and knew we'd found the right group to be entering a long term lease with. There is a very personal, human element that is present when dealing with anyone from the President of the company to the Maintenance team and everyone inbetween, coming from a service industry background it is very appreciated to see the commitment of service and going above and beyond for their tenants.

I personally am consistently impressed by the management team and the way that they engage with their predominantly student based tenants to create such a sense of community providing engaging programs and events and having one of the most pristine and safe buildings for the students to call home. When my kids are off to college this is exactly the kind of place I want them to live and thrive.

Respectfully,

Alfred Lelcaj, Owner



To Whom It May Concern,

Progressively Reaching Excellence in Professionalism (PREP) is elated to have Sterling Northgate as one of our sponsors and one of our community's apartments. PREP is a Freshman Leadership Organization at Texas A&M University. We recently had our Fifth Annual Flo-Cup Fundraiser where Sterling Northgate was one of our Platinum Sponsors.

Since Sterling Northgate is new to College Station, this was our first time to be able to work with Sterling Northgate, and they were incredible. It was an amazing experience working with the staff at Sterling Northgate leading up to our event as well at our event. They are all very professional and welcoming to all of the students at Texas A&M, and that is one of the many reasons we were so ecstatic to have them as a sponsor. When we were working with Sterling Northgate for them to become one of our sponsors, they were always very prompt and helpful with their responses. Each one of their staff made sure that PREP as well as our fundraiser participants were well taken care of all day at our event. The staff made personable relationships with us and genuinely got to know our members. Sterling Northgate brought all types of great giveaways for our participants which they all loved. They even brought umbrellas which was great as it started raining in the middle of our event. They made an effort that showed us they seemed like they wanted to keep a partnership with us for a long time and genuinely wanted to see our organization thrive which is not something you usually get from a sponsor.

There are a lot of rules enforced by Texas A&M University for concessions but Sherman, as well as all of the other staff, made sure to follow all of the rules and kept us well informed of all of the great things they would be bringing to our event. We have several members within PREP that will be living at Sterling Northgate next year, and we know they will all love living there. We cannot wait until we get to work with Sterling Northgate again! I would highly recommend anyone to partner with Sterling Northgate. If you have any other questions about our experience, please feel from to reach out to us.

Sincerely,

*Trey Thompson*

Trey Thompson  
PREP Member, Finance Committee  
Texas A&M University  
936.525.0883  
ththompson1201@tamu.edu



To Whom it May Concern,

My name is Sterling Woerner and I am the assistant director of Spirit of Texas Festival. We have had the privilege of partnering with Sterling Northgate in efforts to benefit local charity, businesses, students and the community through the Spirit of Texas Festival. It was the housing community's profound love for the Brazos Valley that made them the leading choice as the official Spirit of Texas Premier Housing Community sponsor.

The staff at Sterling Northgate have been nothing but helpful and supportive in the Spirit of Texas Festival's success. Their loyalty towards our efforts, especially with it being our start up year stood out amongst every other sponsor. They were great to work with and their love for the community is shown through each interaction I had the pleasure of having with them.

The Spirit of Texas admires Sterling Northgate's principals and vision on enhancing the community and having them as the premier housing sponsor only added value to our multi-day, multi-faceted efforts to benefit the community. The staff was overwhelmingly supportive of our goal and instantly adopted it as one of their own. The benefits of the partnership were far greater than the dollar amount donated. We look forward to a continuous and prosperous relationship with Sterling Northgate in the future. We truly value this partnership and look forward to working hand in hand for many years to come.

The Spirit of Texas fully supports any endeavors the Dinerstein Company pursues. We hope that you see the potential benefits this company has to offer.

Regards,

Sterling Woerner  
Assistant Director  
Spirit of Texas Festival  
College Station, Tx. 77845

Cynthia Caronna  
Executive Director  
Spirit Of Texas Festival  
College Station, Tx. 77845



For Additional Information Contact **Cynthia Caronna**

 979-571-8891

 CAC@SOTFair.com

To Whom It May Concern,

I have been working with your people at the Sterling campus apartments for a while now and I have to say that their professionalism, kindness, and personal relationships have been a joy to experience. It has been a pleasure working with them and I look forward to seeing them every week.

P Whitt  
Pest Specialist  
Orkin Pest Control

To whom it may concern,

Sherwin Williams floorcovering has been providing flooring for our local Dinerstein Company property in downtown Charleston. The property has always been a pleasure to work with as the team on site are always positive and energetic to work with. The property manager and maintenance supervisor keep an open line of communication at all times. This along with attention to detail and scheduling sets this property apart from other local properties. Dinerstein companies does a great job prior to summer turns working with vendors and residents, ensuring everyone is on the same page. Our local property is also involved in the community and goes above and beyond to ensure residents along with visitors are always felt welcome.

BJ Crosby  
Sherwin Williams Floorcovering  
Branch Manager  
Charleston SC  
843-327-0086

To whom it may concern:

Two years ago we had the pleasure of working for The Dinerstein Companies in their Greensboro, NC location. This company showed us that they truly cared about their residents and their surrounding community. This was evident in the way their employees conducted themselves and their business. We would highly recommend that The Dinerstein Companies be approved and allowed to build in your area.

