

SUPPLEMENTAL STAFF REPORT

DATE: September 23, 2020

TO: Planning Commission

FROM: Sherri Metzker, Principal Planner
Ike Njoku, Planner & Historical Resources Manager

SUBJECT: **39660 West Covell Boulevard -- Bretton Woods Formerly Known as West Davis Active Adult Community (WDAAC))** – Planning Applications (PA) #19-12 & #20-09 for Small Lots Tentative Subdivision Map (TM) #4-19 for Phases 1, 2 and 3A, Final Planned Development (FPD) #01-20 for Phases 1, 2, and 3A, Design Review (DR) #03-20 for Phases 1, 2, & 3A, and Addendum to the Final Environmental Impact Report (EIR)

Recommendation

Staff recommends that the Planning Commission approve the following:

1. Determine that the City’s previously prepared Draft and Final Environmental Impact Report (FEIR, (SCH: 2017042043)), plus the current Addendum to the Final EIR, all prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, the City’s procedures for the implementation of CEQA, and other applicable laws, and that they adequately addressed the environmental impacts of the project; the proposed implementing entitlement project applications are consistent with the FEIR certified by the City Council on June 12, 2018. In addition, an Addendum to the Final EIR has been prepared because the Bretton Woods project requires storm drainage system modifications that trigger the need for ministerial and discretionary permits approval by the City and Yolo County (these permits are the impetus for the EIR Addendum); and no additional CEQA evaluation is required; and
2. Approve the following implementing project applications, based on the findings and subject to conditions of approval attached to this staff report:
 - a. Tentative Subdivision Map (TM) #4-19 for Phases 1, 2 and 3A,
 - b. Final Planned Development (FPD) #01-20 for Phases 1, 2, 3A, Phase 3C and 3D; and
 - c. Design Review (DR) #03-20 for Phases 1, 2, & 3A.

Background

On September 9, the Planning Commission held a public hearing and took public testimony regarding the proposed Bretton Woods project. At the conclusion of that meeting, the Planning Commission continued the item and directed staff to prepare responses to several questions and clarifications raised during the meeting.

This report supplements the September 9, 2020, Planning Commission staff report. In addition, the September 9, 2020, staff report has been corrected and is provided to the Commission for reference. The correction consists of the inclusion of the Addendum to the September 9, 2020, staff report; addition of the two tables emailed to Commissioners prior to the September 9, 2020, meeting with reformat and inclusion of omitted portion, respectively; reformatting and some minor clarifying edits.

A copy of the corrected Sept 9 staff report can be found here, <https://www.cityofdavis.org/city-hall/commissions-and-committees/planning-commission/agendas>

Analysis

Following the September 9 meeting, staff has sorted the comments made during the meeting into three categories. The first is *Open Issue* comments. These are issues presented to the Planning Commission where there was known disagreement between the staff and the applicant regarding the conditions of approval.

The second is *Issues Raised by the Planning Commission*. These were issues raised by individual planning commissioners during the course of the meeting. No final decision was made by the Planning Commission as to whether or not to make these edits to the approving documents. The Planning Commission will need to decide if the changes suggested should be included or not.

The third is *Clarification Issues*. These questions were raised during the meeting and were addressed in the September 9 agenda packet. In this report, staff will clarify how the issues were addressed.

OPEN ISSUES

<i>Pathways</i>
1. What should the pathways throughout the project be made of and how wide should they be?

In the September 9 staff report, staff raised the issue that there was disagreement between staff and the applicant regarding material and width of the proposed pathways to be constructed throughout the project. There is an extensive pathway system planned for the project, which is

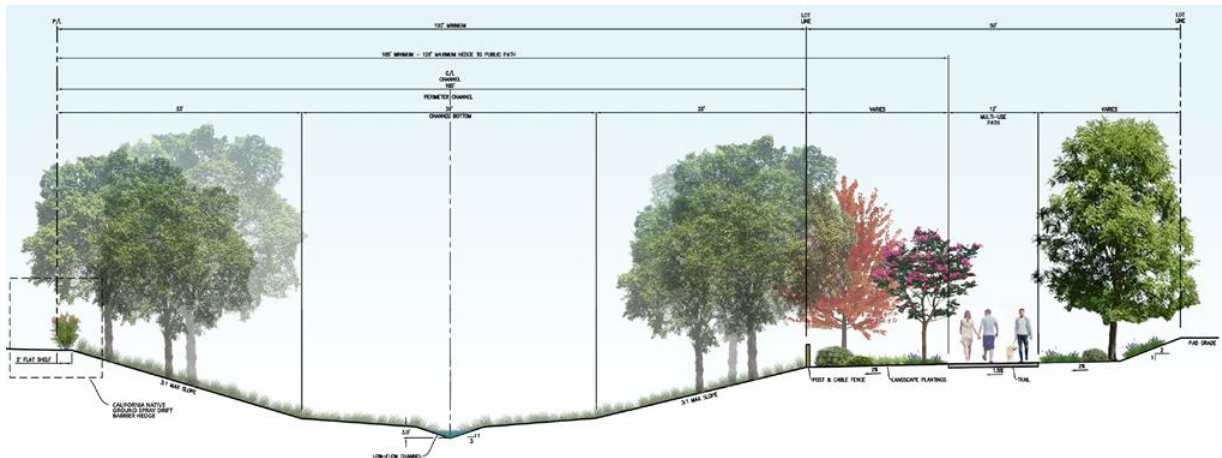
shown in the exhibit below. The map shown below indicates the planned widths and locations of all of the proposed paths.



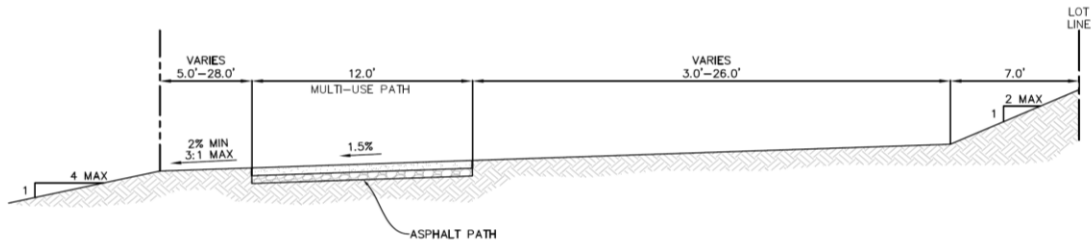
Bretton Woods Path Map

Arboretum Path

The applicant has proposed a 12-foot wide multiuse path within the 50-foot wide portion of the Ag Buffer (shown in green on the map above). The path is proposed to be constructed of asphalt with no shoulders. The path will be located on City owned property and maintained by the Homeowner’s Association (HOA).



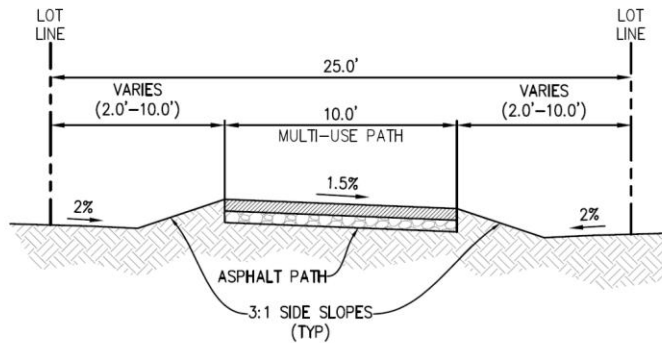
Arboretum Path Cross Section

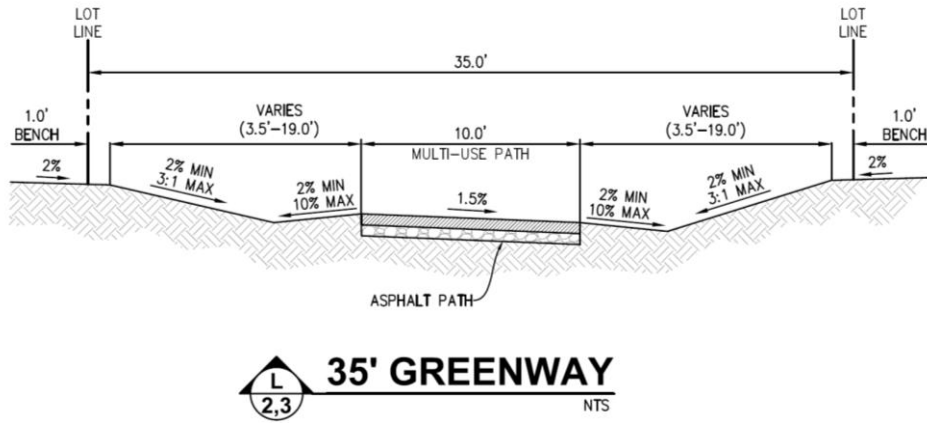


Arboretum Path Cross Section

Greenway Paths

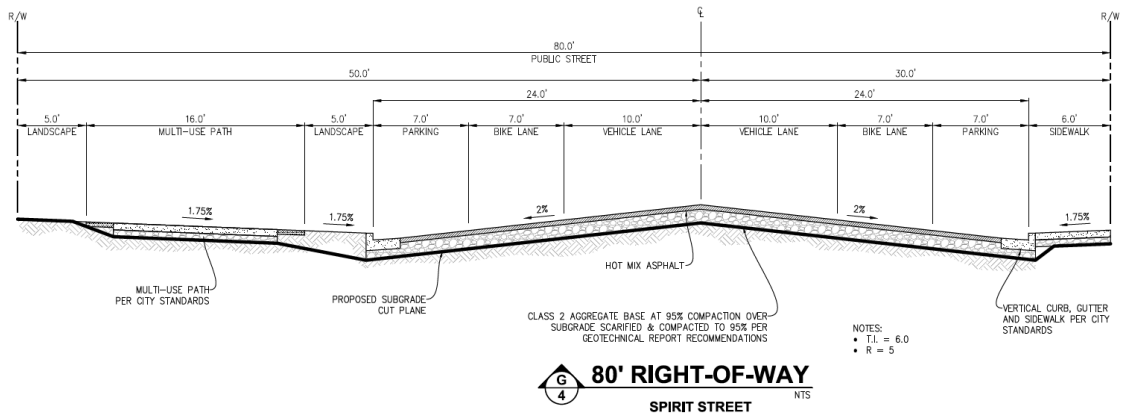
The greenway paths (shown in blue on the map above) are laid out in a grid pattern to facilitate movement around the subdivision and will be owned and maintained by the HOA. The main north/south path and the east/west path radiating out from the Activity Center are both on 35-foot wide properties, while all others are on 25-foot wide properties. The applicant proposes that these pathways be 10 feet wide and be constructed of asphalt. Below are two cross sections showing the greenway paths.





Right of Way Paths

There are multiuse paths proposed to be located in the right of way (shown in yellow on the path map above) on Spirit Street, Risling Street and Covell Boulevard. These paths are 12 feet wide with 2-foot shoulders on each side (16 feet total.) The paths are proposed to be constructed of Portland Cement and the shoulders of decomposed granite and meet the City standard. Below is a cross section of Spirit Street, which is typical of this type of improvement.



Staff Recommendation

Staff and the applicant do not agree on the size and material to be used on the paths. The applicant has proposed a mix of sizes (width) and materials for the various paths as explained above.

Staff recommends that all of the paths should meet the minimum standards for size and material. In other words, the paths should be 12 feet wide and made of Portland Cement or pervious concrete. There should also be 2-foot wide decomposed granite shoulders on both sides of the trail.

Staff recommends that condition of approval 30.D.7) be edited to read as follows (no numbers are included at this time to should the Commission choose to deviate from City’s pathways’ standards, which can be found at <https://www.cityofdavis.org/home/showdocument?id=8324>):

7) Multi-use paths shall be constructed as follows:

Ag Buffer: _____ foot wide path, _____ wide shoulders, constructed of _____.

Greenways: _____ foot wide path, _____ wide shoulders, constructed of _____.

Walking paths not built with asphalt or concrete shall be constructed of decomposed granite.

<i>Pathways</i>
2. What is the cost differential between asphalt and concrete? What is the maintenance cost differential?

As part of the decision making process, the applicant was asked about the cost differential for concrete paths versus asphalt paths. In response, the applicant provided this information:

For the perimeter trail, the cost of asphalt is anticipated to be \$229K and concrete would be \$469K (\$240K more for concrete). For the internal greenways, the cost of asphalt is anticipated as \$378K and concrete would be \$775K (\$397K more for concrete).

The other part of the materials consideration is the cost of maintenance over time. When asked what the maintenance cost differential would be, this was the response:

“Based on our understanding, generally asphalt requires more maintenance than concrete over its lifetime, but we don’t have specific cost analysis regarding the long term maintenance.”

<i>House Sizes</i>
3. Is 1875 square feet in compliance with the requirement for 1800 square feet home in the development agreement?

Ordinance 2534, approving the Development Agreement between the City of Davis, Binning Ranch Holding Company and J. David Taromino, contains the Baseline Project features voted on by the electorate. Within the Baseline Project Features is a limitation that the home sizes would be as shown in the table below.

Greenway Homes: Single Story	2-3 Bedrooms	1800 square foot maximum
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In the Sept 9 staff report, it was noted that the size limits included in the Baseline Project Features called out the sizes of the homes as “maximums.” Therefore, staff recommended that the maximum home size for the Greenway Homes be 1800 square feet. The applicant proposed 1875 square feet and presented the Planning Commission with language from the Davis Municipal Code regarding the Measure J/R process, which states,

41.01.020 Voter approval. (a) *Voter approval of changes to land use designations on the Land Use Map from agricultural or urban reserve to urban land use designations or from agricultural to urban reserve land use designations. ... (2) Any application for an amendment or modification of the land use map ... shall require:*

(A) *Establishment of baseline project features and requirements such as recreation facilities, public facilities, significant project design features, sequencing or phasing, or similar features and requirements as shown on project exhibits and plans submitted for voter approval, which cannot be eliminated, significantly modified or reduced without subsequent voter approval;*

41.01.040 Definitions. *Significantly or significantly changed or modified means that the proposed change or modification materially alters the essential characteristics of the project or the baseline feature or requirement.*

The applicant believes that the addition of 75 square feet does not materially alter the essential characteristics of the project or the baseline feature.

Staff Recommendation

Should the Planning Commission decide to permit a larger home, staff recommends the addition of condition 47 to read as follows:

47. Greenway Homes shall have a maximum square footage of 1875 square feet. This does not include the square footage of the garage or any caregiver suite, visitor space or personal office space constructed generally over the garage.

<i>Small Builder Custom Houses</i>
4. What is the maximum size of a Small Builder custom home?

The Bretton Woods development agreement states that the Planning Commission shall determine the maximum square footage of the homes built on the Small Builder custom lots. Staff has suggested that the maximum size of a custom home should be in keeping with the other homes in the subdivision by limiting them to 1800 square feet. The applicant has proposed that the small builder custom homes be limited to 2500 square feet.

To give the Planning Commission some sense of whether a 2500 square foot home will fit on the custom lots, staff ran these preliminary numbers.

A smaller custom lot is 104 X 50 square feet	5200 square feet
The maximum lot coverage is 60 percent	3120 square feet
A 2500 square foot home plus a standard two car garage (400 sq.f.)	2900 square feet
The remainder of the available FAR could be used for an ADU over the garage (75% FAR)	400 square feet

Staff Recommendation

Should the Planning Commission agree with the applicant, no changes are necessary to the approval documents. However, if the Planning Commission agrees with staff, then the following condition of approval should be added to the conditions of approval:

- 48. Small builder custom homes shall have a maximum square footage of 1800 square feet. This does not include the garage or any caregiver suite, visitor space or personal office space constructed generally over the garage.

ISSUES RAISED BY PLANNING COMMISSIONERS

<i>Community Gardens</i>
5. Are community gardens permitted in the 50 foot portion of the Ag Buffer?

While not specifically mentioned, community gardens are permitted in the ag buffer transition area. The following is an excerpt from Davis Municipal Code Section 41.A.01.050, explaining what is permitted in that area;

(d) The following uses shall be permitted in the fifty foot agricultural transition area: bike paths, community gardens, organic agriculture, native plants, tree and hedge rows, benches, lights, trash enclosures, fencing, and any other use determined by the planning commission to be of the same general character as the foregoing enumerated uses.

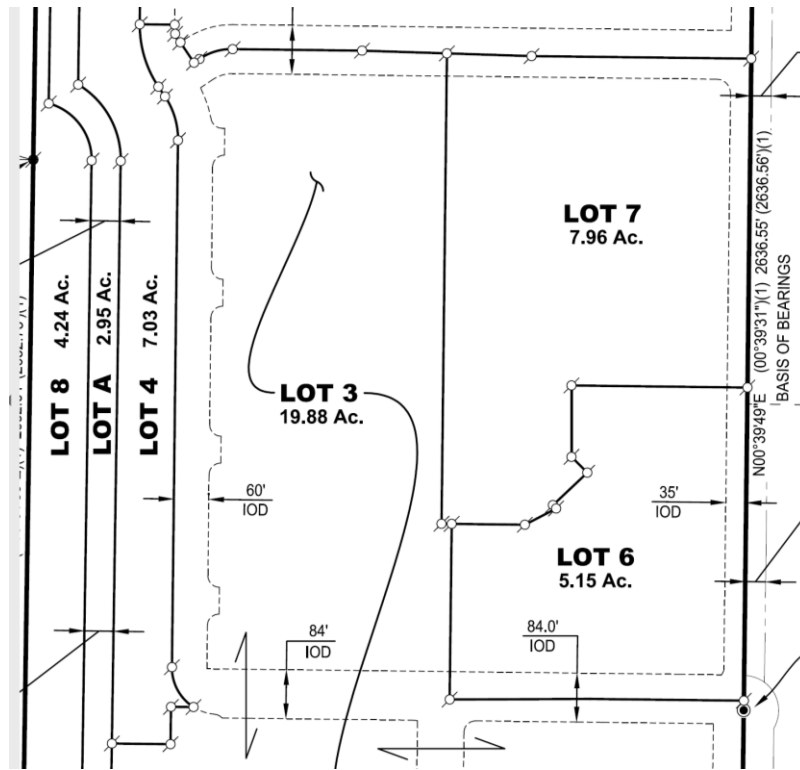
Staff Recommendation

Staff is not opposed to the inclusion of community gardens in the ag buffer. Should the a majority of the Planning Commission decide to include such a feature, staff recommends the following additional condition of approval language be added as condition 32.A.9) vi.;

Condition 32.A.9) vi. Community gardens shall be provided.

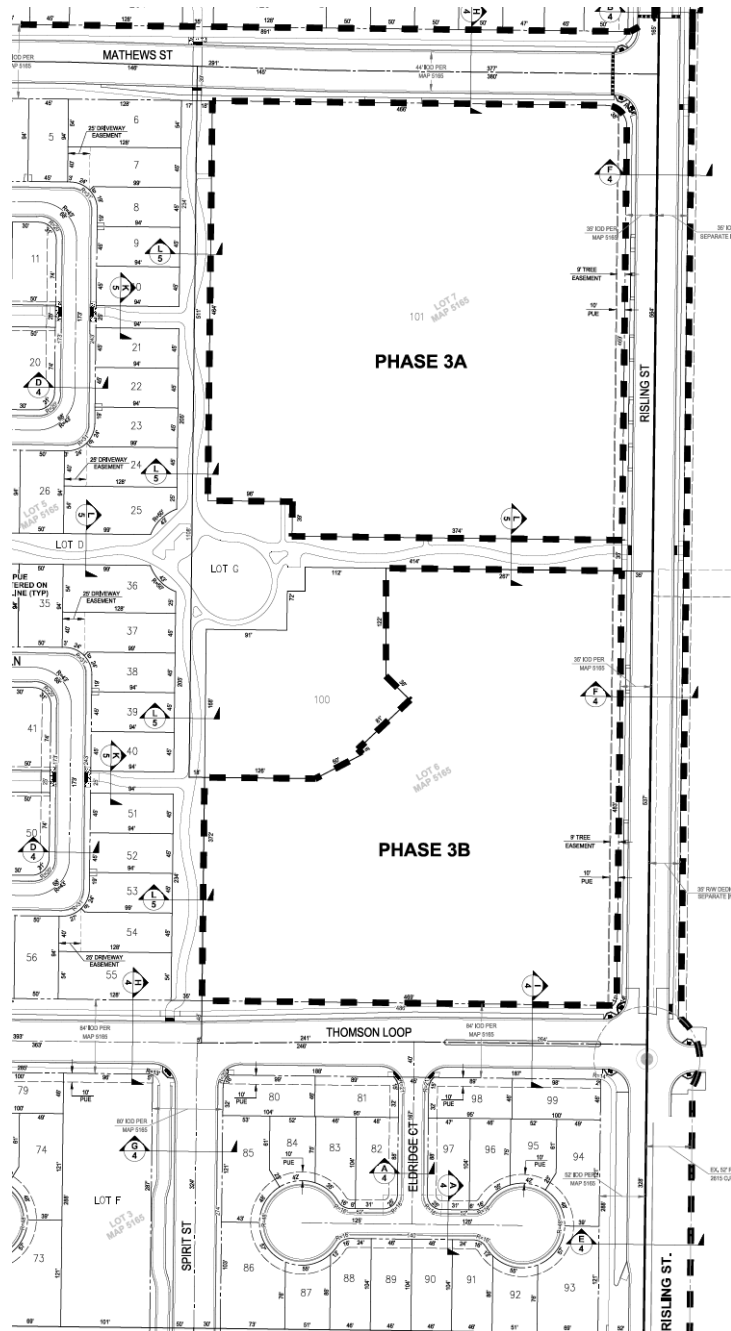
6. Is the density of the Cottages subdivision consistent with the General Plan?

When the Bretton Woods Large Lot subdivision map was approved, the area of the Cottages was known as Lot 7 and it measures 7.96 acres in size.



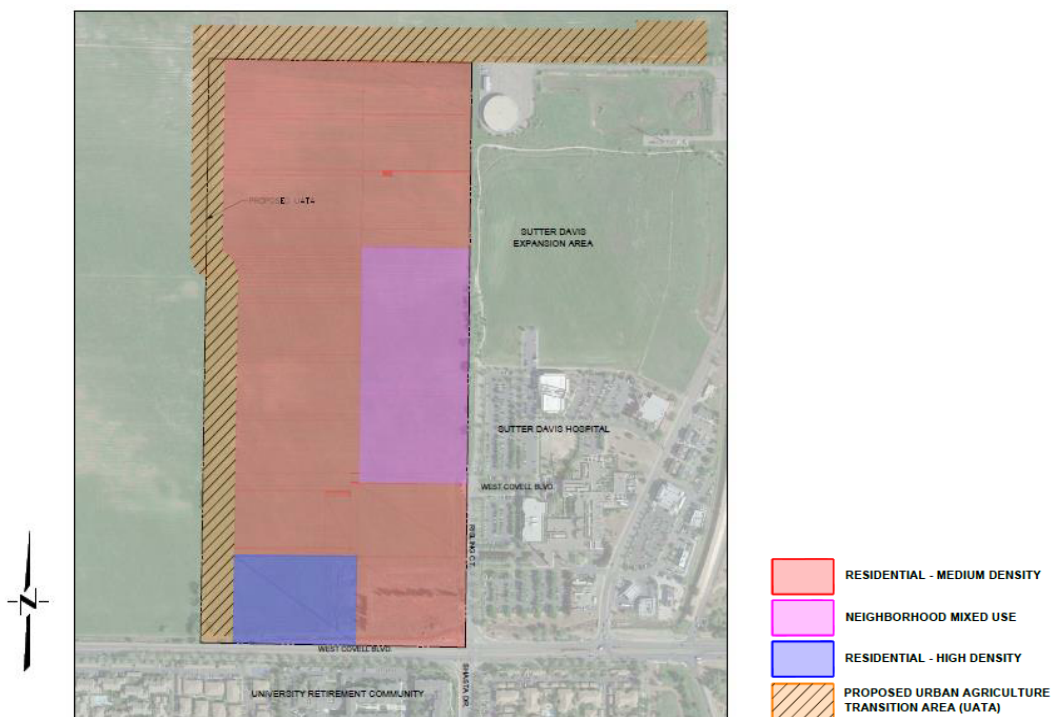
Lot 7 of Large Lot Map

Currently, the applicant has proposed to further subdivide Lot 7 under the proposed Small Lot Tentative map under consideration. As the exhibit below illustrates, a portion of Lot 7 has been removed to partially create the Mini Park and central recreational area of the project. The remaining portion measures 6.56 acres.



When the project was voted upon in 2018, the proposed and ultimately approved land use for Lot 7 (Phase 3A) is Neighborhood Mixed Use. While a specific density is not called out in the General Plan for the Neighborhood Mixed Use, it does state that, “the specific uses, maximum amounts of specific uses and the preliminary site plan in a neighborhood mixed use designated site shall be:

- Established in the site’s zoning, anticipated to be a Planned Development district.
- Compatible with surrounding development”. (Resolution 13-160)”



Approved General Plan Land Use for Bretton Woods

In the case of Bretton Woods, the Planned Development is subject to compliance with the baseline project features. Furthermore, the DA gives this summary of density.

There shall be a maximum of 560 primary housing units, including affordable, market rate rental and market rate for sale units.

There shall be 150 subsidized affordable senior apartments.

Therefore, after subtraction of the subsidized units from the total number of units, there are 410 units remaining. The chart below illustrates compliance the medium density designation applied to Phases 1 and 2 (Custom Homes, Greenway Homes and Bungalows). After subtraction of medium density units from the subtotal (410 – 240= 170), 170 dwelling units can be applied to the balance of the project, which includes Phases 3A, 3B and the future Assisted Living project to be built on Lot 2 at the corner of Risling Street and Covell Blvd.

The density of Phase 3A is proposed to be 11.09 dwelling units per acre. This density is consistent with the 2018 site plan. With the exception of the density for the area called out as Medium Density Residential and the Affordable Senior Apartments, the Bretton Woods land use has no density requirement except that the entire project cannot exceed 560 primary units. The chart below compares the numbers shown in 2018 to those in the current application.

2020 Sept Site Plan					2018 Site Plan		
Bretton Woods Neighborhood Area	Land Use Category	Units	Net Acres	Density	Units	Net Acres	Density
Custom Homes, Greenway Homes, Bungalows	Medium Density Use	240	32.45	7.40	239	33.31	7.17
Cottages	Neighborhood Mixed Use	58	5.23	11.09	33	3.13	10.54

Vinyl Fencing

7. Is vinyl fencing proposed throughout the subdivision?

The applicant has proposed to use a brown vinyl fencing along the side and rear yards for the individual lots. Further, the applicant stated that the reason for this choice of material is so that the buyers could reasonably assume that there would be no major home renovations for about 20 years after purchase relative to fencing. Some Planning Commission members expressed concern with using a material that is not renewable and is a petroleum-based product.

Staff Recommendation

If a majority of the Planning Commission vote to not allow vinyl fencing, then staff recommends the addition of the following condition:

- 49. No vinyl fencing shall be permitted in the Bretton Woods subdivision. All fencing materials must be made of a renewable resource and must be the same for the entire subdivision.

Solar Screening

8. Must solar panels on the roof be screened?

A member of the Planning Commission noted the following language contained within the custom home site design guidelines. It reads,

“ Solar collectors must be aesthetically integrated into the design forms when exposed to view, and they must be hidden from view whenever possible. Solar collector panels should be carefully designed to relate to the architectural mass to which they are attached.”

Given that the City of Davis enforces the CalGreen code, which supports the use of clean energy, this statement appears to be contradictory to that effort. The same Planning Commissioner who raised this issue, has provided the following condition of approval for consideration by the entire Planning Commission.

50. The placement and number of roof-mounted solar voltaic modules (“solar panels” or “collectors”) shall be determined on the basis of a solar system performance analysis that compares the actual or estimated energy use of the residence to the solar energy generation necessary to achieve zero net energy performance. This analysis, including a determination of the optimum placement of collectors based on solar azimuth, shall be performed by a licensed solar contractor or consultant in accordance with commonly recognized criteria such as the National Renewable Energy Laboratory.

Staff Recommendation

In an effort to remain as streamlined as possible, staff recommends the simple elimination of the statement contained in the design guidelines. In this way, there will be no confusion over the number and placement of solar panels as they will be dictated by the building codes adopted by the City of Davis. Staff recommends the following condition of approval.

50. The statement, “ Solar collectors must be aesthetically integrated into the design forms when exposed to view, and they must be hidden from view whenever possible. Solar collector panels should be carefully designed to relate to the architectural mass to which they are attached.” shall be stricken from the Design Guidelines.

<i>Clubhouse</i>

9. When will the Clubhouse be finished?
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One of the features of the project will be the Activity and Wellness Center, or Clubhouse, as it is presently referred to by the project applicant. Construction of the activity and wellness center as the anchor of a mixed use center that will also include limited retail uses, shall commence prior to the issuance of the 301st building permit. The activity and wellness center shall include limited office and retail space, including a privately owned and operated health club with shared access to the community owned swimming pool. Additionally, the center will contain community meeting space for various classes and seminars. The facility will further include a clubhouse for the enjoyment of the neighborhood association.

Unfortunately, the development agreement does not state when the activity and wellness center, or any portion of it must be completed. The applicant has indicated their intention to begin construction of the clubhouse well before the 301st building permit. However, a Planning Commissioner expressed concern that there may be no way to ensure that the center, or any part of it is ever finished.