Thank you so much.

Sincerely,

Donna M. Oakley  
Cliff W. Oakley  
Family Fitness of Reidsville, Inc.  
336-449-6191

To Whom It May Concern,

As a contract vendor for The Dinerstein Companies, I have personally seen the general care in which they operate. I have witnessed their professionalism amongst city officials and in their community. I've worked with this team for over a year now and I know I'm working with a group who cares about their business and safety for residents. I welcome the opportunity to work with Sterling Services at any turn.

Sincerely,  
Chance Jennings, DBA  
Jennings Towing and Recovery

To whom it may concern:

Working with the Dinerstein Companies over the past few years has been a smooth and enjoyable experience. It is very clear when working with the staff and residents, the company always puts the residents first. The staff is very knowledgeable and takes pride in their work, keeping the property well-kept and giving back to the community. We are happy to work with them when ever needed.

Mike Schaub  
MMA Carpet and Restoration  
Base Manager  
336-215-7250  
michaels@mmaclean.com

When I began to research apartment complexes in my area, I was fortunate to have found Sterling District. The complex itself was attractive and well maintained; the apartments and common rooms were well designed but perhaps the most gratifying and impressive was the management staff. I returned to the complex several times before committing to become a tenant and each time was treated as an important client.

Each time I have talked with the management staff, I have become more confident that making the decision to live at Sterling District was a great choice.

Mom Sarah  
Tri Delta - House Mother



## WASTE MANAGEMENT SERVICES

Mr. Stephen Haverlock

Sterling 411 Lofts  
411 E Washington  
Ann Arbor MI

Steve;

We wanted to let you know that since we started doing business together in 2009, we've enjoyed every opportunity you've given us to be of service. Your company is a pleasure to do business with; professional and responsive, easy to communicate with, and flexible. You've always worked with us in the event mutually beneficial solutions to any issues may have been needed.

We look forward to continuing our relationship, and being able to be of service however we can.

Thanks again!

Chris Scarlett  
Synergy Environmental  
132 East Grand River  
Brighton, MI 48116  
866-872-7450  
810-229-9085 Fax  
[www.synergy-env.com](http://www.synergy-env.com)  
[CScarlett@synergy-env.com](mailto:CScarlett@synergy-env.com)



132 E. Grand River

Brighton, MI 48116

Fax: 810 229 9085



843-259-1159  
thetorrestouch@gmail.com

P.O. Box 20174  
Charleston, SC  
29413

March 1, 2017

Alley Mitchell- Community Manager  
Sterling Campus Center  
50 George Street  
Charleston, SC, 29401

Dear Alley and Team,

We wanted to take some time to write you this letter of reference in hopes that other companies that you may collaborate with can better appreciate the opportunity they have to work with you all.

We began our partnership in 2016 with supporting you all with the turnover project for Campus Center Apartments. We were so glad that we were able to cross paths and be able to work on that project with you all. One of the **many** things that we appreciate about our partnership is how you all work as a team and how you treat vendors such as ourselves. In our past experiences, we have serviced clients that we felt didn't appreciate our work and would make demands that were beyond unreasonable. You all however, are so flexible, generous, and supportive. You all *always* make sure that we are set up to succeed so that, in turn, you all succeed with having beautifully cleaned living spaces that exceed the standards of the tenants that live in them.

Your entire staff is first-class in every sense of the word. We don't say this lightly, but we really do enjoy having you all as clients. Your entire staff is a joy to see during our visits and we have to believe that type of attitude is a reflection of the leadership. If what you all do here in Charleston is a reflection of The Dinerstein Companies as whole, then we have to believe you all have an opportunity to expand your reach and we hope you all do!

We are thrilled and honored to be YOUR cleaning company of choice and we're excited for the work we'll be doing together this year and in the coming years. It's our hope that other companies that may read this reference letter will understand just how amazing you all are and the opportunity that sits before them to start a great working partnership. We know we've been blessed to have this partnership with you all and we are grateful. We thank you!

Sincerely yours,

Jason & Milady Torres

Co-Founders

The Torres Touch, LLC

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## WE Housing, Inc

7041 Koll Center Pkwy  
Pleasanton, CA 94566  
(510) 761-8000  
lli@worldelites.com



March 19, 2017

To whom it may concern,

This is Libby Xiaoming Li, COO from WE Housing, Inc. I am writing this letter to support The Dinerstein Companies for their application to build a new property in UC Davis named Sterling 5<sup>th</sup> Street Davis.

Founded in 2012, WE Housing, Inc ([www.we-housing.com](http://www.we-housing.com)) is a leading online booking website for international students living in the U.S. We have established long term partnerships with many student housing companies. More than 500 apartments are listed on our website and, so far, WE Housing has provided housing consulting service to over 100,000 international students; more than 10,000 has signed leases with total leasing value of 60 Million dollars. In Davis, we cooperate with the apartments: Aggie Square, Fountain Circle, Drake and Anderson, J Street, University Court, The U and West Village.