Staff Recommendation

If a majority of the Planning Commission votes to add a completion date to the activity and wellness center, then staff recommends the addition of the following condition:

- 51. Prior to issuance of the building permit for any portion of the activity and wellness center, the developer shall post a financial security, in a form acceptable to the City Attorney and the Community Development and Sustainability Director, which will guarantee the construction and completion of the project within 2 years of the issuance of the permit.

Wire Trellis

10. Can the height of the wire trellis along Mathews Street and Thomson Loop be reduced?

Most of the homes in the project will front onto a greenway with the exception of a few homes located along Mathews Street and Thomson Loop. Those homes front onto the street directly. The applicant has designed a 5 foot high trellis with vines growing onto it to be installed between the curb and sidewalk to provide those homes and pedestrians with a sense of separation from the street.



A Planning Commissioner raised a concern that the use of the trellis could be contradictory to the environmental design policies promulgated by the Police Department. These design policies limit the height of such barriers to reduce the potential for hiding places. Staff did not receive a comment on this issue from the Police Department.

Staff Recommendation

If a majority of the Planning Commission votes to reduce the height of the trellis and vines, then staff recommends the addition of the following condition:

- 32.A.16) The trellis and vine fencing to be located along Mathews Street and Thomson Loop shall not be higher than ____ feet.

Roof Color

11. Why is light gray not a permitted roof color?

The Bretton Woods design guidelines for custom homes state the following:

• *All composition materials shall be earth tones. No green, light gray or red-colored composition materials are permitted. All materials and styles are subject to the approval of the ACC and shall carry a 40-year minimum warranty. Examples of acceptable materials are included in section 5.3.2.*

On September 9, a Planning Commissioner questioned the applicant as to why light gray was not an acceptable color for a roof. The applicant stated that in the past such a roof material would have been found to be unacceptable. However, he was amenable to the change if the Planning Commission choose to approve it.

Staff Recommendation

If a majority of the Planning Commission votes to allow light gray as a roof color for custom homes, then staff recommends the addition of the following condition:

- 53. Light Gray composition roof materials shall be permitted on the custom homes.

<i>Cementitious Fiberboard</i>
12. Why is cementitious fiberboard (Sometimes known as Hardiplank) not permitted?

In two places in the Design Guidelines, the use of cementitious siding is limited to the use as an accent. The language reads as follows:

- *Cementitious siding shall only be used as an accent where architecturally appropriate or structurally required.*
- *Four sides of the home and on the second story of front elevation shall have brick, natural stone, painted brick, slurried brick, multiple brick colors, cast stone, and stucco on exterior walls. Brick shall be above stone in the facade. Brick shall be common bond with rowlock sills and basket weave, herringbone, diaper pattern, corbelling and other patterns or color accents are encouraged. Cementitious siding shall only be used as an accent where architecturally appropriate or structurally required.*

In both instances, the guidelines limit the use of cementitious fiberboard to an accent use only.

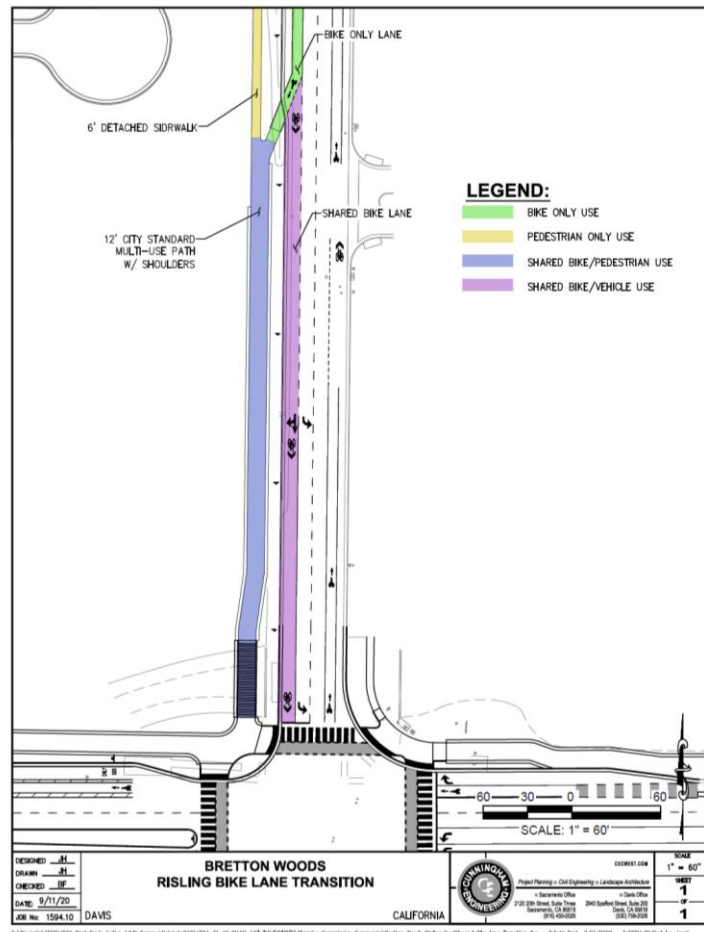
Staff Recommendation

If a majority of the Planning Commission votes to allow a greater use of cementitious siding, then staff recommends the addition of the following condition:

- 54. Cementitious siding materials shall be permitted on the custom homes.

13. How will the Risling Street Bike lane be terminated?

On September 9, a Planning Commissioner pointed out that the design for the termination of the bike lane at Risling Street and Covell Boulevard was unfinished and would leave a bicyclist on that road feeling vulnerable with no clear direction on what to do. Since that time, the applicant has redesigned the pavement markings to provide clearer direction to bicyclists. With this design, more confident riders will stay on the street and share the lane with vehicles as they head into the intersection, while more casual riders will be directed to the sidewalk to cross with the signal. Below is an illustration of the design.



Staff Recommendation

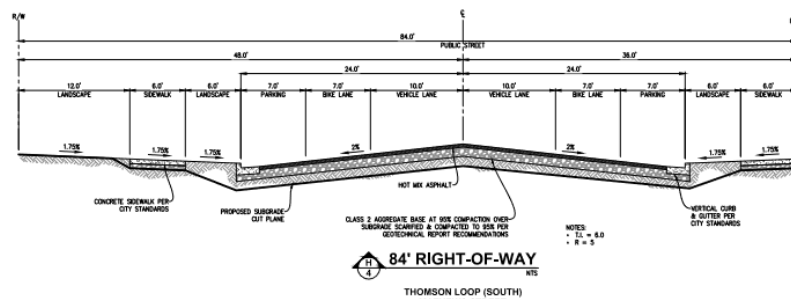
If a majority of the Planning Commission votes to approve the Risling Bike Lane Transition, then staff recommends the addition of the following condition:

- 30.D.11) The bike lane on southbound Risling shall be striped and improved as shown in Exhibit A. (The above exhibit will be added to Exhibit A.)

Garbage Cans

14. Can there be a prohibition on Trash Cans in bike lanes?

On September 9, one of the Planning Commissioners raised a concern regarding trash cans placed in bike lanes and suggested that the practice be prohibited and enforced by the HOA. In question number 1 above, there is a map of the streets with bike lanes (shown in red.) Below is a cross section of that type of street. Since the bike lane is 7 feet from the curb, there is no reason for a homeowner to place the garbage cans in the bike lane. Therefore, the HOA should have little trouble enforcing the rule.



Staff Recommendation

If a majority of the Planning Commission votes to prohibit the placement of garbage cans in the bike lanes, then staff recommends the addition of the following condition:

- 41.M. The Homeowner’s Association shall ensure through enforcement measures that trash and recycling cans are not placed in the designated bike lanes by any homeowner.

Tennis Court

15. Why is there no tennis court in the clubhouse?

On September 9, one of the Planning Commissioners raised the question of why there is no tennis court in the clubhouse facility. Since the designs are only preliminary, it should be noted that the plan for the clubhouse includes a health club and an outdoor swimming pool. During the course of the Sept 9 meeting, the applicant responded that the reason there is no tennis court is because of a lack of space for it.

Staff Recommendation

If a majority of the Planning Commission votes require a tennis court in the clubhouse, staff recommends the condition read as follows:

55. A tennis court shall be added to the clubhouse and shall be owned and maintained by the Homeowner’s Association.

CLARIFICATION ISSUES

<i>Utilities Crossings</i>

16. Please clarify the language of the condition 41.I.

During the September 9 meeting, a Planning Commissioner asked for clarification of the purpose of condition 41.I., which reads,

“41.I. At no time shall the Homeowner’s Association permit the Agricultural Buffer on the northerly or westerly sides of the subdivision to be trenched, damaged, disturbed, or used in any way in the future for the installation of future connective backbone infrastructure.”

The primary purpose of this condition is to ensure that any extension of utilities across the drainage channel is done with the consent of the city of Davis.

Staff Recommendation

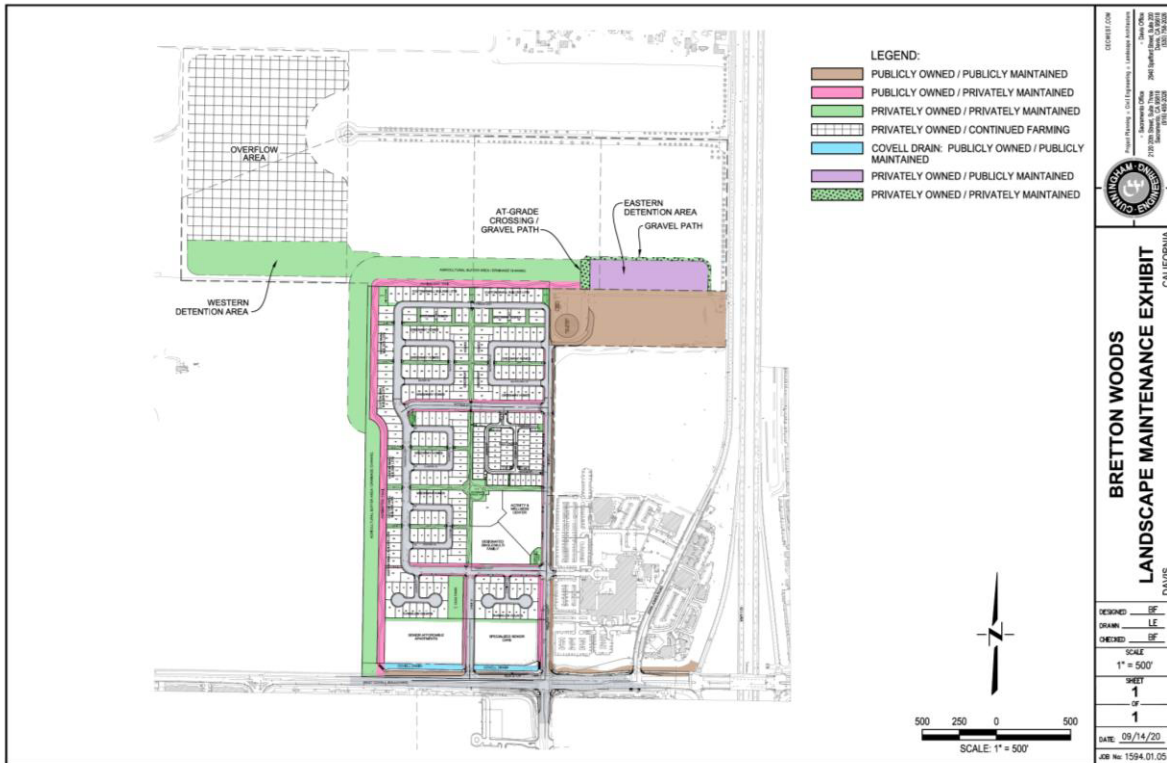
If a majority of the Planning Commission votes to add clarity to the condition, staff recommends the condition read as follows:

41.I. At no time shall the Homeowner’s Association permit the Agricultural Buffer on the northerly or westerly sides of the subdivision to be trenched, damaged, disturbed, or used in any way in the future for the installation of future connective backbone infrastructure without the written consent of the City of Davis.

<i>HOA Responsibilities</i>

17. Please clarify what will be city maintained and what will be maintained by the Homeowner’s Association?
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There are a number of items that the Homeowner’s Association will be responsible for maintaining. The map below helps to illustrate which improvements will be maintained by which entity. Those improvements shown in brown, purple and blue will be maintained by the City of Davis. The rest will be maintained by the Homeowner’s Association. In addition, the HOA will also maintain the streets and parking areas in Phase 3A.



Parks

18. What is a parklet?

While the city has not officially adopted these definitions, these are considered the general descriptions for park spaces from the National Recreation and Park Association. The city of Davis Recreation and Parks staff uses them.

Parklet - a small seating area or green space created as a public amenity on or alongside a sidewalk. Parklets are often referenced as a parking space sized area used for beautification purposes and/or Parklets are typically an inexpensive infrastructure innovation that can change the look and feel of a street and boost economic activity. They involve converting one to three on-street parking spaces into an attractive public gathering spot. The parking space is raised up to the level of the sidewalk and distinguished with seating, plantings and other features. Benches, tables, chairs and other furniture further draw in people. Strategic landscaping is added to beautify the space and attract foot traffic. Parklets are best suited for retail streets, and can be permanent, temporary or movable designs to align with seasonal or other changes.

Pocket Park - (also known as a **parkette** or **mini-park**) is a small park accessible to the general public. Pocket parks are frequently created on a single vacant building lot or on small, irregular pieces of land. They also may be created as a component of the public space requirement of large building projects.

Pocket parks can be urban, suburban or rural, and can be on public or private land. Although they are generally too small for physical activities, pocket parks provide greenery, a place to sit outdoors, and sometimes a children's playground. They may be created around a monument, historic marker or art project.

In highly urbanized areas, particularly downtowns where land is very expensive, pocket parks are the only option for creating new public spaces without large-scale redevelopment. In inner-city areas, pocket parks are often part of urban regeneration plans and provide areas where wildlife such as birds can establish a foothold. Unlike larger parks, pocket parks are sometimes designed to be fenced and locked when not in use.

Programmed Park – A programmed park (also known as a neighborhood park) should be centrally located, if possible, within its service area and should be uninterrupted by non-residential roads or other physical barriers. The site should be generally flat and usable. It should be accessible by way of interconnecting trails, public transportation, sidewalks, or low-volume residential streets. A neighborhood park primarily serves residents within about 1/4 mile of the park, without physical or social barriers to the boundaries.

Ease of access from the surrounding neighborhood, central location, and linkage to greenways are key elements for a new park site. The site itself should allow active and passive recreation uses. Since one of the primary reasons people go to a park is to experience a pleasant outdoor environment, the site should exhibit some innate aesthetic qualities. “Left-over” parcels of land that are undesirable for development are not generally desirable for neighborhood parks. Creating a sense of place by bringing together the unique characteristics of the site with the vision of the neighborhood is vital.

<i>Detention Basin</i>

19. Why wasn't the detention basin addressed?
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A public commentor noted the new detention basin, which is shown to the northwest of the project site and within the jurisdiction of Yolo County. His comment was that the detention basin was not addressed in the staff report.

The detention basin design has undergone heavy review by both the Yolo County Public Works Department and the City of Davis Public Works staff to determine its functional adequacy. Furthermore, the Addendum to the Bretton Woods EIR, addresses in detail how the certified EIR contains appropriate mitigation measures to address the impacts of the detention basin. The Addendum has been posted on the City's website since April 2020.

The commenter also added that the use of the soil (from the detention basin) to raise the subdivision out of the floodplain was also not addressed in the EIR. It has been known since the beginning that the site is in the floodplain and would have to be raised to bring

it out. The Addendum describes the impacts and mitigation measures for the drainage system in detail. The excerpt below is from the Addendum.

“Modeling shows that implementation of Project design elements included in Mitigation Measures 3.9-3 and 3.9-5, such as raising the constructed portions of the Project Site above base flood elevation, and included here as the modified Project components would result in no impacts to existing structures during a 100-year storm event and have only a “de minimis” impact on water surface elevations in agricultural areas (Appendix K [p. 8]). These modeling results are used as the basis for the Conditional Letter Of Map Revision, which is required in Mitigation Measure 3.9-4 (see Appendix A).”

Acorns to Oaks Foundation

20. Why is there no foundation required for the oak grove? Will the oak trees be planted by the developer? What is the purpose of the \$150,000 endowment? Is it enough?

When the project was approved in 2018, the development agreement included a provision requiring the developer to:

- Plant a minimum of 350 native oak trees in and around the ag buffer surrounding the neighborhood, and
- Establish a foundation and seed fund for the initial planting and ongoing maintenance of the oak forested area in association with the HOA and appropriate local organizations.

Since that time, the developer has sought to create a foundation to monitor and maintain the oak trees and has found that the cost of a foundation was prohibitive, leaving little money for actual maintenance of the trees. Therefore, the applicant has agreed to setting up an endowment (\$150,000) as a part of the Homeowner’s Association to pay for the long term care. Within the HOA, there would be a special committee set up with responsibility to maintain and care for the oak forest. One member of the committee will be from Tree Davis to provide professional advice in the long term care of the oak forest.

Staff Recommendation

Staff recommends no alterations to condition of approval 41.H, which reads as follows:

41. H. A Foundation and Seed Fund shall be established within the Homeowner’s Association for the planting and ongoing maintenance by the Homeowner’s Association of the oak forested area on Lot A, Lot 8 and those portions of the drainage channel on the western and northern sides of the subdivision. The

subdivider shall donate \$150,000 to the HOA, which will be used as an endowment for the ongoing maintenance and care of the oak forest.

The Homeowner's Association shall, (1) hire a certified arborist to oversee the care of the oak forest, (2) establish a three person subcommittee of the HOA that is focused on the care of the oak forest to make decisions on the maintenance of the oak forest, and (3) include a member of Tree Davis to sit on that HOA subcommittee and assist in advising on the long term maintenance of the oak forest and habitat plantings. These requirements shall be subject to the satisfaction of the City Arborist and the City Open Space Program Manager.

<i>Burrowing Owls</i>

21. Why were burrowing owls not addressed?

Burrowing owls were addressed in the EIR certified in 2018. A mitigation measure was included in that document and has been applied to this entitlement. (See condition 14) There is no need for a survey more than 30 days prior to disturbance of the site. Since the likelihood of burrowing owls existing on the site is relatively high, a biologist will need to do a survey of the site prior to beginning construction. At that time, specific mitigation for any owls found on the property will be developed.

Staff Recommendation

No changes to condition 14.

<i>Swainson's Hawk</i>

22. Were nesting Swainson Hawks on the site when the trees were removed?

Although the property was still in the County jurisdiction at the time the on site trees were removed, staff did receive a report from the applicant's biologist who did a survey looking for protected birds prior to the tree removal. This was done because, a) there had been evidence that there was once a hawk nest on the site (See Bretton Woods EIR excerpt below), that there is evidence of burrowing owls on the site, and b) because the site has suitable nesting and foraging habitat. The survey, which was done in 2019, showed no evidence of an active Swainson's Hawk nest and the possibility of one burrowing owl located away from the tree removal area. No ground disturbance was planned or occurred. Therefore, there was no evidence of a potential violation at that time.

ANIMAL	STATUS (FED;CA)	HABITAT ASSOCIATION	POTENTIAL FOR OCCURRENCE
		vegetation and few trees.	Ground squirrel burrows observed during site survey. Several CNDDB records within 3 miles of the site.
<i>Buteo Swainsoni</i> Swainson's hawk	--;CT	Nests in tall cottonwoods, valley oaks or willows. Forages in fields, cropland, irrigated pasture, and grassland often near riparian corridors.	High potential to occur. Suitable nesting and foraging habitat present on-site. Old raptor nest in walnut tree observed during site assessment. Numerous CNDDB records within 3 miles of the site.
<i>Charadrius alexandrinus nivosus</i> western snowy	FT;SSC	Sandy beaches, salt pond levees and shores of large alkali lakes with friable sandy or gravelly soils. Large sandy rivers and lakes	No potential to occur. Habitat not present.

*From West Davis Active Adult Community EIR (SCH: 2017042043)
DECEMBER 2017*

After the trees were removed, the City received word that a resident has complained to the Yolo Habitat Conservancy and the Fish and Wildlife Department that there had been a potential violation. After their investigation, neither group could find that a violation had occurred and no citations or penalties were assessed. Prior to beginning construction, in particular grading, the applicant will need to obtain the necessary permits from the Yolo Habitat Conservancy and pay all appropriate mitigation fees for impacts to endangered species. Mitigation for tree removal will also be assessed. The mitigation measures are contained in the conditions of approval. (See conditions 14, 15, and 18)

<i>Tree Removal</i>
23. Will the developer be required to pay a fine for removal of existing trees?

Shortly after the project was approved by the voters, but before the property was annexed into the city of Davis, the developer arranged to have the trees on the property removed. A biologist surveyed the trees prior to removal and no active nests were found in the trees. Given that the trees were not in the city, no tree modification permit was issued by the City of Davis.

Now that the property is within the City and the developer is asking for an entitlement, the developer will need to seek approval of a tree modification plan to mitigate for the loss of the trees to be consistent with the approved mitigation measures. The City Arborist has been working with the developer and has determined that the appropriate tree mitigation is replanting new trees for the 92 removed trees.

In light of the tree removal, the Tree Commission was asked to comment on the proposed project, in particular with regard to the trees. The following were in their list of recommended conditions:

II. Tree Commission (TC). On August 20, 2020, the TC held a meeting and provides the Planning Commission recommendations as follows (for TC staff report go to: http://documents.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/Tree-Commission/Agendas/20200820/Bretton_Woods_TC_SR_8_2020.pdf).

A. Bretton Woods project should incorporate native and climate-ready trees in the plant palette where the trees will thrive in the growing conditions within the project.

Provided for in condition 32.A.5)

B. Approve the mitigation measures for the project as outlined for project. In addition, condition project with penalties for tree removal prior to obtaining a Tree Modification Permit from the City of Davis. Based on the June 19, 2019 letter from the City of Davis to applicant, this recommendation seeks to impose penalties for tree removal without obtaining the required Tree Modification Permit prior to tree removal. Removal penalties will be calculated by using the City Council Tree Mitigation Policy less the removal and replacement costs.

As stated above, the 92 trees that were on the property at the time the project was considered by the voters were taken down prior to the property being annexed into the city. Therefore, the City had no jurisdiction to require a tree modification permit prior to the tree removal. Since the trees were removed when they were under County jurisdiction, the City of Davis cannot levy a penalty for their removal.

C. Approve the removal of trees along the new emergency vehicle access road and in the newly designed detention pond area to the north of the project near the current City of Davis water tank storage facility; and recommend mitigation in accordance with the Municipal Code Chapter 37 requirements to provide inch for inch replacement planting on-site.

Provided for in condition 18.A.

D. Condition the following recommendations in the project's conditions of approval for the project:

1. Developer shall utilize best management practices for tree planting and root establishment. Specifically, Developer shall use structural soils or suspended pavements in the commercial and multi-family areas of the project to allow successful tree root development, to the satisfaction of the City's Urban Forest Manager.

Provided for in condition 32.A.15)

2. Prior to construction of landscape areas, Developer will submit formal landscape plans for City review and approval. Developer to surrender planting plan copy right to the City of Davis.

Submittal provided for in condition 32.A. Staff does not believe it has the legal authority to compel the developer to surrender the planting plan copy right to the City of Davis.

3. Landscaping shall provide 80% shading of pedestrian walkways and off-street Class I bike paths that are not otherwise shaded by photovoltaics or other renewable energy generation, and parking lots be shaded by 50% shade of trees and photovoltaics.

Staff did not include this provision in the recommended conditions. Staff assumed with the number of trees required in this project, the pathways would be shaded. If the Planning Commission chooses to add this condition, it would be added to condition 32.

4. When planting in parking areas or along paved walkways, Developer will size pavement treatment area to adequately accommodate the tree varietal's intended mature size.

Staff did not include this condition in the recommended conditions as it is usually used in projects with parking lots. However, if the Planning Commission chooses to add this condition, it would be added to condition 32.

5. Planting practice and ongoing tree health shall be subject to 3rd party verification by the City's Urban Forest Manager or City approved Certified Arborist. A third-party arborist shall monitor the maintenance and growth of all on-site trees in years 1, 2, 5, 7, and 10 after project completion. The Certified Arborists will provide recommendations to improve tree health such as pruning, mulch and irrigation practices. Inspection, maintenance and replacement costs shall be borne by the Developer. Compliance with arborist recommendations is mandatory and failure to comply shall be considered a violation of project entitlements and subject to penalty. If, five years from the original date of planting, a tree is not growing at its anticipated rate or is otherwise showing signs of failure, that tree will be identified by the Urban Forest Manger or arborist who, at his or her discretion, may require tree replacement at the Home Owners Association's expense.

- 6.

Staff did not include this condition in the recommended conditions. If the Planning Commission chooses to add this condition, it would be added to condition 32. Staff would recommend, however, that the inspection, maintenance and replacement costs should be borne by the Homeowner's Association.

7. Tree pruning and removal shall be authorized in accordance with the current Tree Planting, Preservation, and Protection Ordinance at the time the work is being performed.

Staff did not include this provision as it is required by ordinance.

7. Reject the planting of the following tree species and direct applicant to propose a substitute species better suited for the high clay, poor soil site conditions, small planting strip areas along the interior streets, and undesirable street and park tree species:

- All *Acer species*, Maple except the *Acer buergerianum*, Trident Maple
- *Chilopsis linearis ssp Arcuata*, Desert Willow
- *Cornus florida* ‘Cherokee Princess’, Cherokee Princess
- *Ginkgo biloba* ‘Fairmaont’, Fairmont Ginkgo
- *Koelreuteria paniculata*, Golden Raintree
- *Magnolis x soulangeana*, Saucer Magnolia
- *Pinus brutia* ‘Elderica’, Afghan Pine
-

These species of trees have already been removed from the plant palette as staff worked out with the applicant since the Tree Commission held its meeting.

8. Recommend the Oak trees planted in the drainage channels be planted only on the top two-thirds of the drainage channel and be included in the tree monitoring protocols. The Oak trees shall maintained by the project’s non-profit organization Acorns to Oaks Foundation as outlined in the project’s baseline features.

Provided for in condition 32.A.10)i. and condition 40.A.

Staff Recommendation

See staff’s recommendations noted above.

<i>Amendments and Deviations to the Design Guidelines</i>
24. What is a minor deviation? What is a major deviation? Why are amendments to the Guidelines made by Staff?

The Bretton Woods Design Guidelines include the following statement.

“Deviations can be as Minor Deviations and Major Deviations. This document grants the Community Development Director the authority to determine whether a deviation should be considered Minor or Major. Review and approval of Minor Deviations shall be conducted by the Community Development Director, whereas Major Deviations shall be reviewed and approved by Planning Commission.

Amendments to these Final Planned Development Neighborhood Design Guidelines shall be reviewed and approved by planning staff or the Community Development Director.”

A Minor Deviation is a staff level interpretation of compliance with the guidelines where a specific material or design feature is not called out. Staff would be looking for general consistency with the approved design guidelines. A Minor Deviation is also a process wherein

an applicant can apply for up to a 10% reduction in standards. This process is done administratively, but also includes notification of surrounding property owners.

A Major Deviation would be a staff level decision wherein the requested deviation from the design guidelines is clearly not addressed in the Design Guidelines nor similarly addressed and should be made in a public hearing setting. Staff and the applicant have crafted the guidelines in such a way as to avoid such a need. However, given that the project will be built out over several years, the possibility remains that someone would want something that is clearly not addressed in the document.

Amendments to a Final Planned Development are frequently held by the Planning Commission. In an effort to streamline the process, it has been recommended that the staff be allowed to approve amendments. The Final Planned Development portion of the approval addresses the standards (i.e. setbacks, height, etc.) that all builders must follow. Again, because staff and the applicant have crafted the guidelines to avoid such a need, it is not expected that such an amendment would be necessary. However, if it were, then the public hearing process would be avoided for what could potentially be one builder of one house.

Staff Recommendation

If a majority of the Planning Commission votes to amend the language of the Design Guidelines and Final Planned Development, then staff recommends the addition of the following condition:

52. Amendments to these Final Planned Development standards as established in the Bretton Woods Neighborhood Design Guidelines shall be reviewed and approved by the Planning Commission. All site plan, architectural, open space and fencing changes shall be reviewed for approval by the Community Development and Sustainability Department.

ATTACHMENTS

1. Findings of Approval
2. Conditions of Approval

P:\Planning\Current Planning Applications\Covell Boulevard\39660 W. Covell Blvd\Bretton Woods Phases 1, 2, 3A Submittal-6-3-2020\PC_STAFF REPORT_Sept 23 final.docx

ATTACHMENT #1A

Findings and Conditions of Approval

Bretton Woods Planning Applications #19-12 and #20-09 for Phases 1, 2 and 3A

Findings

1. Find that the City previously prepared a Draft and Final Environmental Impact Report (FEIR, (SCH: 2017042043)), plus the current Addendum to the Final EIR, all prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, the City's procedures for the implementation of CEQA, and other applicable laws, and that they adequately addressed the environmental impacts of the project; the proposed implementing entitlement project applications are consistent with the FEIR certified by the City Council on June 12, 2018; in addition, an Addendum to the Final EIR has been prepared because the Bretton Woods project requires storm drainage system modifications that trigger the need for ministerial and discretionary permits approval by the City and Yolo County (these permits are the impetus for the EIR Addendum); and no additional CEQA evaluation is required.
2. The proposed project applications, as conditioned, will be consistent with the General Plan, Planned Development zoning, DA, and Subdivision Ordinance requirements, in that the proposed project will allow permitted uses to be placed on the subject site.
3. The design of the subdivision and the proposed improvements will not cause serious public health problems, in that all pertinent public improvements for the subdivision will be in place prior to issuance of any building permit.
4. The design of the subdivision and the proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
5. The project site is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Section 66474.4 of Government Code).
6. The proposed subdivision, as conditioned, is consistent with the City of Davis Affordable Housing as approved for the project; and does not require allocations based upon the Phased Allocation Ordinance at this time.
7. Find that the property was annexed into the City of Davis on June 22, 2019.
8. As conditioned, the proposed small lot tentative subdivision maps will comply with requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act, the Subdivision Ordinance, and the General Plan.