We have been in cooperation with The Dinerstein Companies since we signed a master lease with The Dinerstein Companies in Sterling 411 Lofts, Ann Arbor Michigan. The contracting process is very smooth and professional. Our customers also report that the service and support in the property is very well-organized and their staff show great concern to the tenants. And we are going to have further cooperation with The Dinerstein Companies in the property, Sterling Highlander, Riverside California.

I am more than happy to recommend The Dinerstein Companies to build the property. And I believe they will do a great job. If you have any additional questions, please feel free to contact me.

Best regards,

Libby Xiaoming Li

COO, WE Housing, Inc

## ATTACHMENT 15

----- Forwarded Message -----

**From:** F. Mark Braly <[markbraly@sbcglobal.net](mailto:markbraly@sbcglobal.net)>

**To:** Robb Davis <[rdavis@cityofdavis.org](mailto:rdavis@cityofdavis.org)>; Lucas Frerichs <[lucasf@cityofdavis.org](mailto:lucasf@cityofdavis.org)>; Brett Lee <[blee@cityofdavis.org](mailto:blee@cityofdavis.org)>; Rochelle Swanson <[rswanson@cityofdavis.org](mailto:rswanson@cityofdavis.org)>; "[warnold@cityofdavis.org](mailto:warnold@cityofdavis.org)" <[warnold@cityofdavis.org](mailto:warnold@cityofdavis.org)>

**Cc:** Eric Lee <[elee@cityofdavis.org](mailto:elee@cityofdavis.org)>

**Sent:** Monday, April 10, 2017 11:39 AM

**Subject:** Sterling Apartments

From: Mark Braly and Gerry Braun, Members. Board of Directors, Valley Climate Action Center

Subject: Sterling Apartments

The Sterling apartments proposal presents opportunities for reducing utility bills with efficiency and renewable energy, but they are not being fully addressed by the developers. We recommend as follows:

1. Project should be designed for net zero energy, preferably zero carbon which would mean all electric. Energy use remaining after including all feasible and cost-effective means for efficiency, should be provided by photovoltaic panels. Solar arrays should be modestly oversized relative to building usage in order to account for future electric vehicle charging.
2. Incentives to save must be provided for residents. These apartments will have multiple bedrooms which will be individually rented. They should be sub-metered so that utility bills are paid by bedroom occupants. Ideally, each bedroom should be sub-metered. Experience in West Village on the UCD campus shows that residents have no incentive to reduce energy and water use if they are not paying the bills.
3. To the extent sufficient solar panel area is not available, necessary supplemental electricity should be purchased from the 100% green tier when available from the community choice energy agency (Valley Clean Energy Alliance).

Further, as required by the city's Climate Action and Adaptation Plan, all of these standards, guidelines and requirements should be placed on all future apartment projects in Davis.

*Mark Braly*  
1552 Pastal Way  
Davis. CA 95618

email: [markbraly@sbcglobal.net](mailto:markbraly@sbcglobal.net)  
home (530)7581463  
mobile (530)4002022

**ATTACHMENT 16**

March 4, 2017

**Josh Vasbinder  
West Coast Partner  
Dinerstein Corporation**

RE: Sterling 5<sup>th</sup> Street Apartment Project

Dear Josh:

Per our March 1, 2017 telephone conversation, this letter serves to confirm that the Rancho Yolo Community Association (RYCA) Board of Directors has voted to suspend its opposition to the Sterling 5<sup>th</sup> Street Apartment Project. Attached for your information are the February 15, 2017 RYCA Board minutes recording this decision. As noted in the minutes, the Board's acceptance was contingent on two action items.

The first condition specified that the negotiating team complete the agreement with Dinerstein and the City of Davis on several outstanding items. Those items have now been resolved to our satisfaction. Further, we appreciate that Dinerstein has committed to a \$100,000 Traffic Improvement Fund for other transportation-related improvements in the area and that this fund will not be used to pay for the planned Pole Line Road restriping.

The second Board condition requires that the City of Davis provide the RYCA Board the formal resubmittal of the project, including redesign, development agreement, and other related project materials 72 hours prior to the Planning Commission members receiving the project materials. As discussed during our Wednesday telephone conversation, John and I believe that this requirement will be satisfied if we receive the materials that are to be provided to the Planning Commission members. Our purpose is to confirm that the materials presented to the Planning Commission reflect our understanding of the agreements reached during the recent Dinerstein-City of Davis-RYCA discussions. Further, we will also expect that such prior RYCA review of Sterling project materials will apply to the City Council meetings.

We trust that this letter provides the assurances that you need to move forward.

Sincerely,

Jerry Hallee

John Reuter

On behalf of the Rancho Yolo Community Association Board of Directors

**Cc:** Mayor Robb Davis  
Mayor Pro Tempore Brett Lee  
Assistant City Manager Mike Webb  
RYCA President Mary Jo Bryan