9. The property owner can commence substantial construction within eighteen months from the date of this final planned development approval and intends to complete the construction within a reasonable time frame.
10. As conditioned, the proposed development is consistent with the requirements of the new Planned Development. The development is appropriate in area, location and overall planning for the purpose intended. The design and development standards for the P-D are intended to create a residential environment of sustained desirability and stability.
11. The auto, bicycle and pedestrian traffic system is adequately designed to meet anticipated traffic and is so designed to provide the minimum amount of interference with each other.
12. The proposed project is suitable for the site as it will comply with the standards in the new Planned Development zoning district, and the scale of the buildings will be consistent with that anticipated within the district given the applicable development standards and the proposed Design Guidelines for the project.
13. As conditioned, the project will not have significant adverse effect on surrounding properties in that the plan complies with the standards for the site, which were established as a means to minimize impact on surrounding properties.
14. 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 has been shown not to affect the existing streetscape and will provide a more desirable use than the current vacant parcels.
15. The architectural design of the proposed project is compatible with the existing properties and anticipated future developments within the area in terms of such elements as height, mass, scale and proportion; in that the project does not change the longstanding existing character of the neighborhood and the exterior changes continue to match the exterior materials, colors, and architectural elements of the primary structure of the property.
16. The location, climate, and environmental conditions of the site are adequately considered in determining the use of appropriate construction materials and methods. Sufficient conditions are included with the approval to ensure the long-term maintenance of the project.
17. The proposed entitlement request, including any alterations to the project, has been determined to be substantially consistent with the Baseline Features and Master Plan and does not materially alter the scope of the project as approved by the voters.

PROJECT APPROVAL

1. The Bretton Woods Tentative Small Lot Subdivision Map PA#19-12, as depicted in the Exhibits dated August 27 and 31, 2020, is hereby approved by the Planning Commission, subject to the conditions listed below. These approved small lot tentative subdivision maps for Bretton Woods shall expire 24 months after the effective approval by the Planning Commission, unless the time frames contained in City of Davis Ordinance 2534 or the state of California Subdivision Map Act are found to apply. If not, extensions may be granted in accordance with Section 66452.6 of the Subdivision Map Act.
2. The subdivider 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, approval of a condition by the Planning Commission. The City shall promptly notify the subdivider 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.
3. The approved Tentative Subdivision Map shall govern the design and construction of the project. When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail, unless specifically stated in the conditions of approval. The fact that exhibits were included with City Staff Reports, or not appropriately corrected when signed by the department does not override and invalidate the approved written conditions of approval. All other plans, specifications, and information contained within the approved Exhibit shall be specifically applicable to the project and shall be construed as if directly stated within the conditions of approval. Unless otherwise expressly stated, the subdivider shall be solely responsible for satisfying each condition and each condition must be satisfied at the time listed in the condition. The agency and/or city department responsible for ensuring implementation of each condition is indicated within each condition.
4. Final maps, grading plans and improvement plans incorporating all conditions of approval for this project shall be coordinated and submitted to the Public Works Engineering and Transportation Department. All plans, including final map, grading, landscape, irrigation, utility improvement plans, shall be coordinated for consistency prior to approval of the improvement plans or final map.
5. All Conditions of Approval and Mitigation Measures shall be completed to the satisfaction of the City of Davis Public Works Engineering and Transportation Department or any other city departments or outside agencies as applicable to the respective permits or maps at the time listed in the condition.

GRADING

6. Prior to any grading on the site, the subdivider shall submit a final grading and drainage plan, prepared by a registered civil engineer, that is consistent with the exhibits and conditions incorporated as a part of this entitlement, and in compliance with all applicable city standards. The grading associated with entitlement does not impart any development rights beyond grading

in general nor does it commit the City of Davis to approval of any design of future subdivisions on any created parcel, particularly for Lots 1, 2, and 6 of Subdivision Map No. 5165.

Upon acceptance of the final grading plans, the subdivider shall obtain a grading permit, which has a 30 day expiration date, from the Public Works Engineering and Transportation Department. A separate grading permit shall be required for any off-site borrow disposal, or staging site, if within the City limits. Any grading conducted outside of the city shall be subject to the review and approval of said jurisdiction.

A. The project grading and drainage plans shall include the following:

Flood Control Features

- 1) The project shall result in no net change to peak flows from the entire site to existing drainage channels. The subdivider shall establish a baseline of conditions for drainage on-site. The baseline-flow conditions shall be established for 2-, 5-, and 100-year storm events. The baseline conditions, as defined above, shall be submitted to FEMA, Yolo County and the City for their approval.
- 2) All detention basins shall be designed and constructed to ensure that the required performance standards are met. The eastern detention basin associated with the project shall be fenced with similar material with a similar height to the existing fence around the existing detention basin. Gated vehicular access shall be provided to the detention basin at a minimum of two locations but subject to more during review of the improvement plans. The gates shall not prohibit pedestrian access.
- 3) The developed portions of the project site shall be elevated above the anticipated 100-year flood hazard area, or measures are incorporated into the proposed project to achieve a 100-year level of flood protection for all site installations. This may include installing adequate storm water detention areas, or other measures accepted by the Public Works Engineering and Transportation Department. (MM 3.9-3)
- 4) All building pads shall be set a minimum of 1.0 foot above the maximum 100-year water surface elevations on the project site, as shown on the Conditional Letter of Map Revision (CLOMR) approved by FEMA. No building permit shall be issued until it has been demonstrated that no building pads would be placed below 1.0 feet above the calculated local base flood elevations. (Mitigation Measure 3.9-4, 3.9-5)
- 5) The culvert used to cross the Covell Boulevard drainage channel to create Spirit Street shall be a wildlife connectivity culvert, sufficient in design capacity to convey drainage; include a natural creek bottom; and include one or more ledges to allow for below grade passage of various species. The final design and size of the ledges shall be to the satisfaction of the City Wildlife Biologist.

- 6) The pedestrian bridge crossing of the Covell Channel shall be an arched shape. No flat bridge shall be permitted.

Water Quality and Erosion Control

- 7) The subdivider 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 Quality Association (CASQA) Best Management Practice New Development and Redevelopment Handbook and Section E.12 of the Phase II Small MS4 General Permit 2013-0001-DWQ dated February 5, 2013. Drainage from all impervious surfaces shall be routed either through bioretention of all discharge for the 8th percentile 24 hour storm event and detention of all discharge for the 2 year 24 hour storm event prior to discharge to the City's 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. (MM 3.6-2)(MM 3.9-2)
- 8) The subdivider shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board (RWQCB) in accordance with the National Pollution Discharge Elimination System (NPDES) General Construction Permit requirements through the State's SMARTS system. A Storm Water Pollution Protection Plan (SWPPP) shall be prepared by a State Certified Qualified SWPPP Developer (QSD) for review and approval by the City and State, as part of the project's drainage improvement plans prior to the disturbance of earth upon the project site. 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 during active construction activities. 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 for the duration of construction activity and will be made available upon request to representatives of the RWQCB or the City. A final copy of the SWPPP shall be provided to the City of Davis. (MM 3.6-1)
- 9) An Erosion Control plan shall be prepared by a registered Civil Engineer, for review and approval by the Public Works Department, prior to approval of the grading plan. This plan shall incorporate the following requirements:
 - i. This plan will include erosion control measures to be applied during the duration of construction activity with more specific focus during the wet season in the months of October through April. These measures may include limitations on earth moving activities in sensitive areas during

- wind events in excess of 15 mph during the active construction phase of this development.
- ii. The plan will include methods for protecting denuded earth slopes by re-vegetating or applying long term soil binders. Re-vegetation 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.
 - iii. All sediments generated by construction activities shall be contained by the use of sediment traps, such as straw wattles, silt fences, settling basins, perimeter ditches, etc.
 - iv. When building construction will be delayed beyond the next rainy season, the subdivider shall provide permanent erosion control measures on each individual lot.
 - v. The subdivider shall provide details of using good housekeeping measures including a properly sized and maintained stabilized construction entrance, street frontage sweeping and maintenance, downstream drainage inlet protection, concrete washout, construction materials management, demolition and site trash management, and spill response measures.
- 10) The subdivider shall prepare a stormwater maintenance agreement for review by the City Engineer prior to the issuance of building permits or the disturbance of soil upon the project site. Upon approval by the City Engineer, a copy of the fully executed and recorded (with the County of Yolo Clerk's Office) stormwater maintenance agreement shall be provided to the Public Works Department prior to the issuance of a certificate of occupancy.

Biological Surveys/Permits

7. The subdivider shall provide evidence that all required State and Federal permits have been obtained, or that the permit is not required because it is covered by the Yolo County Habitat Conservation Plan, subject to staff review, prior to approval of any grading or improvement plan.
8. The subdivider shall obtain approval from the City regarding biological clearance survey commissioned by the subdivider. The study and any related measures shall be consistent with mitigation measures adopted for the project and City Ordinance and shall address whether there are endangered and/or protected species on the site. The survey shall not be conducted more than 30 days prior to any equipment staging, demolition, tree removal, or grading activity.
9. Prior to any grading, the subdivider shall retain a biologist to perform a focused survey for the following California Native Plant Society (CPNS) listed plants: heartscale (April to October), brittlescale (April to October), San Joaquin spearscale (April to October), recurved larkspur (March to June), and saline clover (April to June). The survey shall be performed during the floristic season (shown in parenthesis). There is limited habitat present within and along the fringe

of the irrigation ditches. If any of these plants are found during the focused survey, the project proponent shall contact the City of Davis and the CNPS to obtain the appropriate avoidance and minimization measures. (MM 3.4-8)

10. Preconstruction surveys for active nests of special-status birds not included in the Yolo County Habitat Conservation Plan shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of project disturbance. Surveys shall be conducted within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area. If any active nests, or behaviors indicating that active nests are present, are observed, appropriate buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from project activities. The size of the buffer shall depend on the species, nest location, nest stage, and specific construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use. (MM 3.4-6)
11. The subdivider shall comply with the requirements of the Yolo HCP/NCCP as applicable, which would likely replace other project mitigation measures for species covered in the Yolo HCP/NCCP. This would likely include the payment of fees, and the integration of applicable avoidance and mitigation measures for covered species. For species not covered by the Yolo HCP/NCCP, applicable mitigation measures in this EIR will continue to apply after adoption of the Yolo HCP/NCCP and must be satisfied by the project subdivider. The project subdivider, the City of Davis Department of Community Development and Sustainability, and a representative of the Yolo Habitat Conservancy shall coordinate to ensure compliance with the Yolo HCP/NCCP for covered species and satisfaction of applicable EIR mitigation measures for non-covered species. To the extent there is duplication in mitigation for a given species, the requirements of the Yolo HCP/NCCP shall supersede. (MM 3.4-12)
12. The project proponent shall implement the following measures to avoid or minimize impacts on western pond turtle:

Ground-disturbing activities in areas of potential pond turtle nesting habitat shall be avoided during the nesting season (April– August), to the extent feasible. A preconstruction survey for western pond turtles within aquatic habitats and adjacent suitable uplands to be disturbed by project activities shall be conducted by a qualified biologist. In aquatic habitats which may be dewatered during project construction, surveys shall be conducted immediately after dewatering and before any subsequent disturbance. Elsewhere, surveys shall be conducted within 24 hours before project disturbance. If pond turtles are found during preconstruction surveys, a qualified biologist, with approval from CDFW, shall move the turtles to the nearest suitable habitat outside the area subject to project disturbance. The construction area shall be reinspected whenever a lapse in construction activity of 2 weeks or more has occurred.
MM 3.4-2

13. The project proponent shall implement the following measures to avoid or minimize impacts on giant garter snake:

The project proponent shall consult with USFWS regarding the potential for the project to affect giant garter snake habitat. If USFWS determines that giant garter snake may be potentially affected by project construction, the project proponent shall obtain an incidental take permit from USFWS and implement the minimization guidelines for giant garter snake, as follows:

- Unless authorized by USFWS, construction and other grounddisturbing activities within 200 feet of suitable aquatic habitat for the giant garter snake shall not commence before May 1, with initial ground disturbance expected to correspond with the snake's active season. Initial ground disturbance shall be completed by October 1.
- To the extent possible, construction activities shall be avoided within upland habitat within 200 feet from the banks of giant garter snake aquatic habitat. Movement of heavy equipment in these areas shall be confined to existing roadways, where feasible, to minimize habitat disturbance.
- Construction personnel shall receive USFWS-approved worker environmental awareness training to instruct workers to recognize giant garter snake and their habitats.
- Within 24 hours before construction activities, the project area shall be surveyed for giant garter snake. The survey shall be repeated if a lapse in construction activity of 2 weeks or greater has occurred. If a giant garter snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it is determined by the qualified biologist and City staff, in coordination with USFWS and CDFW, that the giant garter snake shall not be harmed. Any sightings or incidental take shall be reported to USFWS and CDFW immediately.
- Any aquatic habitat for the snake that is dewatered shall remain dry for at least 15 consecutive days after April 15 and before excavating or filling of the dewatered habitat. If complete dewatering is not possible, potential snake prey (e.g., fish and tadpoles) will be removed so that snakes and other wildlife are not attracted to the construction area.
- Giant garter snake habitat to be avoided within or adjacent to construction areas will be fenced and designated as environmentally sensitive areas. These areas shall be avoided by all construction personnel M M 3.4-3

14. The project proponent shall implement the following measure to avoid or minimize impacts on western burrowing owl:

- No less than 14 days before initiating ground disturbance activities, the project proponent shall complete an initial take avoidance survey using the recommended methods described in the Detection Surveys section of the March 7, 2012, CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012). Implementation of avoidance and minimization measures (as presented in the March 7, 2012, CDFW Staff Report on Burrowing Owl Mitigation) would be triggered if the initial take avoidance survey results in positive owl presence on the project site where project activities shall occur. If needed, the development of avoidance and minimization approaches shall be developed in coordination with CDFW. MM 3.4-4:

15. The project proponent shall implement the following measures to avoid or minimize impacts on Swainson's hawk:

- No more than 30 days before the commencement of construction, a qualified biologist shall perform preconstruction surveys for nesting Swainson’s hawk and other raptors during the nesting season (February 1 through August 31).
 - Appropriate buffers shall be established and maintained around active nest sites during construction activities to avoid nest failure as a result of project activities. The appropriate size and shape of the buffers shall be determined by a qualified biologist, in coordination with CDFW, and may vary depending on the nest location, nest stage, and construction activity. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. Monitoring shall be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.
 - Prior to initiation of any ground disturbing activities, mobilization for construction, or the issuance of a grading permit or building permit, the subdivider shall mitigate for the permanent loss Swainson’s hawk foraging habitat on a per-acre basis. The acreage of Swainson’s hawk foraging habitat which would be permanently lost as a result of the project shall be determined by the project subdivider’s qualified biologist. The results of this survey shall be submitted to the Yolo Habitat Conservancy for review and approval. Mitigation shall occur within Yolo County consistent with the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (“Yolo HCP/NCCP”). Mitigation shall ensure permanent 1:1 conservation of high-quality foraging habitat for the Swainson’s hawk through a habitat conservation easement. Depending on project size, the following options are available:
 - (a) For projects impacting less than 40 acres of Swainson’s hawk foraging habitat, mitigation shall be satisfied by participation in the Yolo Habitat Conservancy’s Swainson’s Hawk Interim Mitigation Fee Program. Eligible projects shall pay the Program in-lieu fee (currently \$8,660 per disturbed acre) to the Yolo Habitat Conservancy (“Conservancy”). Alternatively, projects impacting greater than 40 acres may mitigate pursuant to (b), below.
 - (b) For projects impacting 40 or more acres of foraging habitat, the subdivider shall either
 - (i) place a Conservancy-approved conservation easement on high-quality foraging habitat,
 - (ii) purchase foraging habitat credits from a mitigation bank acceptable to the Conservancy and the California Department of Fish and Wildlife, or
 - (iii) purchase foraging habitat credits from a mitigation bank acceptable to the Conservancy and the California Department of Fish and Wildlife, or
 - (iii) purchase foraging habitat credits from a Conservancy-approved mitigation receiving site.
- MM 3.4-5

16. The project proponent shall implement the following measure to avoid or minimize impacts on other protected bird species that may occur on the site:

- Preconstruction surveys for active nests of special-status birds shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of project disturbance. Surveys shall be conducted within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area.

- If any active nests, or behaviors indicating that active nests are present, are observed, appropriate buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from project activities. The size of the buffer shall depend on the species, nest location, nest stage, and specific construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.
MM 3.4-6:

17. The subdivider shall implement the following measure to avoid or minimize impacts on potentially jurisdictional waters:

- A. Before any activities that would result in discharge, fill, removal, or hydrologic interruption of any of the water features within the project site, a wetland delineation and jurisdictional determination shall be conducted by a qualified delineator and the delineation that determines the extent of jurisdictional waters should be approved by US Army Corp of Engineers.
- B. Any impacts on jurisdictional features shall obtain the appropriate Clean Water Act Section 404 and or 401 permits. All permit conditions including required avoidance, minimization, and mitigation measures included as conditions of the permit shall be followed.
(MM 3.4-10)

18. The subdivider shall implement the following measure to avoid or minimize impacts on existing trees protected by the City of Davis:

- A. Prior to the issuance of a grading permit, the subdivider shall retain a qualified arborist to perform a survey of all trees within the footprint of the proposed off-site detention basin (located north of Sutter Hospital, and east of the City water tank). The tree survey and arborist report shall detail the number, species, size, and relative health and structure of all trees in the aforementioned area. The report will also describe which trees onsite are subject to regulation under the City of Davis Tree Ordinance.
- B. A tree protection plan shall be prepared that includes measures to avoid or minimize impacts on trees that are to be preserved on-site, off-site, as well as proposed mitigation for regulated trees. Compliance with the tree protection plan shall be required before and during any site disturbance and construction activity and before issuance of grading permits. (MM 3.4-11)
- C. A tree modification permit shall be prepared that includes measures to avoid or minimize impacts on trees that are to be preserved on-site; for any proposed removal of trees; and for the trees that were removed from the site in 2018-2019. Compliance with the tree protection plan shall be required before and during any site disturbance. Fees shall be assessed by the City, and paid by the subdivider, in accordance with Davis Municipal Code Chapter 37, "Tree Planting, Preservation, and Protection." (MM 3.4-11)

D. Prior to approval of any landscaping improvement plans, the subdivider shall submit the landscaping plans to the City of Davis Urban Forester for review and approval.

19. Prior to construction, the project proponent shall retain a biologist to perform a focused survey for the federally and state listed palmate-bracted salty bird's-beak (*Chloropyron palmatum*). The survey shall be performed during the floristic season (generally May through October). This species is generally restricted to seasonally-flooded, salinealkali soils in lowland plains/basins, which is generally present within and along the fringe of the irrigation ditches. If this plant is found during the focused survey, the project proponent shall contact the USFS and CDFW to obtain the appropriate avoidance and minimization measures. MM 3.4-9

Geotechnical /Soils

20. Prior to issuance of a grading permit, the subdivider shall submit a design-level geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall include the recommendations in the report entitled Preliminary Geotechnical Assessment, Davis Innovation Center, dated October 20, 2014 unless it is determined in the design-level report that one or more recommendations need to be revised. The design-level report shall address, at a minimum, the following:

- Compaction specifications and subgrade preparation for onsite soils;
- Structural foundations;
- Grading practices; and
- Expansive/unstable soils, including fill.

The design-level geotechnical engineering report shall include a summary of the site, soil, and groundwater conditions, seismicity, laboratory test data, exploration data and a site plan showing exploratory locations and improvement limits. The report shall be signed by a licensed California Geotechnical Engineer. Design-level recommendations shall be included in the foundation and improvement plans and approved by the Davis Public Works Department (MM 3.6-3)

21. A soil sampling program shall be implemented prior to issuance of a grading permit, to assess potential agrichemical (including pesticides, herbicides, diesel, petrochemicals, etc.) impacts to surface soil within the project site, as follows:

The sampling and analysis plan shall meet the requirements of the Department of Toxic Substances Control Interim Guidance for Sampling Agricultural Properties (2008). If the sampling results indicate the presence of agrichemicals that exceed screening levels, a removal action workplan shall be prepared in coordination with Yolo County Environmental Health Division. The removal action workplan shall include a detailed engineering plan for conducting the removal action, a description of the onsite contamination, the goals to be achieved by the removal action, and any alternative removal options that were considered and rejected and the basis for that rejection. The removal action shall be deemed complete when the confirmation samples exhibit concentrations below the commercial screening levels, which will be established by the agencies. (MM 3.8-1)

22. Prior to commencement of grading, the subdivider 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. (MM 3.8-2)

Construction Notes

23. The following notes shall be included on the grading and improvement plans, to be implemented prior to or during construction:
- A. The subdivider 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 obtaining a business license, hours of operation, noise ordinance requirements, all applicable state and federal laws and regulations.
 - B. Prior to the start of any on site work, the subdivider shall request and attend a preconstruction meeting to include the project superintendent, architect, subcontractors, as well as city staff from the Community Development and Sustainability Department and Public Works Engineering and Transportation Department.
 - C. Two weeks prior to the start of any site work, notification to the neighborhood within a ½ mile radius of the project shall be mailed describing the basic project, construction hours, and note any traffic control measures which may be in place.
 - D. The subdivider shall prepare Record Drawings that accurately indicate the completed grades and utility locations after completion of public and private improvements. Reproducible mylar copies, electronic files in Adobe PDF, and AutoCAD files of the Record Drawings of public improvements shall be provided to the city.
 - E. The subdivider shall be responsible for the ongoing maintenance and upkeep of the undeveloped portions of the project site in accordance with the City of Davis Municipal Code.
 - F. The subdivider shall be responsible for litter control and sweeping of all paved surfaces in accordance with City standards. All on-site storm drains shall be cleaned immediately before the commencement of the rainy season (October 15).
 - G. Backflow prevention valve wheels and stems shall be maintained in a manner which enable inspection in order to determine whether or not the valve is open.
 - H. All construction workers shall receive a sensitivity training session before they begin site work. The sensitivity training shall inform the workers of their responsibility to identify and protect any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, within the project site. The sensitivity training shall cover laws pertaining to cultural resources, examples of cultural resources that may be discovered in the project site, and what to do if a cultural resource, or anything that may be a cultural resource, is discovered.
 - I. If any subsurface historic remains, prehistoric or historic artifacts, paleontological resources, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find shall cease, the City of Davis Department of Community Development and Sustainability shall be notified, and the subdivider shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If tribal resources are found during grading and construction activities, the subdivider shall notify the Yocha Dehe Wintun Nation. If paleontological resources are found during grading and construction activities, a qualified paleontologist shall be retained to determine the significance of the discovery.

The archaeologist and/or paleontologist shall define the physical extent and the nature of any built features or artifact-bearing deposits. The investigation shall proceed immediately into a formal evaluation to determine the eligibility of the feature(s) for inclusion in the California Register of Historical Resources. The formal evaluation shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the feature(s) and artifact(s) do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and varied artifact assemblage), further mitigation would be necessary, which might include avoidance of further disturbance to the resource(s) through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the resource(s), to collect enough information to exhaust the data potential of those resources.

Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Data recovery efforts can range from rapid photographic documentation to extensive excavation depending upon the physical nature of the resource. The degree of effort shall be determined at the discretion of a qualified archaeologist and should be sufficient to recover data considered important to the area's history and/or prehistory. Significance determinations for tribal cultural resources shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852[a]), and the definition of tribal cultural resources set forth in Public Resources Code Section 21074 and 5020.1 (k). The evaluation of the tribal cultural resource(s) shall include culturally appropriate temporary and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. Any re-burial shall occur at a location predetermined between the landowner and the Yocha Dehe Wintun Nation. The landowner shall relinquish ownership of all sacred items, burial goods, and all archaeological artifacts that are found on the project area to the Yocha Dehe Wintun Nation for proper treatment and disposition. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation. (MM 3.5-1)

- J. If human remains are discovered during the course of construction during any phase of the project, work shall be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the Yolo County Coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:
- 1) The coroner shall contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner shall make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.
 - 2) The landowner shall retain a Native American monitor and an archaeologist, if recommended by the Native American monitor, and rebury the Native American

human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs:

- i. The Native American Heritage Commission is unable to identify a descendent.
- ii. The descendant identified fails to make a recommendation.
- iii. The City of Davis or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. (MM 3.5-2)

K. The subdivider shall implement the following dust control measures during all construction activities:

- 1) Water all active construction sites at least three times daily. Frequency should be based on the type of operation, soil, and wind exposure.
- 2) 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 as determined by Public Works.
- 3) Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour).
- 4) Outdoor storage of fine particulate matter on construction sites shall be prohibited.
- 5) 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.
- 6) Re-vegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the project.
- 7) Cover all trucks hauling dirt, sand, or loose materials, or maintain at least two feet of freeboard within haul trucks.
- 8) Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area (as applicable).
- 9) Sweep streets if visible soil material is carried out from the construction site.
- 10) Treat accesses to a distance of 100 feet from the paved road with a 6-inch layer of gravel.
- 11) Reduce speed on unpaved roads to less than 5 miles per hour. (MM 3.3-2)

L. The subdivider shall obtain all necessary encroachment permits from the City of Davis Public Works Department for all work and construction that encroaches within or over the public right-of-way, including, but not limited to, water meters, backflow devices, signs and curb/gutter/sidewalk improvements.

M. The subdivider 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 may require the separate receipt of an Encroachment Permit

- N. The subdivider shall ensure that the construction waste recycling program required by Davis Municipal Code 32.04 is implemented.
- O. Prior to bringing hazardous materials (including 55 or more gallons for liquids, 500 or more pounds for solids, and/or 200 or more cubic feet for compressed gases) onsite, the subdivider shall submit a Hazardous Materials Business Plan (HMBP) to Yolo County Environmental Health Division (CUPA) for review and approval. If during the construction process the subdivider or his subcontractors generates hazardous waste, the subdivider must register with the CUPA as a generator of hazardous waste, obtain an EPA ID# and accumulate, ship and dispose of the hazardous waste per Health and Safety Code Ch. 6.5. (California Hazardous Waste Control Law). (MM 3.8-3)
- P. If any underground septic tanks, or fuel tanks are uncovered from past site uses during construction, the project proponent shall retain an environmental professional to assist with the removal consistent with the Yolo County Environmental Health Department's Underground Storage Tank Program, and Septic Abandonment Permit requirements. (MM 3.8-4)
- Q. Project site wells that are no longer operated shall be properly abandoned through permit by the Yolo County Environmental Health Division (YCEH) permit program. The well abandonment work shall be completed by a C-57 State licensed well contractor. (MM 3.8-5)
- R. If the source of soil onsite soil stockpiles is undocumented, the subdivider shall confirm to the City of Davis that soil sampling of the stockpiles was performed to identify potential soil contaminants associated with onsite soil stockpiles. The samples shall be submitted for laboratory analysis of total petroleum hydrocarbons (TPH) (gas, diesel and motor oil) by EPA Method 8015M and volatile organic compounds (VOCs) by EPA Method 8260. The results of the soil sampling shall be provided to the City of Davis. If elevated levels of TPH or VOCs are detected during the laboratory analysis of the soils, a soil cleanup and remediation plan shall be prepared and implemented prior to the commencement of grading activities. (MM 3.8-6)
- S. Prior to the commencement of construction 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. (MM 3.9-1)
- T. Portable equipment over 50 horsepower must have either a valid District Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.
- U. All heavy-duty on-road construction-related haul and delivery trucks with Gross Vehicle Weight Rating (GVWR) greater than 14,000 pounds should meet the requirements of the

California Air Resources Board's On-Road Truck and Bus Regulation. This includes limiting idling time to 5 minutes or less during any one-hour period.

- V. The subdivider shall be responsible for informing all subcontractors, construction crews, consultants, engineers, other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements herein, in the Davis Municipal Code, including obtaining a business license, hours of operation, noise ordinance requirements, and all applicable state and federal laws.

- W. The subdivider shall employ noise reducing construction practices. The following measures shall be incorporated into contract specifications to reduce the impact of construction noise;
 - 1) 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.
 - 2) As directed the city, the subdivider 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.

- X. Construction personnel performing activities within aquatic habitats and adjacent suitable uplands to be disturbed by project activities shall receive worker environmental awareness training from a qualified biologist to instruct workers to recognize western pond turtle, their habitats, and measures being implemented for its protection. MM 3.4-2

- Z. Construction personnel shall observe a 15-miles-per-hour speed limit on unpaved roads. MM 3.4-2:

Traffic Control Plan

- 24. Prior to the issuance of a grading permit, the subdivider shall prepare a construction traffic and parking management plan to the satisfaction of the City Engineer and subject to review by any affected agencies, if necessary. The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained. Measures typically used in traffic control plans include advertising of planned lane closures, warning signage, a flagperson to direct traffic flows when needed, and methods to ensure continued access by emergency vehicles. During project construction, access to existing land uses shall be maintained at all times, with detours used as necessary during road closures. At a minimum, the plan shall include the following:
 - A. Description of trucks including number and size of trucks per day (i.e., 85 trucks per day), expected arrival/departure times, and truck circulation patterns.
 - B. Description of staging area including location, maximum number of trucks simultaneously permitted in staging area, use of traffic control personnel, and specific signage.
 - C. Description of street closures and/or bicycle and pedestrian facility closures including duration, advance warning and posted signage, safe and efficient access routes for existing businesses and emergency vehicles, and use of manual traffic control.
 - D. Description of driveway access plan including provisions for safe vehicular, pedestrian, and bicycle travel, minimum distance from any open trench, special signage, and private vehicle access.

25. Prior to the issuance of a grading permit, a Traffic Control Plan for roadways and intersections affected by construction shall be prepared. The Traffic Control Plan shall designate haul routes and comply with requirements in the encroachment permits issued by the City of Davis any other local agencies, including but not limited to the County of Yolo, if applicable. The Traffic Control Plan to be prepared by the project construction contractor(s) shall, at minimum, include the following measures:
- A. Maintaining the maximum amount of travel lane capacity during non-construction periods, possible, and advanced notice to drivers through the provision of construction signage.
 - B. Maintaining alternate one-way traffic flow past the lay down area and site access when feasible.
 - C. Heavy trucks and other construction transport vehicles shall avoid the busiest commute hours (7 a.m. to 8 a.m. and 5 p.m. to 6 p.m. on weekdays).
 - D. A minimum 72-hour advance notice of access restrictions for residents, businesses, and local emergency response agencies. This shall include the identification of alternative routes and detours to enable for the avoidance of the immediate construction zone.
 - E. A phone number and community contact for inquiries about the schedule of the construction throughout the construction period. This information will be posted in a local newspaper, via the City's web site, or at City Hall and will be updated on a monthly basis.

Ag Land Mitigation

26. Prior to initiation of any grading activities for the project, the project subdivider shall set aside in perpetuity the agricultural acres required to satisfy the project's ag mitigation requirements. As part of the project's approvals, the subdivider is required to mitigate for the land that is permanently being taken out of agricultural production. That land includes land inside the City limits and land outside the City limits. The land inside the City limits needs to be mitigated pursuant to the City's ag mitigation requirements. The land outside the City limits needs to be mitigated pursuant to Yolo County's ag mitigation requirements. In addition, the project's Environmental Impact Report (EIR) and the Addendum to the EIR also require ag mitigation. The developer must comply with all these requirements. Before any grading can occur on the site, the subdivider must secure executed agricultural conservation easements pursuant to a comprehensive ag mitigation plan approved by the City Council and consistent with Section 40A.03 of the City's Municipal Code. That plan must satisfy the City's requirements, Yolo County's requirements, and the EIR (including the EIR Addendum) requirements. The easement land must conform with the policies and requirements of LAFCO including a LESA score no more than 10 percent below that of the project site. MM3.2-1

IMPROVEMENT PLANS

27. Prior to any site improvements or other construction activities associated with this project, improvement plans shall be prepared by a register civil engineer, consistent with the exhibits and conditions incorporated as a part of this entitlement for the review and approval by the Public Works Engineering and Transportation Department. Public and private improvements, including roadways, curbs, gutters, sidewalks, bicycle lanes and trails, streetlights, underground infrastructure, landscaping and irrigation and all other improvements shall be provided in

accordance with the latest edition of the City of Davis Standard Construction Specifications and Details and the Design and Procedures Manual and Improvement Standards unless otherwise shown on the approved exhibits or listed within the conditions of approval. These plans shall be accompanied with engineering cost estimates.

- 28. All work within the public right-of-way (ROW), including but not limited to utilities and grading, shall be explicitly noted on the improvement plans. The subdivider shall obtain all necessary encroachment permits from the City of Davis Public Works Engineering and Transportation Department for all work and construction that encroaches within or over the public right-of-way, including, but not limited to water meters, backflow devices, signs and curb/gutter/sidewalk improvements.
- 29. For any improvements constructed on private property that are not under the ownership or control of the subdivider, all rights of entry and if necessary, any permanent easements shall be obtained and provided to the city. All rights of entry, construction easements, either permanent or temporary and other easements shall be obtained and fully executed by all affected parties and shall be recorded with the Yolo County Recorder, where applicable, prior to the approval of grading or improvement plans.
- 30. All improvement plans shall be prepared by a register civil engineer, consistent with the exhibits and conditions incorporated as a part of this entitlement and in compliance with all applicable city standards for the review and approval by the Public Works Engineering and Transportation Department.

A. All improvement plans shall include pavement treatment details including type, thickness, and other design details. 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	9.0
Minor Arterials	7.0
Collectors	7.0
Modified Locals	6.0
Local	5.0
Cul-de-sac	4.5
Private	4.0

- B. The subdivider shall submit improvement plans showing all sizes, locations and grades of the utilities, including private common area utilities to serve the project.
- C. The improvement plans shall include all of the following off-site improvements:
 - 1) The subdivider shall design and construct the off-site trunk water main as shown on the Preliminary Offsite Infrastructure Plan attached to tentative subdivision map no. 5180. The off-site water line shall be completed and accepted by the City for operation and maintenance prior to recordation of the final subdivision map no. 5180 unless the water line is covered by an improvement bond.

- 2) Any unused water service stubs shall be abandoned at the City's water main.
- 3) Isolation valves or similar devices shall be incorporated into all pipeline facilities to prevent substantial losses of surface water in the event of pipeline rupture, as recommended by a licensed geotechnical or civil engineer. The specifications of the isolation valves shall conform to the California Building Code and American Water Works Association (AWWA) standards.
- 4) Construct drainage detention basins as shown on the tentative subdivision map no. 5180. On site drainage improvements shall be designed to comply with the City of Davis Stormwater Management and Discharge Control Ordinance.
- 5) A concrete weir shall be constructed between the Covell Channel and Perimeter channel, and the Perimeter Channel, and the northwest detention basin.
- 6) Backfill of the Covell Channel shall be completed in lifts not to exceed 12" in depth, with optimal moisture conditioning, and compaction to 95% of relative compaction.
- 7) The method of draining the offsite detention basin located northwest of the property shall be subject to the review and approval of the City Engineer.
- 8) A vehicular crossing shall be constructed across the northern drainage channel, at the edge of the eastern detention basin, to provide a physical connection between the project and the northern side of the drainage channel. The crossing shall include a box culvert(s) similar to the box culverts on Covell Boulevard which include natural bottom and ledges for wildlife crossings. The final design of this vehicular crossing shall be approved by the City Engineer.

West Area Water Tank

- 9) Prior to demolition of the existing access road between John Jones Road and the West Area Tank,
 - i. The subdivider shall pay for the City's on call consultant to model the proposed size of the water line replacement to ensure no decrease in the water pressure to the City's water system.
 - ii. A new water line connecting the West Area Tank to the water main in John Jones Road shall be constructed, subject to the review and approval of the Public Works Utilities and Operations Director.
 - iii. The subdivider shall construct a new concrete access road to the West Area Tank subject to the review and approval of the Public Works Utilities and Operations Director.

Storm Drain Pump Station

- 10) The subdivider shall construct a new City storm drain pump station to replace the existing storm drain pump station, or retrofit the existing storm drain pump station, which may also include modifications to the John Jones ditch crossings, subject to the satisfaction, review, and approval of the Public Works Utilities and Operations Director.

Access Road / EVA

- 11) Construct a 20 foot wide all weather heavy vehicle/emergency vehicle access road from Risling Street to John Jones Road, across and along the southern property line of the City of Davis water tank / detention basin parcel (APN 036-060-030). The road shall traverse to the north around the existing cell tower site, and connect to Risling Street. The subdivider shall be permitted to fill in a portion of the detention basin to accommodate the road, as long as the lost storage space is provided elsewhere in the basin. The road shall be gated on both the easterly and westerly ends to prevent vehicular traffic (except in emergency situations) and to allow for pedestrian access. MM 3.14-2

Street Improvements

- 12) Install new pedestrian and bicycle safety striping at the intersection of John Jones Road and Covell Blvd., including realigning the bike path entrance on the south side to align with striping, as shown on the Covell Plan Line Exhibit.
 - 13) The intersection of Covell Blvd. and Risling Ct./Shasta Drive shall be reconstructed to include widening and striping of turn lanes on southbound Risling Ct. and remove all free right turns, as shown on the Covell Plan Line Exhibit.
 - 14) West Covell Blvd shall be repaved, including grinding, overlay and thermoplastic striping including the widening from Risling Court to the western border of the project site as shown in Ordinance 2534. The reconstruction shall be from face of curb to face of curb from Highway 113 to 1200 feet west of Shasta Drive.
- D. The subdivider shall submit improvement plans for the construction/reconstruction of all on site streets, including but not limited to pavement installation or restoration, crosswalk, median, roadway striping, sidewalk, drain inlets, curb and gutter improvements. Including the following specific on site improvements:
- 1) All existing and proposed monuments, including boundaries of public and private maintenance areas.
 - 2) All locations of joint trenches and other dry utilities. Details shall include but not be limited to the following; gas meters, fiber optic conduit and electrical boxes for each unit and service points, conduit wire sizes and pole numbers for street lights.

- 3) All off street parking lots spaces, as shown in Phase 3A, shall be striped and labeled, as necessary.
- 4) All curb and gutter along landscaped areas shall be full depth curbs extending at least 4 inches into the soil subgrade below the bottom of the base material per the geotechnical report.
- 5) Any trees planted in landscaped areas between curb, gutter, and sidewalk shall have silva cells or root barriers installed under the sidewalk.
- 6) On site drainage improvements shall be designed to comply with the City of Davis Stormwater Management and Discharge Control Ordinance.
- 7) Walking paths not built with asphalt or concrete shall be decomposed granite.
- 8) All roadways constructed within the project will be constructed of rubberized asphalt concrete pursuant to City adoption of standards consistent with the manufacturer's specifications.
- 9) In the event that the public water main needs to be placed in an area other than the public right of way (such as through an open space corridor, landscaped area, etc.) an access road shall be designed and constructed to allow for the operations, maintenance and replacement of the public water line along the entire alignment.
- 10) The cross section for the portion of Risling Street, immediately west of the City WaterTank and between McFarland Lane and Thompson Loop, shall include two 10 foot travel lanes, parking on the western side of the street only, and a 6 foot sidewalk on both sides. The curb on the eastern side of the street shall be painted red for no parking. The final design of the cross section shall be to the satisfaction of the City Engineer.

31. Provisions shall be made for easements for common access, drainage, utility and provisions for maintenance and repair of any shared utilities, driveways, or walkways. Reservation of the easement for reciprocal access, drainage, utility and maintenance for shared facilities for this development shall be shown in an easement or grant deed.

LANDSCAPING PLANS

32. Landscaping

- A. Landscaping shall be installed in all publicly owned and commonly owned areas to be landscaped, as shown on the tentative map 5180 and tentative map 5200, Exhibit A. Final landscaping plans shall be prepared by the subdivider and approved by the Community Development Director and Director of Public Works Engineering and Transportation Dept. The approved plans shall be included in the improvement plans

submitted to the City Engineer for approval. The landscaping plans shall include and or comply with the following:

- 1) The landscaping plan shall be prepared by a landscape architect and shall include all public and commonly owned areas, shown as letter lots on Exhibit A.
- 2) The plan shall be certified by the landscape architect that (a) topsoil within the landscape area is suitable for the proposed landscaping, and (b) that the landscape plan meets the requirements of the Water Conservation in Landscaping Act. Government Code §65591 et seq.
- 3) The plans shall include an automatic irrigation system for all landscaped areas. All street landscaping, whether publicly or privately owned, shall be irrigated by a permanent drip system or low water consumption system acceptable to the City of Davis. Privately owned landscaped areas shall be irrigated by well water and therefore no meters are needed.
- 4) A minimum of 50% of all street trees shall be species named on the City of Davis Master Tree List. The final list of trees shall be to the satisfaction of the City Arborist.
- 5) At least 56% of all plant species (excluding all trees) shall be California Natives. At least 65% of all trees, shrubs, and grasses/groundcovers planted in the ground shall be California Natives. Milkweed shall be included in the plant palette. The final list shall be to the satisfaction of the City Open Space Program Manager.
- 6) At least 50% of all plant species (excluding all trees) shall be on the UC Davis Arboreteum “All Stars” List. The final list shall be to the satisfaction of the City Open Space Program Manager.
- 7) There shall be 10 places for public art and seating areas located within Lot A of Subdivision Map 5165.
- 8) The subdivider shall provide funding for a habitat restoration specialist to evaluate all portions of the landscaping and irrigation plans that are meant to be habitat, and to monitor installation of the habitat plants and irrigation to ensure the survival of the habitat. Selection of the habitat restoration specialist shall be the sole decision of the City of Davis.
- 9) The City Owned portion of the Ag Buffer, shown as Lot A and the 50 foot Agricultural Transition Zone (located immediately north of the northern property line) on Subdivision Map No. 5165, shall be landscaped and irrigated with the following features.
 - i. A portion of the required 350 Native Oak trees as are necessary to create a habitat. A minimum of 75% of the required oak trees

- shall be Valley Oaks. Blue Oaks and Live Oaks shall comprise the remaining 25%. No Black Oaks shall be planted in the project.
- ii. No fruit trees are permitted on Lot A or the 50 foot Agricultural Transition Zone (located immediately north of the northern property line) on Subdivision Map No. 5165.
 - iii. 5 habitat nodes using assorted flowering plant species deemed beneficial to native pollinators, native plants and shrubs to encourage indigenous wildlife and pollinators.
 - iv. Construct a 12 feet wide asphalt walking trail from the southerly end of Lot A to the northerly end, and across the entire length of the 50 foot Agricultural Transition Zone (located immediately north of the northern property line)
 - v. Final review and approval of the landscaping plans shall be with the City Open Space Program Manager and the City Arborist.
- 10) The drainage channel, shown on Lot 8, the 125' off site channel easement and ag buffer to the west, and the 150' off site drainage channel easement and ag buffer to the north on Subdivision Map No. 5165, shall be landscaped as follows:
- i. The remaining portion of the required 350 Native Oak trees that are not planted on Lot A or the 50 foot Agricultural Transition Zone (located immediately north of the northern property line) on Subdivision Map No. 5165, shall be planted in the upper two thirds of the drainage channel. Oak trees cannot be planted in the bottom of the drainage channel or in the lower 1/3 of the drainage channel side slopes. A minimum of 75% of the required oak trees shall be Valley Oaks. Blue Oaks and Live Oaks shall comprise the remaining 25%. No other trees shall be permitted in the drainage channel.
 - ii. The drainage channel shall be hydroseeded with a mix of native grasses and forbs.
 - iii. A hedgerow shall be planted along the western boundary of the drainage channel. The plant mix shall be habitat friendly, California native plants as recommended by the Yolo Resource Conservation District and/or UC Cooperative Extension.
 - iv. Final review and approval of the landscaping plans shall be to the satisfaction of the City Open Space Program Manager and the City Arborist.
- 11) Re-landscape the north side of Covell Blvd, beginning at Highway 113 off ramp west to Risling Court, based upon the city's streetscape design.
- 12) New landscaping from Risling Court, along Covell Blvd to the western border of the project site shall be landscaped as follows:

- i. The drainage channel shall only be landscaped along the north and south top of banks. No plantings shall be allowed in the channel.
 - ii. All plant species used for landscaping shall be California Natives.
 - iii. Final review and approval of the landscaping plans shall be to the satisfaction of the City Open Space Program Manager and the City Arborist.

- 13) The detention basin located along John Jones Road (the eastern detention basin), which is a habitat area as required by the development agreement, shall be landscaped as follows;
 - i. The entire detention basin shall be hydroseeded with a mix of native grasses and forbs.
 - ii. Two planted mounds shall be created for birds to use when the basin is full of water, similar to the mounds within the existing detention basin. The existing mounds and vegetation will be left in place and intact. The plants on the new mounds shall be selected and approved by the City of Davis Wildlife Biologist and the City's Open Space Program Manager.
 - iii. Final review and approval of the landscaping plans shall be with the City Open Space Program Manager and the City Arborist.
 - iv. The habitat plan shall not interfere with the storage capacity of the detention basin.

- 14) The western detention basin, located northwest of the project site shall be landscaped with hydroseed consisting of native grasses and forbs.

- 15) Subdivider will utilize best practices for tree planting and root establishment. Specifically, The subdivider shall include the use of structured soils or suspended substrate to allow successful tree root development, to the satisfaction of the City's Urban Forest Manager.

- B. All landscaping improvements shall be constructed and/or installed prior to submitting the final map with the City Engineer for the purpose of filing with the City Council, unless the subdivider executes the City's standard form subdivision improvement agreement and provides the financial security and insurance coverage required by the subdivision landscaping agreement, prior to or concurrent with submitting the final map with the City Engineer.

- C. The subdivider shall also enter into an agreement to maintain the landscaping and irrigation systems for two years from the date the landscaping is accepted by the City. Subdivider shall apply for and obtain an encroachment permit from the City Engineer to do the maintenance prior to the landscaping being accepted by the City and during the maintenance period.

- D. Development of Parcels S, B, a portion of Lot G, F and a portion of Lot 6 of TM 5180 shall be improved as park sites, more specifically as follows:

- 1) Lot S shall be developed as a Pocket Park. The park shall be designed to include programmed park space.
- 2) Lot F shall be developed as a Dog Park. The dog park shall be designed to allow for a leash free environment.
- 3) The portion of Lot G shall be developed as a Tot Lot and Mini Park. The park shall be designed to include programmed park space.
- 4) Lot B shall be developed as a Pocket Park.
- 5) The portion of Lot 6 shall be developed as a pocket park.

SUBDIVISION MAP

33. Prior to recording any phase or portion of this Small Lot Tentative Subdivision Map (No. 5180) or the Cottages Tentative Subdivision Map (No. 5200), the Large Lot tentative Subdivision Map for the Bretton Woods (No. 5165) shall be recorded.

34. Project Phasing

Multiple final maps may be filed subject to the following criteria:

- A. The City Engineer may condition the phasing to ensure that each phase functions independently and is consistent with minimum access standards of the City. All maps filed in phases may be required to have two points of access for emergency vehicle access and/or general traffic purposes and all off-site utilities determined necessary by the City Engineer.
- B. The improvement plans for the first phase shall include:
 - 1) Complete infrastructure improvements for Lots 1 and 2 of Subdivision Map No. 5165 including roadways, utility stubs for sewer, water and dry utilities.
 - 2) Complete installation of all off-site drainage improvements,(i.e. the drainage channel, eastern detention area, western detention area, overflow area. Does not include on-site drainage infrastructure for future phases)
 - 3) Commencement of planting of the oak forest within Lot A and the 50 foot Agricultural Transition Zone (located immediately north of the northern property line) on Subdivision Map No. 5165 and in the upper 2/3 of the drainage channel (Lot 8, the 125' off site channel easement and ag buffer to the west, and the 150' off site drainage channel easement and ag buffer to the north on Subdivision Map No. 5165) in all areas immediately adjacent to the proposed phase,
 - 4) Development of the dog park and tot lot/sycamore grove park,
 - 5) Construction of the 12 foot wide Portland concrete paths with 2 foot shoulders on each side located within the greenways associated with phase 1
 - 6) Complete all Covell Blvd improvements as required in Condition 34.E., and
 - 7) Complete infrastructure for approximately one half of the residential development.
- C. The improvement plans for the second phase shall include:
 - 1) Complete infrastructure for the balance of the subdivision,

- 2) Completion of the planting of the oak forest within Lot A, Lot 8, the 125' off site channel easement and ag buffer to the west, and the 150' off site drainage channel easement and ag buffer to the north on Subdivision Map No. 5165,
- 3) Development of all remaining pocket parks,
- 4) Complete installation of all greenways and 12 foot wide Portland concrete pedestrian paths (with 2 foot shoulders).

D. The Phase 2 final subdivision map shall not be recorded until construction has commenced for the Community Clubhouse and the Transit Center.

E. No later than recordation of the final map creating the 200th market-priced lot, the project subdivider (s) shall contribute fair share funding to cover their proportionate cost of the following intersection improvements:

- 1) West Covell Boulevard/SR 113 NB Ramps – widen the northbound off-ramp to consist of three lanes (i.e., one left, one shared left/through/right, and one right-turn lane) approaching West Covell Boulevard. The fair share funding shall be submitted to Caltrans.
- 2) West Covell Boulevard/Sycamore Lane – lengthen eastbound left turn lane from 150 to 275 feet. The fair share funding shall be submitted to the City of Davis.
- 3) West Covell Boulevard/Risling Court/Shasta Drive – lengthen the southbound right-turn lane from 85 to 200 feet. The fair share funding shall be submitted to the City of Davis.
- 4) West Covell Boulevard/Risling Court/Shasta Drive – lengthen the eastbound left-turn lane from 175 to 250 feet. The fair share funding shall be submitted to the City of Davis. Mitigation Measure 3.14-1 and 3.14-3:

35. The subdivider shall offer an irrevocable offer of dedication (IOD) to the City of Davis for all future street right of way, including right of way for landscaping as shown on the tentative map nos. 5180 and no. 5200 and in conformance with Exhibit A. City acceptance of the IODs and transfer of ownership will occur when the following items have been completed:

A. All subdivision improvements have been installed to the satisfaction of the Director of Public Works.

B. All required landscaping and restoration of any disturbed areas has been established to the satisfaction of the Director of Public Works for at least one year beyond the term of any Subdivision Landscaping Agreement.

36. Any land dedicated to the City shall be free of toxic contamination. The subdivider shall disclose any information related to the property pertaining to any possible contaminant exposure of the site.

37. Prior to the approval of any Final Subdivision Map, the subdivider shall enter into a subdivision improvement agreement with the City, identifying all required improvements, if any, to be constructed with each proposed phase of development. The subdivider shall provide security acceptable to the City, guaranteeing construction of the improvements both for future public

improvements and for all features of the project that will be owned or maintained by the Homeowner's Association. The security provided for the future Homeowner's Association improvements, including the parks, landscaping, greenway paths, etc. shall be to the satisfaction of the City Manager and the City Attorney.

38. Prior to approval of the final subdivision map, the subdivider shall dedicate an area located directly north of the city detention basin and adjacent to John Johns Road, to accommodate a future bicycle and pedestrian above grade crossing of the highway, in a manner consistent with that identified on Exhibit F Attachment 4 of Ordinance 2534.
39. Prior to recordation of the first final map, the applicant shall record an access and maintenance easement benefitting the city of Davis, over the north half of the easterly detention basin which is located along John Jones Road.

Homeowner's Association

40. The subdivider shall provide for the ownership, maintenance and enforcement responsibilities of those portions of the project to be commonly owned and/or maintained by the residents of the subdivision as specified herein through the formation of a Homeowner's Association (HOA). They are;
 - A. Perimeter Drainage Channel. The preservation and maintenance of all landscaping and improvements to Lot 8, the 125' off site channel easement and ag buffer to the west, and the 150' off site drainage channel easement and ag buffer to the north on Subdivision Map No. 5165 for drainage. Lot 8 shall be owned by the HOA, the balance will remain as private property;
 - B. Perimeter Trail. The preservation and maintenance of all landscaping and improvements to Lot A and the 50 foot Agricultural Transition Zone (located immediately north of the northern property line) on Subdivision Map No. 5165, including all landscaping, public art, habitat and trail features. Lot A and the 50 foot Agricultural Transition Zone (located immediately north of the northern property line) on Subdivision Map No. 5165 shall be owned by the city of Davis upon acceptance of said improvements.
 - C. Western Detention Basin and Drainage Improvements. Preservation and maintenance of all landscaping and improvements to the off-site drainage channels adjacent to and west or north of the property and detention basins located to the northwest of the project within easements created by Subdivision Map 5165 and within the boundaries of Yolo County.
 - D. Parks. The maintenance and ownership of the 5 Park Sites. The documents creating the ownership of said parks shall ensure that all parks are open and accessible to the general public.
 - E. Internal Greenways and Trails. Lots created for the purposes of greenways and trails. The documents creating the ownership of said greenway and trails shall ensure that all greenways and trails are open and accessible to the general public.
 - F. Streets, Parking lots and Enforcement. All of the streets and parking lots within Phase 3A, Tentative Subdivision Map No. 5200, shall be owned by the homeowner's association. Maintenance of the streets and off street parking lots and enforcement of illegal parking on said streets and within said parking lots, as shown on tentative subdivision map no. 5200, shall be the responsibility of the Homeowner's Association.

41. A copy of the draft CC&R language shall be provided for review and approval by the City Attorney for compliance with the conditions of approval prior to recordation of the final map. The provisions shall be as follows:

- A. All buildings, yards, structures, signs, parking areas, fencing, and other improvements shall be maintained 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. Enforcement of illegal parking within the parking stalls shall be the responsibility of the homeowner's association.
- B. The property shall be maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping and grading on file in the Community Development & Sustainability Department, the conditions contained herein, Municipal Code regulations and PD # (03-16) regulations.
- C. A deed restriction, reciting the restrictions in Municipal Code 40A.01.030 shall be included in the deed transferring any right, title or interest in the property to a transferee.
- D. A deed provision alerting all buyers that a legal cellular monopole is located within 1000 feet of the eastern boundary of the subdivision.
- E. A minimum of 80% of the residential units built collectively on Large Lots 3,5,6,and 7, shall be age restricted for the development and operation of a senior housing development for households that include one or more "elderly" or "senior" resident at least 55 years of age, in accordance with all applicable laws and regulations. In perpetuity
- F. The subdivider shall develop and implement appropriate age verification procedures to ensure compliance with the CC &Rs and provide to the City a copy of the verification procedures. The project shall utilize pertinent California Civil Code sections defining a qualified permanent resident to include the disabled children or grandchildren of a senior resident. Furthermore, the Project must accommodate unanticipated child custody, not limited to legal custody but also inclusive of physical safekeeping and care and multi-generational living arrangements that may arise during residency to the extent permitted by the laws governing senior developments.
- G. The subdivider shall indemnify, protect, and hold the City harmless from any and all claims arising out of the subdivider's implementation of such age based restrictions and any failure to comply with applicable legal requirements related to housing for seniors.
- H. A Foundation and Seed Fund shall be established within the Homeowner's Association for the planting and ongoing maintenance by the Homeowner's Association of the oak forested area on Lot A, Lot 8 and those portions of the drainage channel on the western and northern sides of the subdivision. The subdivider shall donate \$150,000 to the HOA, which will be used as an endowment for the ongoing maintenance and care of the oak forest.

The Homeowner's Association shall, (1) hire a certified arborist to oversee the care of the oak forest, (2) establish a three person subcommittee of the HOA that is focused on the care of the oak forest to make decisions on the maintenance of the oak forest, and (3) include a member of Tree Davis to sit on that HOA subcommittee and assist in advising on the long term maintenance of the oak forest and habitat plantings. These requirements shall be subject to the satisfaction of the City Arborist and the City Open Space Program Manager.

- I. At no time shall the Homeowner's Association permit the Agricultural Buffer on the northerly or westerly sides of the subdivision to be trenched, damaged, disturbed, or used in any way in the future for the installation of future connective backbone infrastructure.
- J. The Homeowner's Association shall follow the City's Integrated Pest Management Policy in the maintenance of Lot A and the 50 foot Agricultural Transition Zone (located immediately north of the northern property line) on Subdivision Map No. 5165.
- K. A statement expressly prohibiting modification or deletion of any portion of the homeowner's association documents which specifically address City conditions of approval, City requirements, or termination of the HOA in its entirety, without the express written consent of the City.
- L. The Homeowner's Association shall ensure through enforcement measures that trash cans are not placed out on the street more than 12 hours before a scheduled pick up or left out on the street and/or not placed behind a solid fence, more than 12 hours after a scheduled pick up.

42. A Community Facilities District (CFD), or other financing mechanism, shall be formed under the Homeowners Association required in the previous condition, at the developer's expense, to provide for the maintenance and operation of the improvements constructed on Lots A and 8 including landscaping in the agricultural buffer areas and drainage ways and 5 parks and park improvements. Funds to form said funding mechanism shall be collected from the developer prior to the approval of the final map. In the event a funding mechanism other than a CFD is proposed by the City, the Developer's expense for the formation shall be limited to the typical cost to establish a CFD. The CFD shall be reviewed by the City Manager's office and the Community Development and Sustainability Department

PARKS

43. Prior to recordation of the final map, the subdivider shall pay a fee in an amount yet to be determined but not to exceed \$250,712 for Quimby Act in lieu fees based upon the provisions of Ordinance 2534.
44. Prior to recording any phase or portion of this small lot tentative subdivision map, the subdivider shall the subdivider to the Recreation and Parks Department for approval of improvement plans for all of the park sites listed above. Detailed plans indicating specific recreational equipment, facilities, and landscaping shall be provided to the satisfaction of the Director of Community Services. The developer shall also provide for the following:

1) The sites shall be free of any physical condition to the land that would prevent their use as public park sites.

2) The subdivider is responsible for installation of full street frontage improvements to City Standards (i.e., curb, gutter, and sidewalk, etc.) adjacent to the park sites at the time streets adjoining the park sites are constructed. At the option of the City, sidewalks may be deferred and incorporated into the park development to the satisfaction of the Parks and Community Services Director.

FINAL PLANNED DEVELOPMENT/DESIGN REVIEW

45. Prior to issuance of a building permit for any single family house, the developer shall demonstrate that all utility meters, HVAC equipment and other obstructions are placed within the same side yard setback, thereby leaving the other free of permanent obstructions. No utility meters, HVAC equipment, or other similar mechanical devices shall be permitted in front of the house.
46. Prior to issuance of a building permit for any single family house, the developer shall demonstrate that there is adequate space behind the front fence for the storage of all trash and recycling containers.